



# **1992 FINAL LEGISLATIVE REPORT**

**Fifty-Second Washington State Legislature**

**1992 Regular Session**



# 1992 Final Legislative Report

This issue of the 1992 Final Legislative Report provides a pictorial view of many of the ways land in Washington State is cultivated and utilized. On the front cover, a scene of a freshly plowed field in the Palouse Valley, and a stand of young trees in a western Washington forest.

Photos courtesy of the Washington State Senate, Dick Baldwin and Karen Flemer, photographers.

The final edition of the 1992 Legislative Report is available from:

## **The Legislative Bill Room**

Legislative Building  
P.O. Box 40482  
Olympia, Washington 98504-0482

In accordance with RCW 42.17.300, this report is available at a fee based on actual reproduction costs. The price is \$10.00 per copy.

For more detailed information regarding 1992 legislation, contact:

## **The House Office of Program Research**

205 John L. O'Brien Building  
P.O. Box 40740  
Olympia, Washington 98504-0740  
(206) 786-7100

## **Senate Committee Services**

101 John A. Cherberg Building  
P.O. Box 40463  
Olympia, Washington 98504-0463  
(206) 786-7400





# Fifty-Second Washington State Legislature

## 1992 Regular Session

Land. Washington state's 66,511 square miles rise from sea level along its western shores, to nearly 15,000 feet at its apex, beautiful Mt. Rainier. Yet, 16 million acres of the state's land is used for a variety of agricultural interests. These interests include grain farming, pasture and range lands, woodlands and fruit and nut production. Agricultural ventures employ nearly 60,000 people, 3% of the state's workforce, on 37,000 farms.

Washington state ranks first in the nation as growers of hops, lentils, edible peas and spearmint oil crops as well as apples, concord grapes, sweet cherries, pears, processing carrots and red raspberries.

Agriculture production provides huge commodities in the state's trade and export markets. Lumber is shipped to asian ports, wheat is a major food source in the international market, and the beautiful and tasty Red Delicious apple has become a national symbol of the state.



*Photos: floods and drought afflict many parts of the state and impact the variety of ways residents are able to use the land.*

**This Page Intentionally Left Blank**



## Table of Contents

### Section I - Legislation Passed

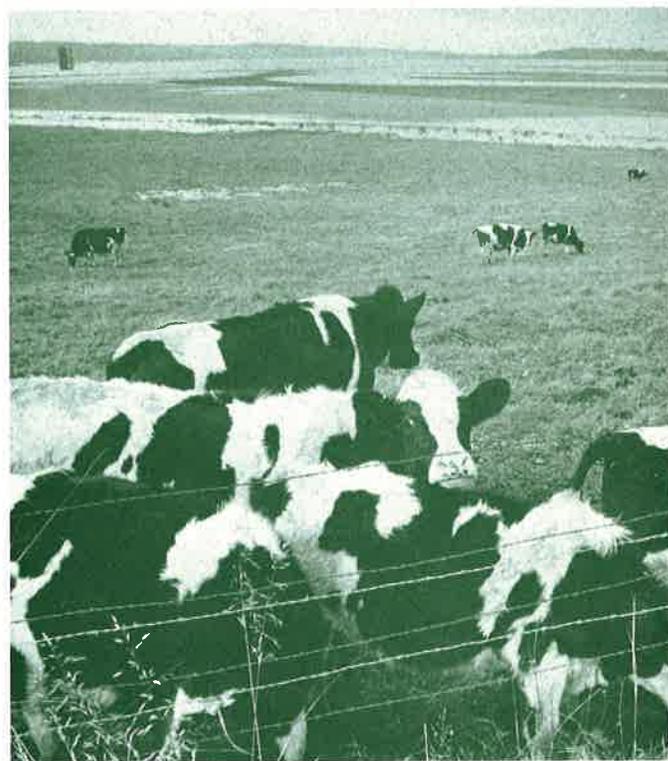
Initiatives . . . . .	1
House Bill Reports . . . . .	2
House Memorials and Resolutions . . . . .	94
Senate Bill Reports . . . . .	96
Senate Memorials and Resolutions . . . . .	152
Budget/Balance Sheet . . . . .	155
Operating Budget Summary . . . . .	158
Supplemental Capital Budget . . . . .	174
Supplemental Transportation Budget . . . . .	178
Sunset Legislation . . . . .	180

### Section II - Veto Messages

House Bills . . . . .	181
Senate Bills . . . . .	227

### Section III - Indexes and Appendices

Topical Index . . . . .	245
Numerical Index . . . . .	255
Bill Number To Session Law Table . . . . .	261
Session Law To Bill Number Table . . . . .	267
Gubernatorial Appointments . . . . .	273
Legislative Leadership . . . . .	274
Standing Committee Appointments . . . . .	275



## **Statistical Summary**

*1992 Regular Session*

<b>Bills Before Legislature</b>	<b>Introduced</b>	<b>Passed Legislature</b>	<b>Vetoed</b>	<b>Partially Vetoed</b>	<b>Enacted</b>
<i>1992 Regular Session (January 13 -March 12)</i>					
House	755	141	4	16	137
Senate	500	106	3	10	103
<b>TOTALS</b>	<b>1,255</b>	<b>247</b>	<b>7</b>	<b>26</b>	<b>240</b>

<b>Initiatives, Joint Memorials, Joint Resolutions and Concurrent Resolutions Before Legislature</b>	<b>Introduced</b>	<b>Filed with the Secretary of State</b>
<i>1992 Regular Session (January 13 -March 12)</i>		
House	34	1
Senate	20	5
<b>TOTALS</b>	<b>54</b>	<b>6</b>
<b>Initiatives</b>	<b>1</b>	<b>1</b>

<b>Gubernatorial Appointments</b>	<b>Referred</b>	<b>Confirmed</b>
<i>1992 Regular Session (January 13 -March 12)</i>		
	113	41



# Section I - Legislation Passed

- Initiatives**
- House Legislation**
- Senate Legislation**
- Budget Information**
- Sunset Legislation**



*Photos: Grain farming is not only a major crop in Washington, it also provides a leading export commodity. Cash grains use about half of all agricultural land in the state.*



**This Page Intentionally Left Blank**

## INITIATIVE 120

C 1 L 92

Providing for reproductive privacy.

By People of the State of Washington

**Background:** In 1970, Washington voters approved a statute which permitted the performance of an abortion if the following conditions were met: the duration of pregnancy must not be greater than four months, the pregnant woman must be a state resident for 90 days and must give her consent to an abortion, parental consent for an abortion must be obtained for pregnant women under the age of 18, and the abortion must be performed by a physician in an approved hospital.

As a result of court decisions, beginning with Roe v. Wade in 1973, abortions can be lawfully performed any time during the first six months from the time of conception. No consent is required by a spouse or parent and there is no residency requirement. Further, an abortion during the first six months of pregnancy is not required to be conducted in a hospital.

**Summary:** The short title of this act is the Reproductive Privacy Act.

A fundamental right to privacy with respect to personal reproductive decisions is declared. Every individual has the fundamental right to choose or refuse birth control. Every woman has the fundamental right to choose or refuse to have an abortion, within certain limitations. The state cannot deny or interfere with a woman's right to choose to have an abortion prior to viability of the fetus or to protect her life or health. The state cannot discriminate against the exercise of these rights in the regulation or provision of benefits, facilities, services or information. This act is not intended to define the state's interest in the fetus for purposes other than those specified in this act.

A physician may terminate and a health care provider may assist a physician in terminating a pregnancy prior to viability of the fetus, or to protect the mother's life or health. Any other individual who performs an abortion on another person is guilty of a class C felony.

The good faith judgment of a physician regarding fetal viability or the risk to life or health of a pregnant woman, and the good faith judgment of a health care provider as to the duration of pregnancy shall be a defense in any proceeding in which a violation of this act is an issue.

Any state regulation concerning abortion is valid only if the regulation is medically necessary to protect the life or health of the pregnant woman, consistent with established medical practice, and imposes the least

restrictions possible on the woman's right to choose to have an abortion.

Persons or private medical facilities may not be required by law or contract to participate in the performance of an abortion. Persons may not be discriminated against in employment or professional privileges on the basis of their willingness to participate or refusal to participate in the termination of a pregnancy.

If the state provides maternity care benefits, services, or information through any program it administers or funds, the state must also provide women otherwise eligible for the program with substantially equivalent benefits, services, or information to permit them to voluntarily terminate their pregnancies.

The terms viability, abortion, pregnancy, physician, health care provider, state and private medical facility are defined.

Redundant state statutes and those concerning pregnant women attempting abortion, abortifacient drugs, concealing birth, and the abortion requirements approved by Washington voters in 1970 are repealed.

This act contains a severability clause.

**Effective:** December 24, 1991

ESHB 1150

C 146 L 92

Clarifying port commissioner elections.

By House Committee on Local Government (originally sponsored by Representatives Spanel, Ferguson, Haugen, Wood, Nelson, Belcher, G. Fisher, Brough, Locke, H. Sommers, Wilson and Mitchell).

House Committee on Local Government  
Senate Committee on Governmental Operations

**Background:** A port district is governed by a three-member board of commissioners elected to staggered six-year terms of office, with one commissioner being elected in each odd-year general election. Voters of a port district with a population of 500,000 or more may authorize the size of the board of commissioners to be increased to five members. The ports of Seattle and Tacoma are the only ports with a population of 500,000 or more, and both have a five-member board of commissioners.

Port districts with a population of 500,000 or more are not divided into commissioner districts. However, port districts with a population of less than 500,000 are divided into three-commissioner districts. The purpose of the commissioner districts is unclear, but they are most frequently used for residency purposes only, and not for nominating or electing commissioners.

Several specific statutes pertaining to port district elections establish procedures that either duplicate or are not in conformance with the general election laws and procedures.

Port commissioners receive compensation of \$50 for attending commission meetings and \$50 per day or major portion of a day while engaged in other port district business. The maximum per day compensation that a port commissioner can receive in any year is \$4,800. However, commissioners of a port district with \$25 million in gross operating income in the previous year, such as the Port of Seattle and Port of Tacoma, may receive a maximum annual per day compensation of \$5,800.

The cost of group hospitalization and medical insurance is not considered additional compensation for county elected officials or employees.

**Summary:** Port district election laws are altered to conform with general election laws. The use of commissioner districts is clarified to be for both residency of commissioners and restricting voters who may vote at primaries, but are not used to restrict voters at general elections.

The terms of office are reduced from six years to four years for port commissioners of each countywide port district with a population of 100,000 or more. Voters

in other port districts may vote to authorize a reduction in the terms of office of their port commissioners from six years to four years.

The voters of any port district may increase the size of the port commission from three to five members.

The maximum annual amount of per day compensation that a commissioner of a port district, with gross operating income of \$25 million or more in the previous year, may receive is increased from \$5,800 to \$6,000.

Additionally, some port commissioners shall receive a monthly salary as follows:

- (1) Each commissioner of a port district that had \$25 million or more in gross operating revenues in the preceding year, such as Seattle and Tacoma, shall receive \$500 per month; and
- (2) Each commissioner of a port district that had from \$1 million to less than \$25 million in gross operating revenues in the preceding year, such as Everett, Bellingham, Olympia, Longview, Port Angeles, Vancouver, Anacortes, and Grays Harbor shall receive \$200 per month.

The commissioners of other port districts do not receive a monthly salary. The commissioners of any port district may establish any level of compensation in lieu of the per day rate of compensation or monthly salary provided by statute.

The cost of group hospitalization and medical insurance coverage is not additional compensation for elected officials of special districts.

**Votes on Final Passage:**

House	83	15	
Senate	40	6	(Senate amended)
House	94	2	(House concurred)

**Effective:** June 11, 1992

EHB 1185

C 133 L 92

Requiring certain federal liens to be filed with the department of licensing.

By Representatives Appelwick, Paris and Wineberry.

Senate Committee on Law & Justice  
Senate Committee on Ways & Means

**Background:** Generally, security interests on personal property are centrally filed with the Department of Licensing. However, a different rule applies to some federal liens on personal property. Some federal liens on personal property must be recorded with the county auditor.

In 1988, the Legislature enacted the Uniform Federal Lien Registration Act. Notices affecting federal tax

liens or other federal liens are covered by this act. Notices of federal liens upon real property must be recorded in the county where the property is located.

Notices of federal liens upon personal property, however, must be recorded as follows: (1) liens against corporations or partnerships whose principle executive offices are in the state must be filed with the Department of Licensing; (2) in all other cases, liens must be filed in the county of residence of the person against whom the lien applies.

The Department of Licensing is authorized to charge fees to cover the costs of filings.

In 1989, the Legislature amended the Uniform Federal Lien Registration Act to provide that all federal liens on personal property are to be filed with the Department of Licensing. However, the governor vetoed this legislation (HB 1096 from 1989). Even though the bill provided for fees to cover the costs of filings, the governor's veto message indicated that the fiscal impact on the department was unacceptable.

**Summary:** The same legislation relating to filing federal liens that was vetoed in 1989 is enacted.

All notices of federal liens on personal property are to be filed with the Department of Licensing. The department is to enter federal lien filings in the uniform commercial code filing system. Fees may be charged to cover the costs of filings.

**Votes on Final Passage:**

House	91	0	
Senate	44	1	(Senate amended)
House	97	0	(House concurred)

**Effective:** July 1, 1992

## SHB 1258

C 53 L 92

Changing provisions relating to nursing home administration.

By House Committee on Health Care (originally sponsored by Representatives Day, Moyer, Prentice, Braddock, Paris and Orr; by request of the Department of Health).

Senate Committee on Health & Long-Term Care

**Background:** Nursing home administrators are regulated under state law and rules promulgated by the state Board of Examiners for the Licensing of Nursing Administrators. The board is composed of eight members, appointed by the governor, generally representing professions and institutions concerned with the care and treatment of the chronically ill or elderly infirm, and one citizen member who is eligible for Medicare.

Members serve for three-year terms, and are eligible for reappointment.

Nursing home administrators are individuals in active administrative charge of a nursing home, regardless of ownership, administrative experience, or intention to continue administering a nursing home.

Nursing home administrators are not required to be on-site, and may delegate their administrative functions to others.

The Department of Health has no specific authority in the licensing law to set fees, establish forms, issue licenses, employ staff, or maintain records.

The board has authority to adopt rules, determine educational requirements for licensure, administer examinations, conduct hearings, issue subpoenas, and issue temporary licenses.

Applicants for licensure are not required to have baccalaureate degrees. Licenses must be renewed annually.

**Summary:** A number of "house keeping" changes are made in the licensure law for nursing home administrators. The language is updated, and obsolete language is repealed.

The name of the board is shortened to the Board of Nursing Home Administrators. The membership of the board is specified to require appointment of four members who each have at least four years experience in nursing home administration and who are not employed by the state or federal government; and four members representing providers of medical or nursing services, or employed by educational institutions with knowledge of health administration, education, or long-term care. The member representing the public must be a resident of a nursing home, a family member of a resident, or a person eligible for Medicare. Members serve five-year terms and are limited to two terms.

The board is allowed to define nursing home administrator by board rules. Nursing home administrators must be both on-site and full time, but, in their absence, may delegate responsibilities to others if done so in writing. The board is authorized to define the parameters for on-site administrators of rural nursing homes, nursing homes with small populations, and separately licensed facilities collocated on the same campus.

The department's authority to set fees, establish forms, issue licenses, employ staff, and maintain records is specified.

The board's authority to adopt rules, determine minimum educational requirements for licensure, administer examinations, conduct hearings, issue subpoenas, and issue temporary licenses is updated.

Applicants for licensure as a nursing home administrator applying after July 1, 1993, must possess a baccalaureate degree.

## 2ESHB 1378

The renewal of licenses is authorized on dates to be specified by the secretary of the Department of Health and upon the completion of continuing competency requirements.

Sections of the law are repealed that are in conflict with these changes.

### Votes on Final Passage:

House	92	3	
Senate	49	0	(Senate amended)
House	90	0	(House concurred)

**Effective:** June 11, 1992

## 2ESHB 1378

C 54 L 92

Changing provisions relating to superior court fees.

By House Committee on Appropriations (originally sponsored by Representatives Appelwick, Miller, Belcher, Locke, H. Myers, Prentice, Fraser, Leonard, Anderson and Scott).

Senate Committee on Ways & Means

**Background:** The superior courts of Washington State are authorized to charge fees, known as "filing fees" for their various proceedings. Revenue from civil case filing fees is split between the local county - 68 percent - and the state public safety and education account (PSEA) - 32 percent.

From the local portion of filing fees, a county treasurer deposits certain amounts into a county or regional law library fund.

The PSEA was created by the Legislature in 1984 to receive the state's share of revenues from court fines and forfeitures, as well as from fees. By statute, money in the account is to be used for traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, winter recreation parking and state game programs.

Under the U.S. Constitution, the state and local governments are required, in most criminal proceedings, to pay for the defense of persons found to be indigent. In civil cases there is no such requirement. However, in recent decades non-profit legal assistance programs have received public funding, primarily federal, for civil representation of indigents.

**Summary:** Filing fees for certain Superior Court proceedings are increased as follows:

- (1) Civil actions: from \$78 to \$110;
- (2) Civil appeals: from \$78 to \$110;
- (3) Demand for jury of six: from \$25 to \$50;
- (4) Demand for jury of 12: from \$50 to \$100;
- (5) Answer to complaint: from \$48 to \$80;

- (6) Probate: from \$78 to \$110; and,
- (7) Contesting Will: from \$78 to \$110.

The current split of these revenues, 68 percent to the counties and 32 percent to the PSEA, is changed to 54 percent to the counties and 46 percent to the PSEA.

The amounts a county treasurer deposits into a county or regional law library fund from filing fees are increased as follows:

- (1) Amount deposited from Superior Court civil actions, civil appeals, and probate filings: from \$7 to \$12; and,
- (2) Amount deposited from district court civil filings: from \$3 to \$6.

With approval of the local legislative authority the amount deposited may be increased from Superior Court filings: from \$9 to \$15.

Representation of indigent persons in civil cases is added to the list of activities eligible for funding from the PSEA. The Department of Community Development is directed to contract with qualified legal aid programs, defined in the bill, for civil representation of indigents. No funds made available under the act to qualified legal aid programs may be used for lobbying or to bring class action lawsuits.

Legal aid programs are authorized to use funds for (1) domestic relations and family law matters, (2) public assistance, health care, and entitlement programs, (3) public housing and utilities, and (4) unemployment compensation.

### Votes on Final Passage:

House	73	22	
Senate	26	22	(Senate amended)
House	63	33	(House concurred)

**Effective:** April 1, 1992

## SHB 1392

C 110 L 92

Making major changes to acupuncturist licensure.

By House Committee on Health Care (originally sponsored by Representatives Locke, Prince, Braddock, Ballard, Wang and Brekke).

Senate Committee on Health & Long-Term Care

**Background:** The practice of acupuncture is regulated by law and persons holding themselves out as acupuncturists or as certified acupuncturists must be certified by the Department of Health. Acupuncture is principally a health care service based on traditional Oriental medical theory by treating specific acupuncture points with needles and other modalities.

There is currently no exemption provided from the requirement of certification for out-of-state acupuncturists on sabbatical in this state.

The acupuncture practice law is scheduled for termination on July 1, 1991, and repeal on July 1, 1992, under the sunset law.

**Summary:** Upon application, an acupuncturist from out-of-state on sabbatical in this state shall be granted inactive license status and pay a reduced license fee.

The scheduled sunset termination and repeal dates for the acupuncture regulatory law are repealed.

**Votes on Final Passage:**

House	97	0	
Senate	46	0	(Senate amended)
House	96	0	(House concurred)

**Effective:** June 11, 1992

## SHB 1481

C 98 L 92

Amending the natural death act.

By House Committee on Health Care (originally sponsored by Representatives May, Hine, Ballard, R. Johnson, Betrozoff, Spanel, Broback, Rasmussen, Wood, Brumsickle, Neher, Leonard, Ferguson, Day, Lisk, Cooper, Brough, Prentice, Forner, Basich, Paris, Holland, G. Fisher, Horn, Sprenkle, Dellwo, Moyer, Grant, Braddock, Bowman, Heavey, Kremen, Cantwell, Winsley, Zellinsky, Silver, Franklin, Pruitt, Inslee, Edmondson, Sheldon, McLean, Riley, Wynne, Rayburn, Wilson and Orr).

House Committee on Health Care

Senate Committee on Health & Long-Term Care

**Background:** The Natural Death Act establishes a legal process for evidencing a patient's decision to die naturally. An adult may sign a written directive ordering his or her physician to withhold or withdraw life-sustaining procedures in situations where the attending physician determines that the person has a terminal condition and death is imminent. An additional physician must certify that the person is terminally ill.

Recent state and federal court decisions recognize a person's constitutional right to authorize the withholding or withdrawal of life-sustaining procedures when he or she has a terminal condition.

Life-sustaining procedures may be withheld or withdrawn in accordance with a written directive where the procedures would serve only to artificially prolong the moment of death. Life-sustaining procedures include any medical or surgical procedures which use mechanical or other artificial means to sustain a vital function. Artificially provided nutrition and hydration are not

specifically referenced. Medical intervention cannot be withdrawn if deemed necessary to alleviate pain.

Before treatment can be withdrawn, death must be imminent. The current law does not cover a person in an irreversible coma or a persistent vegetative state.

The directive must essentially be in the form provided in the statute but may include other specific directions.

There is no reference to the validity of a directive written in other jurisdictions.

A person choosing to die at home is not explicitly given the right to be immediately discharged by a hospital.

A physician refusing to follow a directive must make a good faith effort to transfer the patient to a complying physician, but other persons or health facilities are not so obligated. There is no duty of a health care professional or facility to inform the patient of any policy that would preclude the honoring of patient directives.

A non-licensed health professional or a facility that chooses not to comply with a person's directive is not protected from civil or criminal liability for the refusal. Non-licensed health personnel are not protected from liability for honoring a person's directive.

Complying with a person's directive does not constitute suicide, but there is no reference to homicide. The law does not condone or authorize mercy killing, but physician-assisted suicide is not referenced.

The directive is conclusively presumed to be the patient's directions.

**Summary:** The Legislature finds that pain medication for terminal patients should not be withheld when the medication's primary purpose is to increase the patients's comfort.

Life-sustaining treatment is defined as medical or surgical intervention to restore, sustain, or replace a vital function and that would serve only to prolong the process of dying. Life-sustaining treatment includes artificially provided nutrition and hydration. Life-sustaining treatment does not include surgical or medical intervention deemed necessary solely to alleviate pain.

Any adult person may execute a health care directive relating to the withdrawal or withholding of life-sustaining treatment in a terminal condition or a permanent unconscious condition. The directive authorizes the withholding or withdrawing of life-sustaining treatment where it would serve only to prolong the process of dying of a patient diagnosed by the attending physician to have a terminal condition which would cause death within a reasonable period of time in accordance with accepted medical standards; or where the patient is diagnosed, in accordance with accepted medical standards, by two physicians as having no reasonable

# ESHB 1495

probability of recovery from an irreversible and incurable comatose or persistent vegetative state.

The directive allows the person to declare whether or not he or she wishes to have artificially provided nutrition and hydration.

A directive executed in another political jurisdiction is valid to the extent allowable by state and federal law.

A patient who wishes to die at home must be discharged from hospital as soon as reasonably possible. The health facility must inform the patient of the medical risks. The health facility is immune from legal liability for consequences resulting from the discharge.

A health care provider must inform the patient of any policy that would preclude the honoring of the patient's directive. If the patient still wishes to be admitted or remain at the facility, the provider must work out a written plan with the patient when the patient's directive becomes operative. The provider is immune from legal liability when either complying with the directive or the plan.

No health provider is required by law to carry out the patient's directive. Discrimination against any person participating or refusing to participate in the withholding or withdrawal of life-support treatment is prohibited.

The withholding or withdrawal of life-support treatment does not constitute a suicide or homicide. Nothing in these provisions is to be construed to condone or authorize physician-assisted suicide to require futile treatment. These provisions are not to be construed to be the exclusive means by which individuals may decide to withhold or withdraw life-support treatment.

A person or health facility may assume that a patient's directive complies with this law. Directives executed prior to the effective date of this act are valid.

The Department of Health shall adopt guidelines for emergency medical personnel in treating patients who have evidenced a desire not to receive futile treatment.

**Votes on Final Passage:**

House	82	14	
Senate	28	21	(Senate amended)
House	74	16	(House concurred)

**Effective:** June 11, 1992

**ESHB 1495**  
**PARTIAL VETO**  
 C 191 L 92

Changing land development regulations.

By House Committee on Commerce & Labor (originally sponsored by Representatives Heavey and Hargrove; by request of Department of Licensing).

## Senate Committee on Governmental Operations

**Background:** In 1974, the Land Development Act was passed to protect consumers from fraudulent land sales. The Department of Licensing was designated as the regulatory agent and allowable fees were set by statute.

Under the act, developers are required to file a public offering statement with the department when selling lots in a development composed of at least 10 lots. There are several exceptions to this requirement, however. For example, the act does not apply to developments: if the lots are five acres or larger; if the lots are improved with a residential, industrial, or commercial building; or if the seller is legally obligated to construct a building on the lot within two years.

A public offering statement must include, among other things, a general description of the development, significant terms of encumbrances and liens affecting the development, information concerning all improvements, and a description of hazards existing on and around the development.

If a developer fails to comply with the act, the department is authorized to seek a cease and desist order prohibiting the developer from selling lots in the development until the requirements are satisfied. The act does not authorize civil damages.

**Summary:** Registration of a land development public offering statement with the Department of Licensing is no longer required and all sections that gave the director the power or duty to implement the registration program are repealed.

A developer is required to provide a purchaser with a public offering statement at least two days prior to the closing of a sale. If a developer fails to comply with this requirement, the developer is subject to the following penalties: liability for actual damages; an injunctive order prohibiting future sales; and voidance of all sales agreements made with the purchaser(s) who did not receive the statement. In addition to an injured party filing charges against a developer, the attorney general may file an action, on behalf of the state, seeking injunctive relief.

The act applies to all lots that are part of a development of 26 or more lots and that are not included under an exception. In addition to current exceptions, offers or dispositions on the following types of property are excepted from compliance with the act: developments located in a city that was incorporated prior to January 1, 1974; developments in a city or a county that has adopted a comprehensive land use plan under the Growth Management Act of 1990; developments otherwise requiring compliance when there are less than 9 lots remaining in a development; condominiums that are subject to regulation under the Condominium Act; property sold by the government; property sold through

a foreclosure action; and land conveyed by an offer that can be revoked by the buyer at any time without penalty.

As additional requirements, the public offering statement must include material terms and conditions of any homeowner's association of which the purchaser will be a member, a statement that the developer has or has not received all required approvals and permits, and a copy of the plat map and certificate. Notice of a purchaser's rights under the act must be printed in bold-face type at the top of the statement.

Other than the developer, a person who prepares a public offering statement is not liable for misrepresentations contained in the statement unless he or she had actual knowledge of the misrepresentations at the time the statement was prepared. The developer is liable for misrepresentations in the statement if the developer knew or in the exercise of reasonable care, should have known, of the misrepresentation.

A developer must satisfy certain specified requirements before conveying any lots in a development that are encumbered by a lien or mortgage.

A violation of this chapter is a per se violation of the Consumer Protection Act. The attorney general may bring an action in the name of the state, but no private right of action is allowed under the Consumer Protection Act.

**Votes on Final Passage:**

House	94	0	
Senate	36	11	(Senate amended)
House	96	0	(House concurred)

**Effective:** June 11, 1992

**Partial Veto Summary:** The governor vetoed the section that created new exceptions from compliance with the act for offers or dispositions on certain types of property. The new exceptions included developments in a city or county that has adopted a comprehensive land use plan under the Growth Management Act and land conveyed by an offer that can be revoked by the buyer without penalty. (See VETO MESSAGE)

**ESHB 1631**

C 96 L 92

Establishing in statute the commission on African-American affairs.

By House Committee on Appropriations (originally sponsored by Representatives Wineberry, McLean, Franklin, Anderson, Ballard, Ebersole, Ferguson, Miller, Hine, Horn, Prince, Prentice, Holland, O'Brien, May, Wang, Fuhrman, Belcher, Bowman, Heavey, Van Luven, Phillips, Paris, Hargrove, Lisk, Spanel,

Moyer, Braddock, Brumsickle, R. Fisher, D. Sommers, Appelwick, Padden, R. Meyers, Peery, Tate, Jones, Betrozoff, G. Cole, Dom, Grant, Ludwig, Valle, Rayburn, Sheldon, Riley, H. Myers, Pruitt, Nelson, Kremen, Zellinsky, Dellwo, Sprenkle, Jacobsen, Scott, Rust, Ogden, G. Fisher, Bray, Cantwell, Inslee, Brough, R. King, Winsley, Basich, Leonard, Locke, Orr, Cooper, Brekke, Rasmussen, P. Johnson and Casada).

House Committee on Appropriations  
Senate Committee on Ways & Means

**Background:** In 1989, the governor signed Executive Order 95-05 establishing the Washington State Commission on African-American Affairs. The commission consists of nine members, who are appointed by the governor. The first commission members and executive director were appointed in November 1989. In addition to the executive director, there are two staff members with the commission.

The commission has adopted as its mission the development and promotion of public policy to enhance the social, health, economic, political and educational welfare of African-American people in Washington.

The 1991-93 budget provides \$286,000 for the commission.

**Summary:** The Washington State Commission on African-American Affairs is established in statute.

**Votes on Final Passage:**

House	95	0
Senate	44	3

**Effective:** June 11, 1992

**HB 1664**

C 60 L 92

Clarifying educational requirements regarding sign language.

By Representatives Belcher, Brumsickle, Ferguson, Fraser, Scott, G. Fisher, Cole, R. Johnson, Mielke, Bowman, Winsley and Anderson.

Senate Committee on Education

**Background:** Current education law addresses sign language in three ways: (1) sign language classes are allowed to satisfy school district high school foreign language graduation requirements; (2) coursework in sign language satisfies any foreign language requirement established as a general undergraduate admissions requirement; and (3) the state Board of Education is required to take certain steps regarding certification of sign language instructors. In each of these cases, a specific sign language is not designated in statute.

## HB 1732

The term "sign language" is a generic term and includes sign language used by the hearing impaired and sign languages used by others. For the hearing impaired, there are more than 20 different sign languages. American sign language, however, is the most common and has a specific syntax and grammar.

**Summary:** The only sign language that meets a foreign language requirement for high school graduation or college admission is American sign language.

The state Board of Education is directed to adopt rules pertaining to the certification of instructors in American sign language.

**Votes on Final Passage:**

House	90	1
Senate	44	1

**Effective:** June 11, 1992

## HB 1732

C 99 L 92

Allowing cities over 400,000 population to assign warrant servers to the police department.

By Representatives Appelwick, Winsley, Wineberry, Locke, Ferguson, Scott and Forner.

Senate Committee on Law & Justice

**Background:** Until 1977, police departments served warrants issued by the municipal courts. However, a law enacted in that year made the position of warrant server a function of the municipal court.

**Summary:** The title of "warrant server" is changed to "warrant officer." Warrant officers are to be employees of the city police departments. Warrant officers may make arrests under warrants and as authorized by city ordinance.

**Votes on Final Passage:**

House	96	0	
Senate	44	1	(Senate amended)
House	96	0	(House concurred)

**Effective:** June 11, 1992

## SHB 1736

C 223 L 92

Establishing a system for payment for works of improvement on real property.

By House Committee on Commerce & Labor (originally sponsored by Representatives O'Brien, Fuhrman and R. King).

Senate Committee on Commerce & Labor

**Background:** Public agencies are required to withhold a retainage of up to 5 percent of the money earned by a contractor on a public works project. Retainage is held as a trust fund for the protection of persons, subcontractors, and material suppliers who perform labor or furnish materials for the public works project. Any of these persons, subcontractors, or suppliers with claims against the retainage must file a notice of a lien within 30 days of completion and acceptance of the work.

At any time after 50 percent of the public works project has been completed and satisfactory progress is being made, the agency may make partial payments of money that would otherwise subsequently be paid in full. The agency may not, however, reduce retainage to less than 5 percent of the amount earned by the contractor, except that at the contractor's request, the retainage may be reduced to 100 percent of the value of the work remaining on the project. The agency is permitted to release the full amount of the retainage 30 days after completion and acceptance of work other than landscaping, subject to the payment of taxes.

If a state agency or unit of local government fails to make timely payment under a written contract for public works, personal services, goods and services, equipment, and travel, the agency must pay interest at 1 percent per month. Payment is timely if the payment is mailed or available on the date specified in the applicable contract, or, if no date is specified, within 30 days of receipt of the invoice or the goods or services, whichever is later. If amounts are required to be withheld under state or federal law, payment is timely if mailed or made available on the date the amount may be released under the applicable law.

Contractors and subcontractors may withhold retainage of up to 5 percent from the money earned by other subcontractors. There are no statutory provisions, however, regulating the timeliness of payments made between contractors and subcontractors on construction projects.

**Summary:** New provisions are added governing retainage under, and timely payments on, public works contracts entered into on or after September 1, 1992. The old provisions enacted before September 1, 1992, continue to apply to contracts entered into before September 1, 1992.

The new provisions for contracts entered into on or after September 1, 1992, are similar to the old provisions with technical and clarifying changes and with the following major changes.

**Payment of Retainage on Public Works:** The new provisions continue the requirement that public agencies retain up to 5 percent of the contractor's earnings on public works projects, but new language is added that prohibits a public agency from holding retainage

for any purpose except for the payment of labor, materials, and taxes, from the moneys earned by a contractor by fulfilling his or her responsibilities under the contract.

In the new provisions, the various time periods for filing notices and for timely release of retainage all begin at completion of the work, and not at completion and acceptance of the work as required under the old law. The new provisions also allow a 45-day period for filing notice of liens against the retainage, rather than the 30-day filing period allowed in the old law. After the 45-day period has expired for filing a notice of a lien against the retainage, a public agency may withhold from retainage any amounts for claims that the agency may have against the contractor, with the balance to be paid to the contractor.

Under the old law, a public agency is authorized to release retainage 30 days after completion and acceptance of the work, other than landscaping, subject to the payment of taxes. Under the new provisions, after completion of all contract work other than landscaping, the contractor may request release of the retainage; after 60 days the agency is required to pay the full amount of the retainage, other than retainage for landscaping, subject to payment of taxes and prevailing wages. Sixty days after all contract work is completed, the public agency is required to release the full amount of the retainage, subject to payment of taxes and prevailing wages. The new provisions do not contain the old law's language that requires at least 50 percent of the original contract work to be completed before partial payments may be made, and that prohibits reduction of the retainage to less than 5 percent of the amount earned by the contractor.

Under the old law, if an unreasonable delay results in termination of a public works project before it is entirely completed, retainage must be held for 30 days after acceptance of the portion of the project completed. The new provisions require the retainage to be held for 60 days following completion of that portion of the work.

Under the old law, for construction of two or more ferry vessels, the Department of Transportation is permitted to release retainage 30 days after completion and final acceptance of all contract work, subject to payment of taxes. The new provisions require the department to release the retainage 60 days after completion of the contract work, subject to payment of taxes and prevailing wages.

Requirements for Timely Payment - Public Agencies: Under the new provisions, school districts are specifically made subject to the requirements for timely payment by state agencies and units of local government on written contracts for public works, personal

services, goods and services, equipment, and travel. The public agencies must mail the payment or make it available on the date specified in the contract, but not later than 30 days of receipt of a properly completed invoice or receipt of the goods or services, whichever is later, unless the provisions apply that govern withholding of payment for unsatisfactory performance. In the new provisions, if a contract is funded by grant or federal money, the public agency must make payment within 30 days of receiving the grant or federal money, if the money is received after a payment request that complies with the contract.

The new provisions do not include language addressing the timely payment of amounts required to be withheld under state or federal law. Instead, the new provisions require that if payment on a written public works contract is withheld for unsatisfactory performance or because the request fails to comply with the contract, the public agency must give written notice to the prime contractor within eight working days after receipt of the payment request. The notice must state why the payment is being withheld and what remedial actions must be taken. If the notice does not comply with these requirements, the agency must pay interest from the 9th working day after receipt of the payment request until the contractor receives notice that complies. Within 30 days after the prime contractor satisfactorily completes these remedial actions, the withheld payment must be made, or interest accrues from the 31st day.

Requirements for Timely Payment - Contractors: New provisions are added that govern timely payments between contractors and subcontractors. Contractors and subcontractors must pay the amounts due to other subcontractors no later than 10 days after money is received for work performed on a public works project. If there is a good faith dispute over any amount due, the state or municipality or the contractor may withhold up to 150 percent of the disputed amount. Persons not a party to the dispute are entitled to prompt payment of their portion of a draw, progress payment, final payment, or released retainage.

If the prime contractor discovers, after making a payment request to the public agency but before paying the subcontractor, that the subcontractor's performance is unsatisfactory, the prime contractor may withhold the amount allowed under the subcontract and must give notice to the subcontractor and the public agency. The subcontractor must then be paid within eight days after satisfactorily completing the remedial work. If the subcontractor is not notified or paid as required, the prime contractor must pay interest on the withheld amounts from the eighth working day.

Other Provisions: In addition to other legal remedies, any person from whom funds have been withheld in

## 2ESHB 1932

violation of the act is entitled to interest at the highest rate allowable under the state usury laws. In a law suit to collect withheld funds, the prevailing party is entitled to costs and attorneys' fees.

The rights provided in the act may not be waived by the parties and a contract provision that provides for waiver is against public policy.

### Votes on Final Passage:

House	93	2	
Senate	48	0	(Senate amended)
House			(House refused to concur)
Senate	49	0	(Senate amended)
House	95	0	(House concurred)

**Effective:** September 1, 1992

## 2ESHB 1932

C 49 L 92

Raising school levy limits.

By House Committee on Education (originally sponsored by Representatives Locke, Appelwick, H. Sommers, Wineberry, Anderson, Ferguson, Brough, May, Paris, Mitchell, Phillips, O'Brien, Nelson, Forner and Jacobsen).

Senate Committee on Education  
Senate Committee on Ways & Means

**Background:** In 1977, when the state assumed additional responsibility for funding schools, the Legislature limited school district general fund maintenance and operation (M&O) levy authority by passing the "levy lid law." This law sets the maximum amount of a school district's general fund M&O levy for a calendar year. This maximum levy is also known as the district's "levy authority."

The Legislature has amended the levy lid law eight times since 1977.

In 1979 the Legislature expanded the "levy base" on which the 10 percent levy lid is calculated. State categorical funding, such as allocations for transportation and handicapped education, were added to basic education allocations in determining the base on which the 10 percent levy amount is calculated.

In 1987 the Legislature expanded the levy base to include selected federal revenues and state block grant revenues. It also expanded the levy base by multiplying the prior school year's revenue in the levy base by the percentage increase in state basic education allocations per pupil between the prior and current school years.

Under the current law, a school district's levy lid equals: (levy base x levy percentage) + transfers - maximum local effort assistance.

A district's levy base includes most state and federal revenues for the prior school year, e.g., 1988-89 revenues make up the 1990 levy base. This base is further increased by the percentage increase in state basic education funding per pupil between the prior and current school years, e.g., between 1988-89 and 1989-90 for the 1990 levy base.

All districts have a levy authority percentage of at least 20 percent of their levy base. For 1991 levies, 91 districts have levy authority percentages between 20 percent and 30 percent. Levy authority percentages above 20 percent will be reduced when the Legislature increases state allocations by enhancing state funding formulas.

**Summary:** In order to provide expenditure increases from local levy sources occurring at the beginning of a school year funded from levies that aren't collected until the second half of the school year, the levy base is increased to cover the lag in revenue availability.

The levy base is adjusted as follows: current law provides for adjustment of the levy base by the increased percentage in per pupil expenditures in the appropriations act that impact school district budgets in the year the levy would be collected. The substitute bill increases by 55 percent the percentage calculated as the adjustment in a given year. The effect is to increase the levy base by about 4 percent, given recent trends of the adjustment being approximately 5 percent. The adjustment percentage for levies must be as stated in the Appropriations Act. The changes to the levy base calculations are to be applied to taxes collected in 1993.

Increasing the levy base causes an accompanying increase in funds needed to meet the requirements of levy equalization because the estimate of what a hypothetical statewide average 10 percent levy would raise in revenue is increased by the adjustment in the levy base. The additional funds needed for levy equalization as a result of the substitute bill are approximately \$3 million per year. The timing of state payments for levy equalization is modified to match receipt of local property taxes.

### Votes on Final Passage:

House	77	21
Senate	40	9

**Effective:** June 11, 1992

## ESHB 2025

C 192 L 92

Permitting employee payroll deductions to be deposited into banks or savings banks.

By House Committee on State Government (originally sponsored by Representatives Brumsickle, Bowman, Rasmussen, Basich, Paris and Winsley).

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

**Background:** Public officers and employees may authorize deductions from their wages and salaries for certain purposes. Examples of deductions which employees may authorize include payments toward parking fees, U.S. savings bonds, and employee organization dues. State employees may authorize a deduction for payment to a credit union, on two conditions: (1) the credit union is organized solely for public employees, and (2) a minimum number of state employees have authorized deductions for payment to that same credit union. There is no provision in the law which allows deductions for payments to banks, savings banks, or savings and loan associations.

**Summary:** State employees may authorize deductions for payments to banks, savings banks, and savings and loan associations if two conditions are met: (1) the financial institution is authorized to do business in this state, and (2) a minimum number of employees authorize deductions for payments to the same institution. A state agency may lower the minimum employee participation requirement if the agency so chooses. State employees may also authorize payments to credit unions, including ones not organized solely for public employees, and state agencies again have the option of lowering the minimum employee participation requirement.

Local government employees may authorize deductions for payments to credit unions, banks, savings banks, and savings and loan associations if two conditions are met: (1) the financial institution is authorized to do business in this state, and (2) 25 or more employees of a single local political subdivision authorize deductions for payments to the same institution. A local government agency may establish a minimum participation requirement lower than 25 employees if the agency so chooses.

**Votes on Final Passage:**

House	97	0	
Senate	45	0	(Senate amended)
House			(House refused to concur)

**Conference Committee**

Senate	47	0
House	97	0

**Effective:** June 11, 1992

**EHB 2053**

C 240 L 92

Exempting electrical utilities and contractors from licensing requirements for certain work involving electrical transmission lines.

By Representatives Heavey, Fuhrman, G. Fisher, Grant, D. Sommers, Cooper, Mielke, Wood, Orr, Day, Ludwig and Silver.

Senate Committee on Commerce & Labor

**Background:** It is unlawful for any person or entity to engage in the business of installing or maintaining wires or equipment to convey electric current, or installing or maintaining equipment to be operated by electric current as it pertains to the electrical industry without having a valid electrical contractor's license issued by the Department of Labor and Industries. However, an electrical contractor's license is not required from a utility for installing or maintaining lines to transmit electricity from the source of supply to the point of contact at the property to be supplied.

This exemption does not apply to the installation or maintenance of power lines on the property being supplied with power.

Electrical inspections are conducted by the Department of Labor and Industries, or by cities or towns with qualified electrical construction ordinances.

**Summary:** No license is required from a utility because of work in connection with the installation, repair, or maintenance of: (1) lines, wires, apparatus, and equipment owned by a commercial, industrial or public customer if the equipment is an integral part of a transmission or distribution system providing service to the customer, the equipment is located outside of a structure, and the utility does not initiate the sale of services to perform the work; or (2) lines and wires, together with ancillary apparatus and equipment, that is owned by an independent power producer who has entered into an agreement for the sale of electricity to a utility and that is used in transmitting electricity from an on premises generating unit to the point of interconnection with the utility system.

No inspection is authorized of any wiring, appliance, device, equipment, or installation by a utility or any person employed by a utility in connection with the installation, repair, or maintenance of lines, wires, apparatus, or equipment owned by or under control of the utility. All electrical work falling within the National Electrical Code is subject to inspection by the Department of Labor and Industries.

An employee of a utility or employee of a contractor retained by a utility and performing utility type work need not obtain a journeyman electrician certificate so

## SHB 2055

long as he or she is registered with or has graduated from a state-approved outside lineman apprenticeship course and that is recognized by the Department of Labor and Industries and that qualifies a person to perform such work.

### Votes on Final Passage:

House	96	2	
Senate	39	8	(Senate amended)
House	92	4	(House concurred)

**Effective:** June 11, 1992

## SHB 2055

C 104 L 92

Providing for criminal history background checks.

By House Committee on Health Care (originally sponsored by Representative Braddock).

House Committee on Health Care  
Senate Committee on Health & Long-Term Care

**Background:** In 1987, the Washington State Patrol Criminal Identification System began providing criminal background information on prospective employees and volunteers who have unsupervised access to children and developmentally disabled persons. Conviction records for offenses against persons, court findings of abuse and neglect in civil cases, and disciplinary board final decisions may be disclosed to organizations, businesses, schools districts, and the state agencies who deal with children or developmentally disabled persons.

In 1989, the Washington State Patrol Criminal Identification System was expanded to include persons found by a court or a disciplinary board to have abused or financially exploited a vulnerable adult. A vulnerable adult is a person 60 years of age or older who is functionally mentally or physically unable to care for himself or herself or is a patient in a state hospital for the mentally ill.

The Department of Social and Health Services requires a background check on all staff or volunteers of an agency licensed or relicensed to care for and treat vulnerable adults. This may include chore workers, or aides working in nursing homes or other health care facilities. Persons who have been convicted of any of the following criminal offenses cannot be licensed or relicensed to work in these settings: vehicular homicide, simple assault, prostitution, custodial interference, promoting pornography, selling erotic material to a minor, and "crimes against persons," which include murder, kidnapping, rape, and burglary. Persons convicted of "crimes relating to financial exploitation," which include extortion, theft, robbery, and forgery, cannot be employed if the victim of the offense was a vulnerable

adult. However, in practice it is not possible to determine whether the victim of a "crime relating to financial exploitation" offense was a vulnerable adult, as no record of the identity of the victim is kept in the criminal history records.

The background check process can take approximately two months to complete. Because of health employee shortages, many agencies and hospitals hire applicants prior to receiving the completed background check. If the check reveals that the individual has committed a violation that prevents him or her from working with vulnerable persons, the employee must be immediately fired. This process has created problems for both the health care industry and many individuals trying to find employment in entry level health care positions.

**Summary:** To determine disqualification for employment because of a criminal conviction, a length of time is established that must elapse between a person's conviction for specified crimes and the person's application for employment in a position providing services to vulnerable adults in an agency or facility. The time periods vary from three to five years depending on the gravity of the offense. Persons convicted of committing the following crimes may not work with vulnerable adults for a period of three years: simple assault, assault in the fourth degree, prostitution, and theft in the third degree. Conviction for the following crimes results in a five-year disqualification: theft in the second degree and forgery.

### Votes on Final Passage:

House	88	5	
Senate	34	12	(Senate amended)
House	93	3	(House concurred)

**Effective:** June 11, 1992

## SHB 2212

C 24 L 92

Requiring public school study of the Holocaust.

By House Committee on Education (originally sponsored by Representatives O'Brien, Jacobsen, Locke, Anderson, Wineberry, Jones and Nelson).

House Committee on Education  
Senate Committee on Education

**Background:** Prior to and during World War II, several million Jews and non-Jews were killed - an event now known as the "Holocaust." There are numerous other cases of genocide through history, as well.

State law requires public school students to study world history, but there is no specific provision regard-

ing the study of the Holocaust or other examples of genocide.

**Summary:** Every public high school is encouraged to include a unit of instruction on the Holocaust. The instruction may also include other examples of genocide from ancient and modern history.

The Office of the Superintendent of Public Instruction may prepare materials for use as guidelines in developing the unit of instruction and may make the materials available to all school districts.

**Votes on Final Passage:**

House 95 0  
Senate 46 2

**Effective:** June 11, 1992

**HB 2259**

C 212 L 92

Simplifying the designation of pension funds.

By Representatives Spanel, McLean, Hine, Wineberry, D. Sommers, Wynne, May and Basich; by request of Joint Committee on Pension Policy.

House Committee on Appropriations  
Senate Committee on Ways & Means

**Background:** Ancillary Funds: The two primary funds in the Teachers' Retirement System (TRS) are the member reserve fund, which holds employee contributions, and the pension fund, which holds employer contributions and other moneys necessary to meet pension obligations. In the Public Employees' Retirement System (PERS), the equivalent funds are called the employees' savings fund and the benefit account fund.

Statutes for both systems create additional funds for various purposes, and require money to be transferred among funds, creating administrative burdens.

In addition, Plan I of TRS pays for certain ancillary benefits through the transfer of funds from the member reserve fund to designated ancillary funds. The ancillary funds provide temporary disability, lump-sum death, and survivor's benefits.

The Joint Committee on Pension Policy studied ancillary funds in 1991, and recommended simplification and consolidation of retirement system funds.

Overpayments: In the fall of 1991, the Department of Retirement Systems discovered an error in its calculation of Plan I cost-of-living adjustments. The error resulted in 7,700 retirees receiving overpayments of their cost-of-living adjustments, some since July 1990. Benefits payments have been corrected effective January 1992, but under current law, the department is required to recover the amount of any overpayments made

within three years prior to discovery of the error that resulted in the overpayments.

TRS Disability: In 1991, the Legislature allowed part-time members of TRS to become eligible for disability benefits. The 1991 law applied retroactively to persons who became disabled in the 1986-87 school year, but such persons would only begin to receive benefits after the effective date of the law (July 1991).

**Summary:** Ancillary Funds: Various funds in the Teachers' Retirement System (TRS) and the Public Employees' Retirement System (PERS) are eliminated, including income funds in both TRS and PERS, and ancillary benefit funds in TRS. The director of the Department of Retirement Systems has authority to create such funds as are necessary to administer pension benefits. The ancillary benefits, such as temporary disability, lump-sum death, and survivor's benefits, continue to be provided, but without specific funds designated for each. References to eliminated funds, and to requirements relating to transfer of money between funds, are deleted.

Overpayments: The director of the Department of Retirement Systems is prohibited from recovering pension overpayments made between July 1, 1990 and February 1, 1992, that were made due to an incorrect calculation of the cost-of-living adjustment provisions of Plan I PERS and TRS.

TRS Disability: Members of TRS Plan I who were under annual half-time contract in the 1986-87 school year and retired due to disability, are made eligible for disability retirement payments retroactive to the month following their retirement. If these members have not begun collecting disability benefits, they may select a benefit that includes a survivor option.

**Votes on Final Passage:**

House 95 0  
Senate 48 0 (Senate amended)  
House (House refused to concur)

Conference Committee

Senate 47 0  
House 97 0

**Effective:** June 11, 1992

**EHB 2260**

C 72 L 92

Making technical corrections to chapter 35, Laws of 1991.

By Representatives Spanel, McLean, Hine, Wineberry, D. Sommers and Wynne; by request of Joint Committee on Pension Policy.

## HB 2261

House Committee on Appropriations  
Senate Committee on Ways & Means

**Background:** In 1991, the Legislature reorganized and recodified the chapters of the Revised Code of Washington dealing with the Public Employees' Retirement System (PERS), the Teachers' Retirement System (TRS), and the Law Enforcement Officers and Fire Fighters' Retirement System (LEOFF). The bill reorganized sections of Chapters 41.40, 41.32, and 41.26 RCW so that sections pertaining to Plan I and Plan II of the retirement systems would be easier to reference. The bill also decodified or repealed obsolete statutes, updated references, and made other technical changes.

The Office of the Code Reviser has identified a number of technical changes that would further clarify the codification of the chapters and several internal references that should be corrected.

**Summary:** The 1991 recodification of statutes pertaining to public retirement systems is ratified and the code reviser is authorized to correct all statutory references to sections that have been recodified.

Sections of the code are clarified to indicate which provisions apply to Plan I and Plan II of the Public Employees' Retirement System, the Teachers' Retirement System, and the Law Enforcement Officers and Fire Fighters' Retirement System. Certain redundant sections are repealed, and several internal references are corrected.

**Votes on Final Passage:**

House	95	0
Senate	48	0

**Effective:** June 11, 1992

## HB 2261

C 6 L 92

Revising provisions relating to membership of pension boards under chapter 41.18 RCW.

By Representatives Hine, McLean, Spanel, D. Sommers, Wynne, Orr and Haugen; by request of Joint Committee on Pension Policy.

House Committee on Appropriations  
Senate Committee on Ways & Means

**Background:** The firemen's retirement system existing prior to the establishment of the statewide Law Enforcement Officers' and Fire Fighters' Retirement System in 1970, is administered in part by firemen's pension boards in each fire protection district. The current statutory membership of these boards consists of the chair of the district's fire commissioners, the county auditor and treasurer, and two regularly employed fire

fighters elected by active members of the system. There are few active fire fighters who are still members of the pre-1970 system covered by firemen's pension boards. The Joint Committee on Pension Policy recommended that retired fire fighters be allowed to serve on the firemen's pension boards.

**Summary:** The required membership of firemen's pension boards is revised to allow retired members of the firemen's retirement system to be elected to and to vote on the election of the boards.

**Votes on Final Passage:**

House	95	0
Senate	46	0

**Effective:** June 11, 1992

## ESHB 2262

C 45 L 92

Refining the community protection act of 1990.

By House Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Wineberry, Riley, Tate, Wang, Roland, Winsley, Paris, May, Bowman, Orr and Van Luven; by request of Department of Corrections, Dept. of Social and Health Services and Indeterminate Sentence Review Board).

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** In 1990, the Legislature passed a comprehensive act concerning sex offenders which was termed the Community Protection Act of 1990.

The act created a procedure for the civil commitment of sexually violent predators. Three months before a sex offender is released, the Department of Corrections must notify the county prosecutor of the offender's upcoming release. The department must also provide a narrative to the prosecutor describing the offender's conduct in prison, and advise the prosecutor whether the department recommends that the prosecutor file a civil commitment petition. The requirement to notify county prosecutors only applies to the release of sex offenders who committed their crimes between June 30, 1984 and July 1, 1988.

In addition to convicted adult sex offenders, several other sex offenders are eligible for civil commitment, including juveniles, persons found not guilty by reason of insanity, and persons acquitted due to incompetence to stand trial. The Department of Social and Health Services has jurisdiction over these offenders. Further, the Indeterminate Sentence Review Board has jurisdiction over convicted adult sex offenders who committed their crimes before July 1, 1984. No statute requires

those agencies to notify prosecutors about the release of sex offenders under their jurisdictions.

An adult offender who has been convicted of a sexually violent offense becomes eligible for civil commitment when the offender's sentence is about to expire or has expired. Some confusion has existed whether the term "sentence" means that an offender on parole is eligible for civil commitment or whether the offender must be revoked on parole and serve his or her remaining sentence before becoming eligible for civil commitment.

An offender may be civilly committed if the person "is likely to" engage in predatory acts of sexual violence. To block release from civil commitment, the state must prove the person "will engage" in predatory acts of violence. To gain release, the person must show that he or she "will not" engage in predatory acts of sexual violence.

The Community Protection Act requires that therapists who treat adult and juvenile sex offenders be certified by the state Department of Health. Some sex offenders may have moved out of state before discovery or may want to move out of state. No exception exists to allow those offenders that would otherwise be eligible for treatment to be treated by a non-certified sex therapist.

The Department of Corrections must notify various parties no later than 10 days before a sex or violent offender is paroled, placed in community placement or work release, or furloughed. The statute does not expressly state that the department must notify those parties when the offender is released.

**Summary:** Three months before the anticipated release from custody of a person who may be eligible for civil commitment, the agency that has jurisdiction over the person must refer the person to the appropriate county prosecuting attorney. "Agency" means the Department of Corrections, the Indeterminate Sentence Review Board, or the Department of Social and Health Services as appropriate. The agency must document the person's institutional adjustment and any treatment received. The agency does not have to prepare a narrative description.

The eligibility criteria for civil commitment are amended to indicate a person is eligible for civil commitment when the person's term of total confinement is about to expire or has expired.

The criteria for release of committed sexually violent predators is changed to be consistent with the criteria for commitment so that the state will have to prove that the person "is likely to engage" rather than "will engage" in predatory acts of sexual violence if released. When the committed person is moving for release the committed person will have to prove that he or she "is

not likely to engage" rather than "will not engage" in sexually violent acts.

Sex offenders who have moved or are going to move out of state may, under certain circumstances, be treated by therapists who are not certified in the state of Washington.

The Department of Corrections must provide notice of a sex offender's release at least 10 days before the offender's release. If the department does not know where the sex offender will reside, the department must send notice to the county sheriff and the chief of police in the city and county where the offender was convicted. The department must also notify the State Patrol which must put the information into the Crime Information Center for dissemination to law enforcement.

**Votes on Final Passage:**

House	98	0	
Senate	49	0	(Senate amended)
House	96	0	(House concurred)

**Effective:** March 26, 1992

## SHB 2263

C 7 L 92

Correcting references to state correctional facilities.

By House Committee on Human Services (originally sponsored by Representatives Hargrove, Winsley, Prentice, H. Myers, Ludwig, Tate, Morris, Riley, Leonard and Orr; by request of Department of Corrections).

House Committee on Human Services  
Senate Committee on Law & Justice

**Background:** State statutes referencing state correctional facilities and the Board of Prison Terms and Paroles, are inaccurate and outdated. For example, the statutes refer to the state penitentiary, use a restricted definition of state correctional institutions that lists each correctional facility by name, use masculine only gender references, and refer to the no longer existing Board of Prison Terms and Paroles.

**Summary:** References to correctional facilities by the title of the facility in the definition of state correctional institutions and references to "the state penitentiary" are replaced with references to "a/the state correctional facility." All references to the "Board of Prison Terms and Parole" are eliminated and replaced with references to the "Indeterminate Sentence Review Board." Other technical changes are made.

## ESHB 2268

### Votes on Final Passage:

House 94 0

Senate 43 0

**Effective:** June 11, 1992

## ESHB 2268

C 123 L 92

Affecting inmate work programs.

By House Committee on Human Services (originally sponsored by Representatives Hargrove, Winsley, Prentice, Leonard, Hochstatter, H. Myers, Riley, Roland, May, Bowman, Van Luven, Chandler and Inslee; by request of Department of Corrections).

House Committee on Human Services

House Committee on Revenue

Senate Committee on Law & Justice

**Background:** The Division of Correctional Industries is required to develop and implement programs designed to offer inmates employment, work experience and training, and to reduce the tax burden of corrections. Products and services provided by correctional industries' programs are offered to the public, governmental agencies, non-profit organizations, and the correctional system itself using sound fundamental business principles. Under authority of the Corrections Reform Act of 1981, the Division of Correctional Industries operates five classes of work programs: Class I - Free Venture Industries that allows private sector companies to set up factories within the corrections institutions; Class II - Tax Reduction Industries managed directly by the Department of Corrections to reduce the costs of goods and services for tax supported agencies and for non-profit organizations; Class III - Institutional Support Services designed to provide jobs that are vital to the day to day operation of the prison; Class IV - Community Work Industries that allows public agencies, the poor or infirm, and non-profit agencies to hire a Class IV inmate to provide services in the community at a reduced cost; and Class V - Community Service Program that allows offenders to perform work, without compensation, for the benefit of the community. Inmates who work in Class I Free Venture Industries are required to be paid not less than 60 percent of the approximate prevailing wage within the state for the occupation.

Under the Class I Program, goods or services are produced for sale to both the public and private sector. The sale of Class II industries program goods and services is restricted. These products and services may only be sold to public agencies, non-profit organizations, and private contractors when the goods purchased will

be ultimately used by a public agency or a non-profit organization. In addition, state agencies must purchase all articles or products required which are produced or provided in whole or in part from Class II inmate programs. Criteria are established that insure fair competition with the private sector. Every new Class II industry developed by the Department of Corrections is required first to consider the effect the new industry will have on business and labor in the state.

A recent study conducted by the Department of Corrections indicated that the Division of Correctional Industries has less than 1 percent of the state's business and labor markets. In addition, these programs contribute more to Washington's economy than the private sector would by manufacturing the same product with the same profit motive and the same labor to capital mix. This is due to the benefits taxpayers receive in the form of reduced cost of corrections and reduced recidivism. The Division of Correctional Industries programs are not allowed to contract with Washington businesses to provide specific goods and services otherwise provided by foreign or out-of-state suppliers. Leasehold tax exemptions are not part of the Correctional Industries Program.

**Summary:** The Department of Corrections is allowed to contract with Washington businesses to provide specific goods and services otherwise provided by foreign or out-of-state suppliers. The department is required to review all proposed industries before a contract for services or products is made to analyze the impact of the proposed services and products on the business community and the labor market.

Wages for Class I industries are required to be comparable to the wage paid for work of a similar nature in the area where the industry is located.

All private correctional industries businesses operating at department facilities are exempted from the leasehold interest tax.

### Votes on Final Passage:

House 92 1

Senate 43 3

**Effective:** June 11, 1992

## ESHB 2274

### FULL VETO

Prohibiting employer discrimination for the consumption of lawful products off premises by employees during nonworking hours.

By House Committee on Commerce & Labor (originally sponsored by Representatives Appelwick,

Heavey, Prince, Day, Schmidt, Wineberry, R. Meyers, Riley, Winsley and Wilson).

House Committee on Commerce & Labor  
Senate Committee on Commerce & Labor

**Background:** No Washington State law prohibits an employer from requiring as a condition of employment or continued employment that an applicant or employee refrain from consuming lawful products away from the workplace during nonworking hours.

There also is nothing in the law prohibiting an employer from putting an employee at a disadvantage in any other way because the employee consumes lawful products away from the workplace during nonworking hours.

**Summary:** It is unlawful for an employer to refuse to hire, discharge, or disadvantage an individual with respect to compensation, terms, conditions, or privileges of employment because the employee consumes lawful products off the premises of the employer during nonworking hours.

An employer is allowed to offer an insurance policy that distinguishes between employees based upon employees' consumption of lawful products if different premium rates reflect a differential cost to the employer and the employer provides employees with a written statement delineating differential rates used by insurance carriers.

An employer may discharge, disadvantage, or refuse to hire an individual if the decision is based on: (1) the employee's failure to meet job-related standards set by the employer; (2) an employer's legitimate conflict of interest policy reasonably designed to protect the employer's trade secrets or other proprietary interests; (3) a bona fide occupational requirement implemented by the employer to screen for respiratory diseases in occupations in which the individual will be exposed to smoke and noxious fumes; and (4) the employer's drug and alcohol free workplace program.

An individual claiming to be aggrieved by a violation of the act may bring a civil action for damages including all wages and benefits of which the individual was deprived because of the violation. The prevailing party is also entitled to court costs and reasonable attorneys' fees. An individual aggrieved by a violation of the act must file the civil action within six months after the alleged practice or the discovery of that practice.

The act does not apply to any matter that is subject to a collective bargaining agreement. A religious or health organization whose tenets prohibit the use of lawful products or a company or nonprofit organization whose primary business purpose is the prevention of

heart and lung disease may refuse to employ an individual based on the use of lawful products.

The act also does not apply to businesses with 25 or fewer employees.

**Votes on Final Passage:**

House	81	11	
Senate	30	19	(Senate amended)
House			(House refused to concur)

**Conference Committee**

Senate	28	20
House	60	37

FULL VETO (See VETO MESSAGE)

## SHB 2281

C 102 L 92

Modifying requirements for crew size on passenger trains.

By House Committee on Commerce & Labor (originally sponsored by Representatives Prentice, R. Fisher, Vance, Forner, Heavey, G. Fisher, Roland, Winsley, Franklin, Paris, May, Mitchell and Leonard).

House Committee on Commerce & Labor  
Senate Committee on Transportation

**Background:** State law prohibits any railroad company operating as a common carrier to run a passenger, mail, or express train of four or more cars with a crew of less than five persons in specified job classes.

**Summary:** The provisions are deleted that require passenger, mail, or express trains of four or more cars to have a crew consisting of at least five persons. New provisions are added that prohibit state regulatory agencies from preventing passenger train staffing in accordance with applicable collective bargaining agreements or national settlements of train crew size. If there is no collective bargaining agreement or settlement, the Washington Utilities and Transportation Commission may perform a safety review of a passenger train operating with less than two crew members. In those circumstances, the commission may order a train crew of two members.

**Votes on Final Passage:**

House	94	0
Senate	47	0

**Effective:** June 11, 1992

SHB 2284

C 62 L 92

Revising provisions relating to county law libraries.

By House Committee on Local Government (originally sponsored by Representatives Haugen, Horn, Paris and May).

House Committee on Local Government  
House Committee on Revenue  
Senate Committee on Ways & Means

**Background:** Each county with a population of 300,000 or more must maintain a county law library. Each county with a population of 8,000 up to 125,000 must also maintain a county law library. There is no statutory requirement for a county with a population of 125,000 up to 300,000 to maintain a county law library.

Three sets of parallel statutes govern the establishment and operation of county law libraries. Each set of statutes regulates county law libraries of a particular size: counties with a population of 300,000 or more, counties with a population of 8,000 up to 125,000, and counties with a population of less than 8,000. Although these statutes largely parallel each other, there are some inconsistencies between them.

Two of the inconsistencies between the statutes governing law libraries in different size counties are:

- (1) Counties with a population of 8,000 - 125,000 must provide janitor service to the law library; counties with a population of over 300,000 do not have to provide janitor service; and
- (2) The bar association representatives on the law library board of trustees are chosen by the superior court judges in counties with a population of 300,000 or more; the bar association representatives in counties with a population of 8,000 up to 125,000 are chosen by members of the county bar association.

Some district courts charge for issuing writs or providing other services. Other district courts and municipal courts feel they do not have this authority. Fees charged by district courts are not always allowed when court costs are awarded.

**Summary:** Each county with a population of 125,000 up to 300,000 must maintain a county law library. The provisions that apply to county law libraries in counties with a population of 8,000 up to 125,000 also apply to county law libraries with a population of 125,000 up to 300,000.

All counties with a population of 8,000 or more must provide janitor services to the county law library.

Bar association representatives on the law library board of trustees in any county with a board are chosen by the members of the county bar association.

The fee for filing an action in district court is raised from \$25 up to \$31. District court fees for performing other services are established as follows:

- (1) Issuing a writ of garnishment or other writ, \$6;
- (2) Filing a supplemental proceeding, \$12;
- (3) Demanding a jury in a civil case, \$50;
- (4) Preparing a transcript of a judgment, \$6;
- (5) Certifying a document on file or of record in the clerk's office, \$5;
- (6) Preparing the record of a case for appeal to superior court, including any tape duplication, \$50; and
- (7) Duplicating part of all of an electronic tape, \$10 per tape.

All courts of limited jurisdiction, including municipal courts, may charge the fees allowed to be charged by district courts. Fees or charges for court services must be allowed when a judgment for court costs is awarded.

**Votes on Final Passage:**

House	78	20	
Senate	33	11	(Senate amended)
House	71	26	(House concurred)

**Effective:** June 11, 1992

EHB 2287

C 147 L 92

Changing provisions relating to port districts.

By Representatives Haugen, Wilson, Zellinsky, Ferguson, Paris and Spanel.

House Committee on Local Government  
Senate Committee on Governmental Operations

**Background:** A port district may be created with the same boundaries as those of a county. At two different periods less than countywide port districts were allowed to be created, but this authority no longer exists.

**Summary:** A less than countywide port district with an assessed valuation of more than \$75 million is allowed to be created in any county bordering on saltwater that already has a less than countywide port district.

A port district may annex territory located in another port district, and remove the territory from the other port district, if the territory is located in a city with the same name as that of the annexing port district.

The term "gross operating revenues" is defined for purposes of port district commissioner elections.

**Votes on Final Passage:**

House	95	3	
Senate	44	1	(Senate amended)
House	91	5	(House concurred)

**Effective:** June 11, 1992

**HB 2290**

C 116 L 92

Regulating fire protection sprinkler system contractors.

By Representatives R. Meyers, Ferguson, Schmidt, Zellinsky, Winsley, Wilson, Paris and Sheldon; by request of Department of Community Development.

House Committee on Judiciary

Senate Committee on Commerce & Labor

**Background:** A 1990 Washington law provides for the licensing of persons who install fire sprinkler systems. To be licensed, a contractor must employ a holder of a certificate of competency issued by the state director of fire protection, must meet minimum insurance requirements, and must pay a license fee.

**Summary:** It is a class C felony for a licensed sprinkler system contractor to maliciously construct, install, or maintain a fire sprinkler system in a way that threatens the safety of someone in a fire. It is also a gross misdemeanor for an unlicensed fire sprinkler system contractor to construct, install, or maintain a system in any dwelling other than an owner-occupied, single-family dwelling. However, a prime contractor or a building owner cannot be found criminally liable unless he or she is shown to have had actual knowledge of an illegal installation.

The state attorney general and county prosecutors are given authority to enforce the fire sprinkler system licensing law through civil proceedings.

The state director of fire protection is to adopt rules establishing a special category for general and specialty contractors who install underground systems that service fire protection sprinkler systems.

**Votes on Final Passage:**

House	89	0	
Senate	43	4	(Senate amended)
House	96	0	(House concurred)

**Effective:** March 31, 1992

**ESHB 2293**

C 103 L 92

Changing CPA licensing requirements.

By House Committee on State Government (originally sponsored by Representatives Anderson, Bowman, Sheldon, McLean, D. Sommers, Forner, Ogden and Chandler).

House Committee on State Government

House Committee on Revenue

Senate Committee on Commerce & Labor

Senate Committee on Ways & Means

**Background:** Board of Accountancy: The Board of Accountancy is composed of five members: four members who hold CPA certificates and who have been in public practice, and one public member. Statute assigns to the board certain responsibilities and authority. The board hires its own staff, including its executive director.

Examination Requirements: The Board of Accountancy has the authority to establish requirements regarding the taking and passing of the CPA exam. The board establishes these requirements by rule.

Professional Association Activities: There are national and state-level professional organizations which CPA's may join. These organizations are not state agencies, and they determine their own rules and qualifications for membership.

Reciprocity: The Board of Accountancy is authorized to issue a CPA certificate to a CPA from another state, on two conditions: (1) the requirements which the applicant had to meet in order to get the certificate from another state are at least equivalent to the requirements in Washington, and (2) the state of origin has similar reciprocity rules for CPA's from Washington.

Funding: The Board of Accountancy charges several different examination, registration, and licensing fees. One set of fees goes directly into a dedicated fund called the certified public accountants account. This account is used for administration of the CPA exam. All other fees collected by the board go into the state's general fund.

**Summary:** Board of Accountancy: The board's membership increases from five to seven. The two new members must hold CPA certificates. The board's authority to conduct reviews and investigations and to discipline CPA's is expanded. The board's authority to regulate CPA certificate holders as well as CPA license holders is clarified. Added to statute are detailed definitions of practicing public accounting and "holding out" services to the public.

The appointment authority for the executive director of the board transfers from the board to the governor.

Examination Requirements: The specific requirements regarding the CPA examination are moved from administrative rule into statute.

Professional Association Activities: New definitions of the terms "quality review" and "review committee" are added to statute. Quality reviews involve CPA's reviewing the work of other CPA's as a quality control mechanism associated with a professional association, and not affiliated with reviews conducted by the Board of Accountancy. The findings of these review committees are not subject to discovery, subpoena, or other means of legal process in a civil action, arbitration, administrative proceeding, or board proceeding.

**Reciprocity:** Requirements for the issuance of a Washington CPA certificate or license to a CPA from another state are provided in detail. A new section also addresses the requirements for CPA's from other countries who wish to receive a certificate or license from Washington.

**Funding:** Beginning with the 1993-95 biennium, all fees collected by the board go into the CPA account.

**Votes on Final Passage:**

House 65 33  
Senate 47 1 (Senate amended)  
House 90 0 (House concurred)

**Effective:** June 11, 1992

**HB 2294**

C 9 L 92

Directing a study of the coastal crab fishery.

By Representatives Basich, R. King, Wilson, Jones, Sheldon, Orr and Mitchell; by request of Department of Fisheries.

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

**Background:** Crab fishing in Washington occurs in Puget Sound, in Washington State waters off of the Washington coast, including Grays Harbor and Willapa Harbor, and in United States waters beyond three miles from the shore. Crab fishing in Washington inside the three mile zone requires a crab pot license from the Department of Fisheries. If fishing takes place beyond the three mile zone, a delivery permit from the department is required to take fish to a port within the state.

Separate crab pot licenses are issued for Puget Sound crab and for "other than Puget Sound" crab. In 1980, in response to an increasing commercial crab fishery in Puget Sound, the Legislature limited entry into only this fishery. Commercial crab licenses may be issued to vessels that held a commercial crab license endorsed for the Puget Sound licensing district during the previous year, or that had a license transferred to the vessel and that had landed 1000 pounds of crab during the previous two-year period ending on December 31 of an odd-numbered year. This latter requirement only affects licenses applied for after January 1, 1984. A maximum of 200 vessels has been set for this fishery.

There is no limit on entry into the commercial crab fishery in Washington coastal waters or in offshore waters. The abundance of crab and the total harvest fluctuate naturally. The harvest per boat, however, has been

declining. This is thought to be attributable to an increasing number of crab fishers.

The Washington Department of Fisheries has jurisdiction over the fishery that takes place within three miles of the coast, but must work with the states of Oregon and California to effectively manage fisheries that occur outside of the three mile zone. The Pacific States Marine Fisheries Commission was authorized by Congress in 1947, and is one of three interstate commissions that serves as a forum for discussion of issues that fall outside of state jurisdiction.

**Summary:** The Department of Fisheries is directed to participate in a coastwide study of the Dungeness crab fishery, conducted by the Pacific States Marine Fisheries Commission, and report on:

- (1) The biological status of the coastwide crab resource;
- (2) The optimum number of fishers, vessels, licenses, and gear for the coastal crab fishery;
- (3) The number of fishers, vessels, licenses, and the amount of gear currently used in the coastal crab fishery;
- (4) The feasibility of and need for coordinated and concurrent legislative action by the states of Washington, Oregon, and California to manage the Pacific coastal crab resource;
- (5) The advantages and disadvantages of establishing future limits on the issuance of new Washington coastal crab licenses; and
- (6) The potential for increase in the number of or fishing capacity of coastal crab fishers.

The department is directed to submit study results and recommendations to the governor and the Legislature by June 30, 1993. Concurrent with their recommendations, the Department of Fisheries shall provide the Legislature with the number of new entrants in the Washington coastal crab fishery after September 15, 1991, the date on which each entrant obtained a coastal crab license, and the number and type of additional Washington commercial fishing licenses held by the new entrant.

The Legislature may consider future limitations on the coastal crab fishery. The Legislature shall review the study conducted by the Pacific States Marine Fisheries Commission and determine the appropriate course of action to manage the coastal crab fishery.

A fisher or vessel that obtains a license to participate in the coastal crab fishery on and after September 15, 1991 is informed that the fisher or vessel may be precluded later from participation in the fishery.

**Votes on Final Passage:**

House 90 0  
Senate 44 2

**Effective:** March 20, 1992

**HB 2295**

C 2 L 92

Changing the capital appropriation for Lake Washington Technical College.

By Representatives H. Sommers, Miller, Jacobsen, Schmidt, May, Basich, Ogden, Betrozoff, Spanel, Cantwell, Van Luven, Forner, Rasmussen and Ferguson.

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

**Background:** In 1986, Lake Washington Vocational Technical Institute received voter approval for a local bond issue and approval from the state Board of Education for construction of a new classroom, administrative, and laboratory building. Construction of the new building began in 1988 and is scheduled to be completed in the summer of 1992. The project was to be completely financed by a combination of local school district bonds and state school construction money allocated by the state Board of Education.

Legislation enacted in the 1991 session of the Legislature transferred Lake Washington Vocational Technical Institute from the authority of the local school district to the state Board of Community and Technical Colleges. As a result of the transfer, the former Lake Washington Vocational Technical Institute is no longer eligible for local school district bond money or the \$7.9 million of state school construction money allocated by the state Board of Education. The 1991-93 state capital budget anticipated the transfer of authority by appropriating \$5.8 million to replace the state school construction money, but at the date of transfer the project was not as far along as expected. This miscalculation of the construction schedule resulted in a funding shortfall of \$4.4 million: \$2.1 million to pay the building contractor for work underway, \$1.3 million for classroom furniture and equipment, and \$1 million for street improvements and other required costs.

The state Board of Education has agreed to pay \$1.1 million of the shortfall for construction costs completed prior to September 1, 1991. This \$1.1 million payment and an additional \$1 million are needed to cover the current construction contract obligations of the state and Lake Washington Technical College.

The additional \$1 million for building construction is needed immediately, as the available capital money may be exhausted prior to enactment of the supplemental capital budget. If additional state money is not approved by February 1992, the college will be faced with a costly construction shutdown and legal action. The balance of the project shortfall can be addressed in the 1992 supplemental capital budget because the ex-

penditures are not subject to the same February deadline.

**Summary:** The 1991-93 biennial capital budget is amended to change the name of Lake Washington Vocational Technical Institute to Lake Washington Technical College, and to increase the appropriation for construction of the administrative addition, classroom space, and aerospace laboratory by \$1,051,000.

**Votes on Final Passage:**

House	95	0
Senate	46	0

**Effective:** February 19, 1992

**SHB 2299**

C 134 L 92

Adopting the Washington lease-purchase agreement act.

By House Committee on Commerce & Labor (originally sponsored by Representatives Heavey, Franklin, McLean, R. King, Lisk and Jones).

House Committee on Commerce & Labor  
Senate Committee on Commerce & Labor

**Background:** In the 1980s, the number of stores in the rent-to-own business increased by approximately 300 percent. A rent-to-own transaction or lease-purchase agreement is an agreement for the use of personal property for a short initial period that does not obligate or require the consumer to continue leasing the property beyond the initial period and that permits the consumer to become the owner of the property after a certain number of payments. Because of the unique nature of rent-to-own transactions, it is not clear which of the regulatory laws in Washington apply to these transactions.

Washington law regulates consumer leases of personal property if the lease is for a period of more than four months and a value of less than \$25,000. The retail installment sales statute regulates transactions in which a retail buyer purchases goods or services from a retail seller pursuant to a retail installment contract, a retail charge agreement, or certain credit card agreements. The uniform commercial code regulates secured transactions, which include most transactions intended to create a security interest in personal property. The state usury law regulates the interest rate that may be charged on any loan or forbearance of money, goods, or certain rights, other than those that are specifically excluded by the statute.

**Summary:** Many of the terms and conditions of rent-to-own or lease-purchase agreements are specifically

regulated. "Lease-purchase agreement" is defined as an agreement for the use of personal property for an initial period of four months or less that is automatically renewable with each payment, but that does not obligate or require the consumer to continue leasing the property beyond the initial period, and that permits the consumer to become the owner of the property.

Lease-purchase agreements that comply with the act are exempted from the statutes relating to consumer leases, retail installment sales, secured transactions, and usury. Business leases, leases of safe deposit boxes, leases that are incidental to the lease of real property with no option to purchase, and automobile leases are not covered.

The lessor must make the following disclosures, among others, at or before the consummation of a lease-purchase agreement:

- (1) The total number, amount, and timing of all payments necessary to acquire the property;
- (2) A statement that the consumer is responsible for the fair market value of the property if it is lost, stolen, damaged, or destroyed;
- (3) A description of the property including an identification number, if applicable, a statement indicating whether the property is new or used, and a brief description of any damage;
- (4) A statement of the cash price;
- (5) The total of initial payments required;
- (6) A statement clearly summarizing the terms of the consumer's option to purchase;
- (7) A statement identifying the party responsible for service, and a description of applicable manufacturer's warranties;
- (8) A statement that the consumer may terminate the agreement without penalty by voluntarily surrendering the property in good repair along with any past due payments; and
- (9) Notice of the right to reinstate the agreement.

Lease-purchase agreements may not contain certain provisions, including a waiver by the consumer of claims or defenses.

A consumer who fails to make a payment may reinstate the agreement by the payment of all past due charges, the reasonable costs of pickup and delivery if the property has been picked up, and any applicable late fee within 10 days of the renewal date if the consumer pays monthly or five days if the consumer pays more frequently than monthly. When the consumer has paid less than two-thirds of the total payments necessary to acquire ownership and has voluntarily surrendered the property in a timely manner, the consumer may reinstate the agreement during the 21 days after the date of the return of the property. When the consumer has paid two-thirds or more of the payments

necessary to acquire ownership the reinstatement period is 45 days.

Advertisements that refer to the dollar amount of any payment and the right to acquire ownership must state that the transaction is a lease-purchase agreement, that a special total number of payments are necessary to acquire ownership, and that the consumer acquires no ownership rights until the total number of payments have been made.

A violation of the act constitutes a violation of the Consumer Protection Act.

**Votes on Final Passage:**

House 95 0

Senate 48 0

**Effective:** June 11, 1992

**SHB 2302**

C 135 L 92

Allocating moneys for public works projects recommended by the public works board.

By House Committee on Capital Facilities & Financing (originally sponsored by Representatives H. Sommers, Miller, Rasmussen, Jones, Orr and P. Johnson; by request of Department of Community Development).

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

**Background:** The public works trust fund is a revolving loan fund program that assists local governments and special districts with infrastructure development. The Public Works Board, within the Department of Community Development, is authorized to make low-interest or interest-free loans to finance the repair, replacement or improvement of essential public works systems: bridges, roads, water systems, and sanitary and storm sewer projects. Growth-related public works projects, and projects for port districts and school districts are not eligible to receive funding through the public works trust fund.

Each year, the Public Works Board submits a list of projects to the Legislature for approval. The Legislature may delete a project from the list but may not add any projects or change the order of project priorities. The money in the public works trust fund is dedicated revenue from utility and sales taxes on water, sewer, and garbage collection and from a portion of the real estate excise tax.

**Summary:** The bill authorizes loans for 46 public works projects totaling \$42,678,008 and a \$1,000,000 loan pool for future emergency public works projects, all recommended by the Public Works Board for fiscal

year 1992. The appropriation for these projects was included in the 1991-1993 capital budget.

The public works projects authorized for funding are: (1) 16 water projects for a total of \$13,467,114; (2) 14 sanitary sewer projects for a total of \$16,030,744; (3) eight planning projects for a total of \$183,750; (4) seven road projects for a total of \$12,288,400; and (5) one bridge project for a total of \$708,000.

**Votes on Final Passage:**

House 95 0  
 Senate 49 0

**Effective:** March 31, 1992

**ESHB 2305**

C 74 L 92

Creating fire commissioner districts within merged fire protection districts.

By House Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson, Dorn, Horn, Bray and Rasmussen).

House Committee on Local Government  
 Senate Committee on Governmental Operations

**Background:** A fire protection district is governed by a board of commissioners consisting of either three or five members. The commissioners are elected to staggered six-year terms of office on an at-large basis.

The laws for some other special districts permit or require the use of commissioner districts. Some special districts, including fire protection districts, are not allowed to create commissioner districts. Some special districts, such as sewer districts or water districts, may use commissioner districts. Other special districts, such as public utility districts and most port districts, must use commissioner districts.

The purpose of commissioner districts varies among different special districts. Many of the statutes are vague as to the specific purpose of commissioner districts.

**Summary:** A fire protection district may create commissioner districts if voters of the district approve a ballot proposition authorizing commissioner districts and the resolution submitting the ballot proposition to the voters is adopted by a unanimous vote of the fire commissioners.

If authorized, the fire commissioners divide the fire protection district into either three or five commissioner districts each with approximately equal population. A candidate for commissioner, and a commissioner, must reside in the commissioner district. Voters must reside in a commissioner district to vote at a primary to nominate candidates from the commissioner district. How-

ever, voters throughout the entire fire protection district may vote at a general election to elect a commissioner from a commissioner district.

Provision is made for the option of eventually using commissioner districts in a fire protection district that results from the merging of two or more fire protection districts.

Whenever two or more fire protection districts merge, the resulting district may chose to be identified by the number associated with any of the districts that merged.

**Votes on Final Passage:**

House 94 0  
 Senate 40 0

**Effective:** June 11, 1992

**HB 2314**

C 8 L 92

Revising provisions for providing medical services.

By Representative Franklin; by request of Dept. of Social and Health Services.

House Committee on Health Care  
 Senate Committee on Health & Long-Term Care

**Background:** The Department of Social and Health Services' (DSHS') Medical Assistance (Medicaid) Program is the state's largest publicly funded health benefits program. It provides medical services to low-income and disabled persons with a broad scope of services, including: preventive and primary care; inpatient and outpatient services; dental care; drugs; medical equipment; and a variety of screening and testing services. It serves about 510,000 persons monthly, with a biennial budget of \$2.2 billion.

Current law requires DSHS to reimburse hospitals on a "day rate" or "ratio to charge of cost" basis. These methods are outdated and no longer used.

DSHS purchases inpatient hospital services on a selective contract or a prospective diagnosis-related grouping basis, and outpatient hospital services on a percentage of charge basis.

**Summary:** Obsolete language is deleted and replaced with wording that permits DSHS to purchase services on contract or established-rate basis.

**Votes on Final Passage:**

House 96 0  
 Senate 43 3

**Effective:** June 11, 1992

**EHB 2316**

C 95 L 92

Removing the sunset termination process from IMPACT.

By Representatives Rayburn, Grant, R. Johnson, Jacobsen, Lisk, Nealey, Kremen, Roland, J. Kohl, Ogden, Haugen, Silver, McLean and Rasmussen.

House Committee on Agriculture & Rural Development

House Committee on Appropriations

Senate Committee on Agriculture & Water Resources

**Background:** The International Marketing Program for Agricultural Commodities and Trade (IMPACT) at Washington State University was created by statute. The Legislature created the program on a provisional basis in 1984 and gave it "permanent" status in 1985. The bill granting it permanent status also placed the program on the list for review under the state's Sunset Act. As a part of that process, the program was given a termination date of June 30, 1990. In 1988, the termination date was extended to June 30, 1992. Absent legislative action, the IMPACT Program and Center will terminate on that date.

**Summary:** The sunset termination date for the IMPACT Program and center at Washington State University under the Sunset Act is postponed until June 30, 1996.

**Votes on Final Passage:**

House	95	0	
Senate	48	0	(Senate amended)
House	96	0	(House concurred)

**Effective:** June 11, 1992

**SHB 2319**

**PARTIAL VETO**

C 163 L 92

Improving election administration.

By House Committee on State Government (originally sponsored by Representatives McLean, Anderson, R. Fisher, Chandler, Winsley, J. Kohl, Bowman and Pruitt).

House Committee on State Government

House Committee on Appropriations

Senate Committee on Governmental Operations

Senate Committee on Ways & Means

**Background:** The state's chief elections officer is the secretary of state. The secretary may adopt rules under a variety of election laws to facilitate and implement

those laws. That authority will be broadened considerably on July 1, 1992, when legislation regarding filing for office, ballot displays, ballot equipment and other election procedures becomes effective.

Federal, state, and most local elections are conducted in this state by the county auditors.

**Summary: Election Board:** An Election Administration and Certification Board is created. It is composed of: the secretary of state; the state's director of elections; four county auditors appointed by the state's Association of County Auditors; four legislators, one from each of the four principal caucuses of the Legislature; and one representative of each major political party.

The board must elect a chair from its members; however, the secretary and the director cannot serve as chair. The members of the board serve without compensation. Nonlegislative members are to be reimbursed by the secretary for travel expenses; legislative members are to be reimbursed as provided by laws governing the Legislature. Staffing and support services are to be provided to the board by the secretary of state.

**Joint Rules:** The board and the secretary of state must jointly adopt rules governing: (1) the training of political party observers and the training and certification of election administrators and personnel; (2) policies and procedures for conducting reviews of election-related policies, procedures, and practices in counties; and (3) policies to be used by the board in considering appeals of findings and recommendations resulting from a review conducted in a county. Initial policies for considering appeals must be adopted at the same time that initial policies for conducting election reviews are adopted.

**Election Training:** Each person, other than a precinct election officer, having responsibility for the administration and conduct of elections must receive general training regarding elections and specific training regarding the person's duties. This training must be secured within 18 months of undertaking those responsibilities or within 18 months of the effective date of this requirement, whichever is later. Among the persons expressly required to receive training are state election personnel, county assistant or deputy election personnel, canvassing board members, and political party observers. Other persons may be added to this list by the secretary of state by rule.

The secretary of state must establish and administer a training program for political party observers and a training and certification program for all other election officials and personnel. The program for state and county election officials and personnel is to include testing and the issuance of certificates to those completing the training and passing the tests. The training

and certification requirements are not conditions for seeking or holding elective office or for carrying out constitutional duties. The secretary must reimburse political party observers for travel expenses incurred in receiving their training.

**Election Reviews:** Reviews of election-related policies, procedures, and practices in a county must be conducted if the unofficial returns of a primary or general election indicate that a mandatory recount is likely for a state legislative position or a federal office or in a statewide election. Reviews are also to be conducted periodically in a county after a primary or election at the direction of the secretary or at the county auditor's request.

These post-primary or post-election reviews are conducted by the staff of an election review section in the Elections Division of the Office of the Secretary of State and must be conducted in conformity with the rules adopted for such reviews by the board and the secretary. The staff must issue the county's auditor and canvassing board a report of its findings and recommendations. Such a review may not include an evaluation, finding, or recommendation regarding the validity of any canvass of returns or of the outcome of a primary or election.

Each county must be reviewed at least once every four years. Notice that a post-primary or post-election review is to be conducted must be provided to the county auditor and the chair of each major political party's state central committee.

**Appeals:** The county auditor or a member of the canvassing board of the county in which a post-primary or post-election review has been conducted may file an appeal with the Election Administration and Certification Board regarding the findings or recommendations of the election review staff. The board's decision in an appeal must be supported by not less than a majority of the members appointed to the board and is final. A decision by the secretary to deny training certification is appealable to the board and subsequently to superior court.

**Election Assistance and Clearinghouse:** The secretary must establish an election assistance and clearinghouse program to provide regular communication with local election officials and political parties. The program will include information about newly enacted election legislation and relevant judicial decisions and opinions of the attorney general. The program must also respond to inquiries from election administrators, political parties, and others regarding election information.

**Other:** Certain actions to be performed by county and state election officials and personnel during a review are specified. A Division of Elections is expressly

created within the Office of the Secretary of State. The division is headed by the director of elections who is appointed by and serves at the pleasure of the secretary. An election review section is created within the division. County auditors are expressly granted authority to appoint election assistants and deputies. The minimum qualifications of such personnel are specified.

**Effect Contingent on Funding:** The provisions of the bill requiring a training and certification program, creating the Election Review Section within the Office of the Secretary of State, requiring post-election reviews of county election offices, establishing the Assistance and Clearinghouse Program, and authorizing county election assistants and deputies and establishing their qualifications take effect only if funding specifically for these provisions is provided in the 1993 Omnibus Budget Act.

**Votes on Final Passage:**

House	94	0	
Senate	44	0	(Senate amended)
House	96	0	(House concurred)

**Effective:** June 11, 1992 (Sections 1 - 4)  
 July 1, 1993 (Sections 5 - 13)

**Partial Veto Summary:** The governor vetoed the provisions which made parts of the act effective only if funded by the 1993 Omnibus Budget Act. (See VETO MESSAGE)

**SHB 2330**

C 52 L 92

Introducing incentives to maintain the forest land base.

By House Committee on Natural Resources & Parks (originally sponsored by Representatives Sheldon, Brumsickle, Belcher, Riley, Beck, Rasmussen, Morton, Scott, Hargrove, Bowman, Nealey, Jones, Kremen, Chandler, Fuhrman, Wynne, Haugen, P. Johnson and Sprenkle).

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

**Background:** As the population of Washington grows, forest lands are increasingly converted to uses that are not compatible with long term timber production. The forest lands most likely to be converted are low elevation lands that are among the state's most productive forest lands. With rising land values, owners of these productive lands have strong incentives to sell the lands for development. Washington law has few incentives for owners to maintain forest land in timber production.

**Exemption from Special Benefits Assessments:** Lands classified as farm and agricultural lands under

the Open Space Act are exempt from special benefits assessments for sanitary and/or storm sewers, domestic water, or road construction and/or improvement purposes on the basis that assessments for these purposes generally do not benefit lands under the farm and agricultural classification.

When a local improvement district is created to levy a special benefits assessment, farm and agricultural lands are automatically exempted unless the landowner waives the exemption. Whenever exempted lands are withdrawn from the farm and agricultural lands classification, the lands are liable for the special benefit assessment, plus interest.

Lands classified as timberland under the Open Space Act and lands classified or designated as forest lands for timber tax purposes are not eligible for exemption from special benefits assessments.

**Landowner Liability:** Public and private landowners are not liable for unintentional injuries to members of the public who use the land for outdoor recreation, if no fee of any kind is charged for the use. Landowners may, however, charge an administrative fee of up to \$10 for the cutting, gathering and removal of firewood without incurring liability.

Under the Forest Practices Act, landowners may be required to leave trees standing in riparian areas to benefit public resources. Landowners are not liable for damages that may result when these trees blow down or fall into streams.

Agricultural activities conducted in a manner consistent with good agricultural practices and established prior to surrounding non-agricultural activities are not grounds for nuisance lawsuits. Agricultural activities are presumed to be good practices if carried out in accordance with federal, state, and local laws and regulations. No similar protection exists for forest practices.

**Forest Practices:** Forest practices applications and notifications must either be delivered in person or sent by mail. There is no provision allowing them to be electronically filed.

Forest practices notifications to, and applications approved by, the Department of Natural Resources are effective for one year. There is no provision allowing for applications or notifications to cover multiple forest practices.

Appeals of forest practices decisions are heard by the Forest Practices Appeals Board. The board has no authority to mediate disputes brought before the board.

**Summary: Special Benefits Assessments:** Lands classified as timberland under the Open Space Act and lands classified or designated as forest lands for timber tax purposes are exempt from special benefits assessments for local improvement districts.

**Landowner Liability:** The maximum administrative fee landowners may charge for firewood collection is increased from \$10 to \$25.

The Legislature finds that leaving trees unharvested in upland areas, in addition to riparian areas, provides benefits for wildlife. Landowners are not liable for any injuries or damages, including damages from wildfire, erosion, and flooding, that result from leaving trees.

The right-to-practice agriculture statutes are expanded to include forest practices as defined in the Forest Practices Act as activities not subject to nuisance lawsuits.

**Forest Practices:** Forest practices applications and notifications may be electronically filed. Notification and application approvals are effective for two years. Applications and notifications may be submitted to cover multiple forest practices within reasonable geographic and political boundaries.

Authority is granted to mediate cases brought before the Forest Practices Appeals Board when all parties consent to mediation. The mediation is to be conducted by the administrative appeals judge or authorized agent of the board.

**Votes on Final Passage:**

House	93	0
Senate	46	0

**Effective:** June 11, 1992  
August 1, 1992 (Section 22)

**ESHB 2333**

C 10 L 92

Redefining guide and service dogs.

By House Committee on Human Services (originally sponsored by Representatives Vance, Winsley, Roland, Tate, Leonard, Hochstatter, Hargrove, Nealey, Forner, Paris and Carlson).

House Committee on Human Services  
Senate Committee on Health & Long-Term Care

**Background:** Washington State policy guarantees blind, handicapped, and impaired citizens the full and free use of all public places. This includes full and equal access to any place open to the general public. It is illegal to deny access to any place open to the general public to a blind, impaired, or disabled person accompanied by a trained or approved guide dog or service dog. Guide dogs and service dogs not yet trained or approved have been denied access to some places which are open to the public.

**Summary:** The governor's Committee on Disability Issues and Employment, in conjunction with other organizations involved with the blind and physically

disabled, will study and make recommendations on improving enforcement of the white cane law. The study will also address ways to provide guide and service dogs in training with the training experiences necessary to prepare them for careers as guide or service dogs.

**Votes on Final Passage:**

House 95 0  
 Senate 45 0

**Effective:** June 11, 1992

**ESHB 2337**

C 113 L 92

Providing malpractice insurance for retired physicians serving low-income patients.

By House Committee on Health Care (originally sponsored by Representatives Morris, Moyer, Paris, Casada, Franklin, Braddock, Ebersole, H. Myers, Schmidt, Appelwick, Ogden, Locke, Hargrove, Edmondson, D. Sommers, Cantwell, Hochstatter, Rasmussen, Forner, R. Johnson, Zellinsky, Rayburn, Nealey, Heavey, Wineberry, Chandler, Roland, J. Kohl, Ludwig, Mitchell, Orr, Spanel, May, Leonard, Haugen, Ferguson, Sprenkle, Miller, O'Brien and Anderson).

House Committee on Health Care  
 House Committee on Appropriations  
 Senate Committee on Health & Long-Term Care

**Background:** There are a number of physicians retired from full-time practice who are providing low-income patients basic health care services without compensation. These physicians practice in public health and community clinics on a part-time basis. The funding of liability insurance for these physicians is being curtailed by counties, and the cost of purchasing individual liability insurance policies by these physicians is a burden that may deter them from practicing.

Community clinics include public health and non-profit community health centers that provide primary care to individuals at a charge based upon their ability to pay.

Up to 16 percent of the state's population do not have health insurance at any one time.

**Summary:** The Department of Health is authorized to purchase and maintain liability insurance for retired physicians who provide primary care without compensation to low income persons at community clinics. The department may contract with an insurer for providing the coverage, but the insurer may refuse to cover the physician for claims experience or other appropriate reasons. The state is immune from liability for malpractice claims against clinics or physicians, and claims

based upon the performance of official acts within its responsibilities.

The department by rule may establish the conditions for participation by physicians in the liability program. In order to participate, the physician must be currently licensed as a retiree and must limit practice to primary non-invasive care procedures. The liability insurance provided covers only acts within this scope of practice. Participating physicians must serve low income individuals through community clinics without compensation.

Mediation and arbitration agreements for resolving questions of liability may be used. An agreement must be on one page and comprehensible to a person with a sixth grade education.

**Votes on Final Passage:**

House 98 0  
 Senate 48 0 (Senate amended)  
 House 96 0 (House concurred)

**Effective:** June 11, 1992

**SHB 2344**

FULL VETO

Prescribing penalties for criminal street gang activities.

By House Committee on Judiciary (originally sponsored by Representatives Ludwig, Vance, Riley, Paris, Neher, Broback, Mielke, Scott, Tate, H. Myers, Rayburn, Roland, Orr, Lisk, Zellinsky, Dellwo, Dorn, Jacobsen, Winsley, Van Luven, Nealey, Forner, G. Fisher, Kremen, Heavey, Chandler, Fuhrman, Bray, Mitchell, Bowman, Horn, Carlson, Sprenkle and Hochstatter).

House Committee on Judiciary  
 Senate Committee on Law & Justice

**Background:** There has been increasing concern in recent years about the phenomenon of "street gang" criminal activity. Street gangs are often associated with illegal drug activity and various crimes of violence, including "drive-by" shootings and inter-gang warfare.

A person who commits any of these crimes is, of course, subject to prosecution. A person may also be criminally liable for an "anticipatory" offense involving a crime. Anticipatory offenses include attempting to commit a crime or conspiring with another to commit a crime. However, anticipatory offenses require that the defendant, or a co-conspirator, has taken "a substantial step" toward the commission of the crime.

Generally, statutes that attempt to make mere membership in an organization illegal will be found unconstitutional as an infringement on the right of association. Some states, including California, have en-

## EHB 2347

acted street gang laws that make membership in gangs illegal when coupled with some element of intent to further criminal activity.

**Summary:** Committing any felony in association with, or at the direction of, or for the benefit of a criminal street gang is an aggravating circumstance under the Sentencing Reform Act. That aggravating circumstance may be used to justify an exceptional sentence beyond the standard range provided for the felony.

A "criminal street gang" is defined as an ongoing association of three or more persons that has crime as one of its primary activities, that has a common name, and whose members individually or collectively engage in a pattern of criminal activity. A pattern of criminal gang activity means the commission, attempted commission, or solicitation of two or more crimes within one year when the crimes are committed on separate occasions or by two or more persons.

### Votes on Final Passage:

House	90	7	
Senate	45	1	(Senate amended)
House			(House refused to concur)
Senate	45	2	(Senate receded)

FULL VETO (See VETO MESSAGE)

## EHB 2347

C 11 L 92

Changing municipal electric utility access to high voltage transmission facilities.

By Representatives Grant, May, Jacobsen, Hochstatter, H. Myers, Cooper and Silver.

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

**Background:** The Bonneville Power Administration has been spearheading development of added electric transmission capacity between the Northwest and the Pacific Southwest. Initially, it appeared that utilities would be offered ownership shares of the new lines. To this end, in 1989, municipal electric utilities were authorized to raise money to buy ownership shares in the lines.

It now appears that access rather than ownership will be marketed by the Bonneville Power Administration, giving rise to the need to allow municipal electric utilities to finance acquisition of capacity rights as well as outright ownership of shares of a line.

**Summary:** Municipal electric utilities may participate and enter into agreements for use of transmission facilities and capacity rights in those facilities. A city may

issue revenue bonds or other obligations to finance the city's share of the use of those facilities.

### Votes on Final Passage:

House	88	0
Senate	39	0

**Effective:** June 11, 1992

## SHB 2348

### PARTIAL VETO

C 188 L 92

Protecting the privacy of child victims of sexual abuse.

By House Committee on Judiciary (originally sponsored by Representatives Sheldon, Belcher, Brough, Riley, Broback, Ludwig, Vance, Wineberry, Beck, Forner, Locke, Fraser, P. Johnson, Inslee, Ebersole, Scott, Bowman, H. Myers, D. Sommers, Paris, Rasmussen, Prentice, Mielke, R. Johnson, Neher, Dorn, Cooper, Franklin, Rayburn, G. Fisher, Heavey, Roland, G. Cole, J. Kohl, Mitchell, Brekke, Orr, Spanel, May, Ogden, Leonard, Silver, Sprenkle, O'Brien and Appelwick).

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** The press usually does not publish names or other information that identify child victims of sexual assault. However, individual editors make the decision whether to disseminate identifying information. No statute expressly prohibits the press from disseminating identifying information or specifically restricts press and public access to identifying information. Other statutes encourage law enforcement agents to refrain from disseminating identifying information to the public or press, but the statutes do not create a substantive right to have identifying information remain confidential.

Restricting the press from disseminating truthful information that is obtained through regular investigatory techniques implicates the First Amendment. In addition, restricting public and press access to public trials implicates the adult defendant's right to a public trial under the Sixth Amendment. Attempts to directly restrict the media from disseminating truthful information lawfully obtained are generally invalidated as violations of the First Amendment. In addition, mandatory closures of any trial that involve a rape victim are also impermissible.

However, courts have indicated that government officials and officers of the court that have access to identifying information about a victim as a result of their official status and not as members of the public may be directed to refrain from disseminating that in-

formation to the press. Courts have further indicated that release of identifying information may not unduly restrict the public's right to know about the criminal justice system's operation. Courts have also held that the public's right to attend trials is not absolute and may be abridged under certain circumstances. Closure of public trials under certain circumstances has been upheld against constitutional challenge to protect rape victims.

**Summary:** The Legislature finds that cooperation of child victims and their families is integral to successful prosecution of sex offenses against children and that releasing information identifying the victim has a chilling effect on the victim's willingness to report sexual assaults and to cooperate with prosecution.

"Children" are defined as persons under age 18.

"Identifying information" means the child victim's name, address, location, photograph, and identification of the relationship between the child and the alleged abuser in cases in which the child is a relative or step-child of the alleged abuser.

Several statutes that concern maintenance of records in the criminal justice system are amended. Portions of records that contain information that identifies a child victim are confidential and are not subject to disclosure to the press or public unless the child victim or the child's legal guardian consents to the disclosure. Criminal justice personnel may disclose the identifying information to others as necessary to investigate the case. Records that contain identifying information must be sealed unless identifying information is deleted.

The court may not prohibit the press from disseminating truthful information lawfully obtained through regular investigatory techniques. If the press obtains the information from court records because the criminal justice agents did not delete the information from the record, the court may not restrict the press from disseminating the material.

The court may condition press and public attendance at a trial involving a child victim of sexual abuse on an agreement not to disseminate identifying information to the public or the press. Court proceedings include pre-trial hearings, trial, sentencing, and appellate proceedings. The court may make further orders to prevent further dissemination of identifying information if the press violates the agreement. The press is subject to a fine of not less than \$100 or more than \$500 for a violation. In addition, the child victim may pursue other civil remedies available under existing law.

A severability clause is included.

**Votes on Final Passage:**

House	98	0
Senate	43	5

**Effective:** June 11, 1992

**Partial Veto Summary:** The governor vetoed a provision which imposed an explicit affirmative obligation upon law enforcement, prosecutors, and defense attorneys to refrain from disseminating identifying information to the press and public and which required the court to condition the attendance of the public and press at trial upon an agreement not to publish identifying information obtained at trial. That vetoed section also provided for imposition of a fine if the press violates the agreement. Another provision which gave victims an explicit substantive right of confidentiality and removed law enforcement personnel's discretion to decide whether to release identifying information was also vetoed. However, other provisions in the bill that were not vetoed provide that identifying information in records is confidential and not subject to release. (See VETO MESSAGE)

**HB 2350**

C 136 L 92

Making changes regarding the coordination of general assistance programs.

By Representatives Leonard and Winsley; by request of Dept. of Social and Health Services.

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

**Background:** The General Assistance Program has resource limits which allow a recipient to retain more resources than are allowed for recipients of the Aid to Families with Dependent Children Program. The Aid to Families with Dependent Children Program allows children to receive benefits if they live with a relative of specified degree. The current statutory definition of a relative of specified degree is more restrictive than that allowed under federal rules. The Department of Social and Health Services was required to request a waiver from federal rules to allow payments under the Aid to Families with Dependent Children Program to recipients who are self employed.

**Summary:** The resource limits for the General Assistance and the Aid to Families with Dependent Children programs are made equivalent. The statutory definition of a relative of specified degree is made the same as the definition promulgated in federal rules. A statutory requirement that the Department of Social and Health Services submit a waiver request is repealed, as the federal government has already defined the waiver request.

## HB 2358

### Votes on Final Passage:

House 95 0  
Senate 45 2

**Effective:** June 11, 1992

## HB 2358

C 12 L 92

Modifying requirements for the psychologist disciplinary committee.

By Representatives Prentice and Moyer.

House Committee on Health Care  
Senate Committee on Health & Long-Term Care

**Background:** The Examining Board of Psychology is composed of seven licensed psychologists and two public members. The Legislature has directed the board to establish a disciplinary committee for the purpose of hearing, examining, and ruling on complaints and evidence of unethical conduct. A quorum of the disciplinary committee consists of five members, including at least one public member.

There is no authority for the appointment of temporary members to assist the disciplinary committee in its responsibilities.

**Summary:** The quorum of the disciplinary committee of the Examining Board of Psychology is reduced from five to three members, one of which must be a public member.

The secretary of the Department of Health, upon the request of the board, is authorized to appoint pro tempore members to assist the committee whenever the workload requires it. These members have all the powers, immunities, and emoluments of the committee.

### Votes on Final Passage:

House 96 0  
Senate 45 0

**Effective:** June 11, 1992

## SHB 2359

### PARTIAL VETO

C 137 L 92

Creating the academic and vocational integration development program.

By House Committee on Education (originally sponsored by Representatives Dorn, Neher, Peery, Winsley, Riley, Brough, Ebersole, Ferguson, Rasmussen, Mielke, Grant, Tate, Pruitt, Orr, Rayburn, Inslee, Jacobsen, G. Fisher, Kremen, G. Cole, J. Kohl, Mitchell, Ogden and Valle).

House Committee on Education  
Senate Committee on Education

**Background:** Employers, students, educators, and parents have expressed concern that high school curriculum does not adequately prepare students for obtaining jobs when students graduate. This is especially a problem for students who do not continue their education. In addition, it is felt that efforts are needed to make high school curriculum much more relevant to the student, thus making it more interesting.

**Summary:** The Superintendent of Public Instruction (SPI) shall establish an academic and vocational integration development program grant program. The projects shall combine academic and vocational education into a single instructional system that is responsive to the educational needs of all students in secondary schools.

Goals of the projects include:

- (1) Integration of vocational and academic instructional curriculum;
- (2) Emphasis on increased vocational, personal, and academic guidance and counseling; and
- (3) Active participation of educators, employers, private and public community service providers, parents, and community members in the project.

The SPI will select projects for grant awards, and monitor and evaluate the projects. SPI will also appoint a task force to advise the office throughout the application, selection, monitoring, and evaluation process.

Initial applications are to be submitted to SPI not later than June 1, 1992. Subject to available funding, additional applications may be submitted by November 1 of subsequent years. Application requirements are specified.

The initial academic and vocational integration development projects commence with the 1992-93 school year, and may be conducted for up to six years. Technical assistance and reporting requirements are specified.

### Votes on Final Passage:

House 92 0  
Senate 44 1 (Senate amended)  
House 96 0 (House concurred)

**Effective:** March 31, 1992

**Partial Veto Summary:** The veto eliminated time lines and requirements for grant applications and requirements for requesting waivers of state statutes and rules. (See VETO MESSAGE)

**EHB 2360**

C 13 L 92

Authorizing the sale of informational materials by the department of fisheries.

By Representatives G. Cole, R. King and Basich; by request of Department of Fisheries.

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

**Background:** The Department of Fisheries currently does not have statutory authority to sell informational material to the public, other than that provided by RCW 42.17.300, which allows agencies to impose a reasonable charge for providing copies of public records. The charges may not exceed the actual cost of copying. The Department of Wildlife has statutory authority under RCW 77.12.185 to sell informational materials to recover the costs of publication.

The Department of Fisheries has published numerous informational materials for the public, several of which are out of date. The department wishes to update some of the more popular publications, and to cover the reasonable costs of doing so.

**Summary:** The director of the Department of Fisheries is authorized to recover the reasonable costs of drafting and publishing informational materials. Reasonable costs are defined to include only costs of drafting, printing, distribution, and postage. Regulation pamphlets shall not be sold.

**Votes on Final Passage:**

House	89	0
-------	----	---

Senate	48	0
--------	----	---

**Effective:** June 11, 1992

**HB 2368**

C 225 L 92

Allowing deputy sheriffs to practice law.

By Representatives Padden, Riley, Mielke and Paris.

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** Deputy sheriffs are currently statutorily prohibited from practicing law.

**Summary:** Deputy sheriffs may practice law.

**Votes on Final Passage:**

House	90	0
-------	----	---

Senate	44	1	(Senate amended)
--------	----	---	------------------

House	96	0	(House concurred)
-------	----	---	-------------------

**Effective:** June 11, 1992

**SHB 2370**

C 125 L 92

Requiring the registration of process servers.

By House Committee on Judiciary (originally sponsored by Representatives Padden, Appelwick, Paris, Ludwig, Vance, Riley, Forner, Broback, D. Sommers, Inslee, Scott, R. Johnson, Franklin, Winsley, Mitchell and Bowman).

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** Persons who serve legal process for a fee currently do not have to register. If a process server improperly serves process, an injured party may be unable to find the process server to seek redress.

**Summary:** A person who serves legal process for a fee must register with the county auditor. The registration requirement does not apply to the following servers: sheriffs, attorneys not serving on a fee basis, court personnel serving the court's process, people who do not receive a fee for serving process, and employees of registered servers and those not required to register.

The auditor may charge a registration fee up to \$10. The Office of the Administrator for the Courts must develop registration forms. The county auditor must maintain a register of process servers and issue registration numbers. The process servers must use the registration number on all proof of service of process. The process server must renew the registration annually or within 10 days of when the server's address or other identifying information changes, whichever occurs first. The server must pay the registration fee upon renewal.

If a person does not hire a registered process server, the person may not collect the costs of service unless the process server registers within 45 days after serving the process. This provision applies to processes served on or after August 1, 1992.

The bill does not modify the civil court rules which govern service of process.

**Votes on Final Passage:**

House	96	0
-------	----	---

Senate	48	0	(Senate amended)
--------	----	---	------------------

House	91	2	(House concurred)
-------	----	---	-------------------

**Effective:** June 11, 1992

**HB 2371**

C 70 L 92

Modifying special assessment authority of conservation districts.

## SHB 2373

By Representatives Kremen, Nealey, R. Johnson, Haugen, Rayburn, Rasmussen, Spanel, Grant and Braddock.

House Committee on Local Government  
Senate Committee on Governmental Operations

**Background:** Conservation districts are special districts authorized to engage in a variety of resource conservation activities, including the conservation of soil and water.

The county legislative authority of the county in which a conservation district is located may impose a system of special assessments on land within the conservation district to finance the district's activities. The county must hold a public hearing on the proposed special assessments and must find that the public interest will be served and the special assessments will not exceed the special benefit the land receives or will receive from the activities of the conservation district before it can impose the assessments. The action of a county legislative authority only authorizes a system of special assessments to be imposed for a one-year period.

**Summary:** The period of time over which a county legislative authority may impose special assessments for a conservation district is expanded from one year to up to 10 years. If the county authorizes a system of special assessments for more than one year, the actual special assessment that is imposed on a parcel of land may vary each year in accordance with the system of measuring the special assessments.

**Votes on Final Passage:**

House	94	0
Senate	39	0

**Effective:** June 11, 1992

## SHB 2373

C 168 L 92

Changing provisions relating to eligibility for a concealed weapon permit.

By House Committee on Judiciary (originally sponsored by Representatives Kremen, Rayburn, Winsley, Anderson, McLean, Roland, R. Johnson, O'Brien, Pruitt, Chandler, Heavey, Betrozoff, Scott, Rasmussen, G. Cole, Spanel, Cantwell, Grant, Brekke, Peery, Braddock, G. Fisher, Paris, Wineberry, J. Kohl, Orr, Sheldon and Haugen).

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** State and federal laws on the possession of firearms differ in some respects. The federal list of

offenses which disqualify a person from possessing a firearm is more extensive than the state list. Federal law disqualifies persons convicted of any felony. State law disqualifies persons convicted of any class A felony or other felony "crime of violence" or any felony violation of the Uniform Controlled Substances Act. Thus, a given person's criminal record may prevent him or her from possessing a firearm under federal law, when state law would not deny him the possession of a firearm. However, because federal law preempts state law where the two are inconsistent, such a person could not legally possess a firearm.

Even though an individual is prohibited from possessing a pistol under federal law, in some instances the person may still technically be eligible to obtain a concealed pistol permit under state law. This is so because the state permit law denies a permit to anyone ineligible to own a pistol under state law, but does not explicitly prohibit issuance of a permit to an applicant ineligible to possess a weapon under federal law. A permit issued in such a case would be hollow and not allow the permit holder to possess a pistol, concealed or otherwise.

A recent state supreme court decision declared the firearms statute unconstitutional as it applies to the mentally ill. The court found the statute to violate the equal protection clause because it provides a method for criminals to have their firearms rights restored, but does not do so for the mentally ill.

**Summary:** Additional felony crimes are added to the category of offenses that disqualify a person from obtaining a state concealed pistol permit. Those crimes are: assault in the third degree, indecent liberties, malicious mischief in the first degree, possession of stolen property in the first or second degree, and theft in the first or second degree. One year after successful completion of a sentence imposed for violation of one of these new crimes, a person's eligibility for a concealed pistol permit is restored.

Firearm dealers, importers, manufacturers, or others who are convicted of certain federal felonies will not lose their rights to possess firearms under state law. Those felonies include antitrust law violations or other Business Practices Act violations. Such persons who are convicted of other federal felonies will have their rights to possess firearms restored under state law if the secretary of the treasury has found them not to be "likely to act in a manner dangerous to public safety."

A person may not possess any firearm if he or she has been committed by court order for treatment of mental illness under the state's criminal insanity statute or for at least 90 days confinement under the state's Involuntary Treatment Act. At the time of commitment, the court must inform the person, orally and in writing,

that he or she is prohibited from possessing firearms. The secretary of the Department of Social and Health Services must develop rules to create an approval process which allows a person committed for treatment of mental illness or insanity to regain his or her right to possess a firearm. The rules must provide for the immediate restoration of the person's right to possess a firearm upon a court showing that the person no longer is required to: (1) participate in an inpatient or outpatient treatment program and (2) take medication to treat any condition related to the commitment.

Unlawful possession of a firearm by a mentally ill or insane person is a class C felony.

**Votes on Final Passage:**

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

**Effective:** June 11, 1992

**HB 2374**

**PARTIAL VETO**

C 65 L 92

Providing funding for senior volunteer programs.

By Representatives Kremen, Chandler, McLean, Winsley, Basich, Wood, Rayburn, Vance, Mitchell, Betrozoff, Dellwo, Grant, Pruitt, Ebersole, Spanel, Zellinsky, Ballard, Tate, R. King, Peery, Jacobsen, Leonard, Cantwell, Jones, G. Fisher, R. Johnson, Riley, Wang, Moyer, Franklin, Morton, Edmondson, Paris, Roland, J. Kohl, Fuhrman, Ludwig, Bray, Brekke, May, H. Myers, Rasmussen, O'Brien and Sheldon.

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

**Background:** The number of senior citizens is expected to grow dramatically over the next 20 years. Seniors who have spent a lifetime acquiring professional, occupational, and life skills are a valuable resource for society. Current state programs for senior volunteers do not have a statutory framework for distributing funds to retired senior volunteer programs.

**Summary:** The Department of Community Development will distribute appropriated funds to retired senior volunteer programs according to the following formula: 65 percent according to criteria determined by the department, up to 20 percent by competitive grant to establish new or expand existing programs, 10 percent for administration, and up to 5 percent for statewide projects. Priorities for funds include education, tutoring, English as a second language, drug abuse prevention, housing and homelessness, and respite care.

**Votes on Final Passage:**

House 95 0  
 Senate 49 0

**Effective:** June 11, 1992

**Partial Veto Summary:** The governor vetoed a section providing a July 1, 1992 effective date for the Department of Community Development to utilize a funding formula when distributing appropriated funds for retired senior volunteer programs. The veto also removes the requirement that the Department of Community Development implement this legislation promptly. (See VETO MESSAGE)

**ESHB 2389**

C 73 L 92

Changing oil spill prevention and clean-up provisions.

By House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Horn, Valle, Pruitt, Bray, J. Kohl, D. Sommers and Jones).

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

**Background:** In both the 1990 and 1991 sessions, the Legislature passed measures that made significant changes to the state laws relating to oil transportation and storage. The 1991 legislation included a major reorganization of the statutes governing oil spill prevention and response. As a result of these changes, some statutes contain incorrect cross-references.

The 1991 legislation recodified a number of statutory provisions relating to oil spill response. As a result of the recodification, the Department of Ecology lost some of its authority to enforce oil spill prevention and response statutes. The Pollution Control Hearings Board has authority to hear appeals of Department of Ecology decisions in a number of areas relating to enforcement actions.

In 1991, the Office of Marine Safety was established to assume responsibility for prevention and contingency planning on marine waters. The administrator of the Office of Marine Safety is appointed by the governor. It is not clear whether the administrator is subject to Senate confirmation.

The administrator is given authority to appoint personnel as he or she deems necessary. Except for the administrator's confidential secretary, the personnel are subject to the civil service laws. Without a specific authorization, the administrator does not have authority to appoint other exempt staff. The state Personnel Board may, however, authorize additional exempt staff

positions from a pool of exempt positions available to the governor.

The 1991 Legislature imposed a total tax of five cents on each barrel of oil imported into the state at a marine terminal. This tax pays for administration of the oil spill prevention and response planning activities of state agencies and funds a state response fund to pay state expenses in the event of an oil spill. The tax is imposed on the person who owns the oil immediately prior to its transfer to the marine terminal operation. It is the obligation of the marine terminal operator to collect the tax. There is a potential loophole in the collection method. If the marine terminal operator notifies the owner of the oil that the tax is payable, the marine terminal operator is excused from liability for collecting the tax.

The definition of oil for purposes of the tax on oil differs from the definition that is used in other provisions of the 1991 legislation relating to oil spill prevention and response planning. The definition used for regulatory purposes excludes any fraction of crude oil that is also a hazardous substance under federal law. The definition of oil for tax purposes defines oil to include any petroleum product that is usable as a fuel, whether or not it is actually used as a fuel. There are some compounds that are fractions of oil and are listed on the hazardous substance list but are also usable as a fuel.

All oil tankers and barges that enter Washington waters are required to maintain financial responsibility. If a tank vessel is covered by an international protection and indemnity mutual organization, the owner or operator of the vessel is not required to demonstrate financial responsibility.

The Department of Ecology is directed to notify the secretary of state if a facility required to maintain financial responsibility does not do so. The secretary of state is directed to suspend the facility's privilege of operating in the state until financial responsibility is established. The Office of the Secretary of State has stated that it does not have the authority to suspend a business's privilege of conducting business.

The 1991 legislation excluded from the definition of a passenger vessel those vessels under 300 gross tons or under 500 international tons. There is some ambiguity about the vessels that are excluded, because there is no correlation between gross tons and international tons.

The definition of a vessel for purposes of the Maritime Commission assessment is not consistent with the definition used for prevention and contingency planning purposes. The Maritime Commission has authority to impose an assessment on all vessels that transit on Washington waters, with some exceptions. There is no

explicit exclusion for passenger vessels. The definition of a vessel does not include any vessel of less than 300 gross tons. The Maritime Commission may file a contingency plan for passenger vessels and cargo vessels it covers, but not for tank vessels.

The Maritime Commission may increase assessments if it believes the increase is necessary to meet its obligation to maintain a first response system. After the commission adopts an increase, it must be filed with the administrator of the Office of Marine Safety. The administrator may disapprove the increase. The increase may not take effect earlier than 90 days after it is filed with the administrator.

The Office of Archaeology and Historic Preservation has been established within the Department of Community Development to oversee the state's interest in archaeological sites. Some archaeological sites are located on or near navigable waters and might be affected by an oil spill. Consideration of the impact of an oil spill on environmentally sensitive areas must be included in prevention and response plans of those who transport or store oil on or near the navigable waters of the state.

**Summary:** Several incorrect statutory cross-references are corrected, duplicative provisions are removed, and grammar is improved in existing statutes relating to oil spill prevention and response.

The Department of Ecology and the Office of Marine Safety may issue orders to enforce oil spill prevention and response activities. Persons who violate the statutes, orders, or rules are subject to a maximum civil penalty of \$10,000. A penalty or other enforcement action may be appealed to the Pollution Control Hearings Board. A willful violation of a statute, rule, or order is a gross misdemeanor.

The administrator of the Office of Marine Safety is appointed by the governor but is not subject to Senate confirmation.

The administrator of the Office of Marine Safety may appoint up to four exempt staff.

The barrel tax on oil is imposed on the person who owns the oil after it is received at the marine terminal. A person who uses oil other than as a fuel may obtain a credit for any tax paid on that oil.

The administrator may require a tank vessel owner or operator to establish membership in an international protection and indemnity mutual organization.

The direction to the secretary of state to suspend a facility's privilege of operating in this state for failure to maintain financial responsibility is deleted.

The definition of a passenger vessel is made consistent for all statutes governing oil spill prevention and response. A passenger vessel does not include a vessel that is less than 300 gross tons or a vessel with a fuel

capacity of less than 6000 gallons. This definition also applies to the Maritime Commission. For purposes of the Maritime Commission, the change in the definition is retroactive to May 15, 1991.

The Maritime Commission must file a proposed increase in its assessments at least 30 days prior to the date that it will adopt the increase as a final rule. If the administrator determines the increase is not justified, he or she may reject the proposed increase prior to the date scheduled for final adoption of the rule. The Maritime Commission may file a contingency plan for a barge or tanker covered by the commission.

Consideration of archaeological sites is to be included in response plans approved by the Department of Ecology and the Office of Marine Safety and in the rules adopted by those agencies. Rules which have been adopted by these agencies prior to July 1, 1992, do not need to be amended to include these requirements until the rules are reviewed and revised. Plans which are developed under the current rules do not need to be amended to include archaeological information until the plans are updated.

**Votes on Final Passage:**

House	95	0	
Senate	47	0	(Senate amended)
House	96	0	(House concurred)

**Effective:** March 26, 1992  
October 1, 1992 (Sections 6, 7, 9 and 10)

## SHB 2391

C 14 L 92

Regulating biomedical waste.

By House Committee on Environmental Affairs (originally sponsored by Representatives Horn, Rust, Pruitt, Bray, J. Kohl, Brekke, Edmondson, D. Sommers, Valle and May).

House Committee on Environmental Affairs  
Senate Committee on Health & Long-Term Care

**Background:** There are currently no comprehensive state laws governing the definition, handling, storage, or disposal of medical waste.

The Utilities and Transportation Commission (UTC) has adopted rules requiring persons collecting "sharps" waste, which consists of hypodermic needles and scalpels, and untreated biomedical waste, to plan for and implement a number of procedures designed to protect workers from infection. The rules also require sharps waste and untreated biomedical waste to be contained in a way that reduces the risk of disease transmission to

persons who handle the waste. The UTC rules do not impose any such requirements on treated biomedical waste. The UTC rules apply to all private companies that offer the service of collecting biomedical waste.

Some local governments regulate biomedical waste through local ordinances. At least one county, King County, assesses higher landfill charges for biomedical waste to pay for special handling procedures required in King County.

Biomedical waste is typically sterilized through incineration or exposure to heat. Several new technologies are being developed to treat biomedical waste. Operators of a treatment facility to be located in Morton, Washington plan to use microwaves to treat biomedical waste. The state has no procedures to verify the effectiveness of these new technologies.

**Summary:** The term "biomedical waste" is defined. The definition preempts any local definitions of such waste.

The Department of Health, in conjunction with the Department of Ecology and local health jurisdictions, are authorized to develop a process to verify the effectiveness of new technologies to treat biomedical waste.

**Votes on Final Passage:**

House	92	0
Senate	46	0

**Effective:** June 11, 1992  
March 20, 1992 (Sections 2 and 3)  
October 1, 1992 (Section 4)

## SHB 2394

C 93 L 92

Establishing limitations for jurors.

By House Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden and Orr).

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** In a survey by the Office of the Administrator for the Courts a year ago, jurors in 17 superior and limited jurisdiction courts were asked to indicate which aspects of jury service created problems during their term of service. Those aspects of jury service receiving the most responses were: interference with work, loss of income, amount of jury fee, travel for jury service, care of children or dependents, and the length of jury service.

Current law requires jurors to serve for one month, unless the jury term is changed by the court. As compensation, jurors receive a minimum of \$10 and a maximum of \$25 per day, depending on the rate set by

the individual county legislative authority. While most courts currently pay \$10, some pay higher per diem rates, ranging from \$15 to \$25. The current statutory fee range was adopted in 1979.

Witnesses in courts of record receive the same per diem and mileage as superior court jurors. Witnesses in any other court receive the same per diem and mileage as district court jurors.

Under one statute, a general cause for challenge of a potential juror is a felony conviction. Under a different statute, a convicted felon is disqualified to serve as a juror only if his or her civil rights have not been restored.

**Summary:** The existing definition of "jury term" is changed to mean the time, not to exceed one month, during which summoned jurors must be available to report for juror service. A new definition, "juror service," is created, limiting the time a juror must be present at the court facility, and specifying that the time may not extend beyond the jury term and may not exceed two weeks except when necessary to complete an ongoing trial.

Courts are given flexibility, within the limits of these definitions, in establishing the length and number of jury terms in a consecutive 12-month period, and in setting the time of juror service.

A policy statement is added regarding maximizing the availability of state residents for jury service, while minimizing the burden on jurors, their families, and employers.

The county clerk is given flexibility in issuing summons, as long as they are issued at least 30 days in advance of the jury term. However, a current statute, addressing the need for additional jurors when the jurors drawn for a jury term are insufficient, applies when warranted.

Prior jury service during the last two years is removed as a reason for excuse from jury service. If a prospective juror has been excused for one of the allowed reasons, he or she may be reassigned to another jury term, with no need for a second summons.

When the jury source list has been exhausted, a juror who has served during the previous 12 months may be summoned again. Such a juror may be excused only if he or she served at least two weeks of juror service within the preceding 12 months.

Conviction of a felony is deleted as a general juror challenge, but lack of restoration of civil rights following such a conviction continues to disqualify a potential juror.

**Votes on Final Passage:**

House 96 0  
Senate 46 0

**Effective:** June 11, 1992

Revising provisions for the volunteer fire fighters' relief and pension fund.

By Representatives Fraser, Ballard, Wang, Bowman, Carlson, Sheldon, Rasmussen, Casada, J. Kohl and Morton; by request of Board for Volunteer Fire Fighters.

House Committee on Appropriations  
Senate Committee on Ways & Means

**Background:** The Volunteer Fire Fighters' Pension Plan was created in 1945 to provide an incentive to keep volunteer fire fighters active for longer periods of time. Currently, an estimated 12,000 fire fighters participate in the plan. Fees paid by municipalities on behalf of participants have never been increased, and fees paid by members of the pension plan have not increased since 1973. Pension payments to volunteer fire fighters have not increased since 1981.

In the spring of 1991, the Legislature adopted House Bill 1058 concerning the distribution of interest earnings of funds managed by the state treasurer and the state Investment Board. The bill amended the chapter of the Revised Code of Washington dealing with the volunteer fire fighters' pension and relief fund (RCW 41.24.030) but inadvertently deleted a paragraph creating the administrative fund. The administrative fund may be used only after appropriation and only for the operating expenses of the pension and administrative funds.

**Summary:** HB 2398 increases annual contributions to the volunteer fire fighters' pension and relief fund by municipalities and volunteer fire fighters and increases the maximum monthly pension and corresponding smaller pensions paid to retired volunteer fire fighters.

Annual municipal contributions on behalf of members increase from \$10 to \$30. Annual member contributions increase from \$20 to \$30. The formula for determining monthly pensions is revised from \$25 plus \$7 for each annual fee paid to \$25 plus \$8 for each annual fee paid. The maximum monthly pension increases from \$200 to \$225.

The bill also reestablishes the administrative fund.

**Votes on Final Passage:**

House 96 0  
Senate 47 0 (Senate amended)  
House (House refused to concur)  
Senate 46 1 (Senate receded)

**Effective:** July 1, 1992

**HB 2417**

C 148 L 92

Allowing the department of licensing to issue special disabled parking permits and license plates to boarding homes.

By Representatives R. Fisher, Prentice, Bowman and Carlson.

House Committee on Transportation  
Senate Committee on Transportation

**Background:** Special parking privileges are extended not only to the mobility impaired, but also to organizations such as licensed nursing homes, senior centers, public transportation agencies and private non-profit agencies that regularly transport disabled persons. A qualifying organization receives a special parking permit from the Department of Licensing for each vehicle it operates. Organizations operating vehicles under the special disabled parking permit are responsible for any penalties imposed for improper use of the permit.

A licensed boarding home provides board and home care to three or more persons (1) over 65 years old or (2) under 65 years old whose infirmity requires home care.

**Summary:** Licensed boarding homes are added to the list of organizations that qualify for the special disabled parking privilege administered by the Department of Licensing.

**Votes on Final Passage:**

House	93	0
Senate	46	0

**Effective:** June 11, 1992

**HB 2448**

C 170 L 92

Changing pesticide licensing laws.

By Representatives Rayburn, Nealey and Rasmussen; by request of Department of Agriculture.

House Committee on Agriculture & Rural Development

Senate Committee on Agriculture & Water Resources

**Background:** The registration and distribution of pesticides and the offering of technical advice regarding pesticides is regulated under the Pesticide Control Act. The use and the possession for use of pesticides is regulated under the Pesticide Application Act. Both acts require persons to be licensed to perform certain pesticide-related activities.

**Summary: License Terms and Fees:** The following licenses are converted from five-year licenses to annual licenses: pesticide dealer manager licenses, private-commercial applicator licenses, and demonstration and research applicator licenses. Instead of a licensing fee of \$50/five years, the fee for each of these licenses is \$15/year. Licenses issued before the effective date of the act continue in effect until the expiration of their five-year term unless revoked for cause.

The licensing fee for private applicator certification is waived for an individual licensed as a pest control consultant or dealer manager under the Pesticide Control Act. The fee is also waived for those persons who pay other licensing fees under the Pesticide Application Act.

**Structural Pest Inspections:** The activities for which a structural pest control inspector's license is required are altered. Non-commercial activities are no longer exempted. However, inspecting for damage caused by wood-destroying organisms is exempted if the inspections are solely for the purpose of (1) repairing or making specific recommendations for the repair of such damage, or (2) assessing the monetary value of the structure inspected. Activities which must be licensed under a structural pest control inspector's license expressly include inspecting the damage caused by wood-destroying organisms and the conditions conducive to their infestation.

**Other:** The exemption from commercial applicator licensure provided to a farmer who occasionally applies pesticides to the lands of other farmers is amended. A farmer may occasionally apply pesticides without such a license for any other person as long as the application is done without compensation, other than an exchange of services between agricultural producers.

A distinction between a ground-based commercial pesticide operator and an aerial-based commercial pesticide operator is no longer made by statute.

**Votes on Final Passage:**

House	96	0	
Senate	45	0	(Senate amended)
House			(House refused to concur)
Senate	47	1	(Senate receded)

**Effective:** June 11, 1992

**SHB 2457**

PARTIAL VETO

C 151 L 92

Changing restrictions on agricultural nuisances.

By House Committee on Agriculture & Rural Development (originally sponsored by Representatives

## ESHB 2459

Chandler, Rayburn, McLean, Rasmussen, Neher, Nealey, Hochstatter, Lisk, Morton, D. Sommers, Kremen, Ballard, Van Luven, Prentice, R. Johnson, Edmondson and Bray).

House Committee on Agriculture & Rural  
Development

Senate Committee on Agriculture & Water Resources

**Background:** In 1991, the Legislature enacted legislation clarifying the types of agricultural activities that are exempt from control as nuisances.

One section of the bill specified that these exempted activities, which are in conformity with federal, state, and local laws and rules, cannot be restricted as to the time during which they may be conducted. It also stated that the exemption for nuisance control provided by law does not affect or impair a right to sue for damages. The governor vetoed this section of the bill.

Under state law, vehicles traveling on public highways must be constructed or loaded and secured to prevent loss of the load.

**Summary:** An agricultural activity that is in conformity with federal, state and local laws and rules cannot be restricted regarding the hours of the day or day or days of the week during which it may be conducted. The exemption from nuisance control provided by state law for agricultural activities does not affect or impair a right to sue for damages.

The requirement that the loads of vehicles traveling public highways be secured does not apply to waste products falling from vehicles hauling live farm animals when crossing a ferry capable only of transporting fewer than 25 vehicles.

### Votes on Final Passage:

House	95	1	
Senate	44	1	(Senate amended)
House	94	2	(House concurred)

**Effective:** June 11, 1992

**Partial Veto Summary:** The governor vetoed the provisions which provided an exemption from the requirement that vehicle loads be secured. (See VETO MESSAGE)

## ESHB 2459

C 189 L 92

Authorizing additional superior court judges.

By House Committee on Judiciary (originally sponsored by Representatives Appelwick, Sheldon, Scott, Locke, Leonard, Cantwell, R. Johnson, Jacobsen, Paris, Jones, Haugen, Spanel, Sprenkle, J. Kohl, O'Brien, May, Basich and Anderson).

House Committee on Judiciary  
House Committee on Appropriations  
Senate Committee on Ways & Means

**Background:** The Legislature sets by statute the number of superior court judges in each county. Periodically, the Office of the Administrator for the Courts conducts a weighted caseload study to determine the need for additional judges in the various counties.

Retirement system benefits and one-half of the salary of a superior court judge are paid by the state. The other half of the judge's salary and all other costs associated with a judicial position, such as capital and support staff costs, are borne by the county. A statute also requires that the county hire a stenographic court reporter for each superior court judge, although for the last several years new judicial positions have been exempted from this requirement each time they have been created.

In 1991, the Legislature passed SHB 1127 which created new superior court judicial positions in five counties. Those counties were King, Skagit, Snohomish, Mason, and Grays Harbor. However, the legislation contained a "null and void" clause which made its effectiveness dependent upon funding in the state budget. No funding was provided in the 1991 budget for the new positions.

**Summary:** Judicial positions are reauthorized in the five counties in which they were authorized but not funded in 1991.

The numbers of superior court judges in the five counties are increased as follows:

- (1) King County - from 46 to 58;
- (2) Grays Harbor County - from two to three;
- (3) Skagit County - from two to three;
- (4) Snohomish County - from 11 to 13; and,
- (5) Mason County - from one to two.

The 12 new positions in King County may be phased in by the county between July 1, 1992 and July 1, 1996, but no more than two of the new positions may be filled before July 1, 1993. The new positions in Mason County and Skagit County take effect July 1, 1992. The new positions in Grays Harbor County and Snohomish County take effect July 1, 1993.

In each county the positions become effective only if the county legislative authority documents its approval of the positions and agrees to pay the county's share of the costs of the new positions.

The new positions, as well as future new positions authorized by the Legislature, are all exempted from the requirement that a stenographic reporter be provided for each judge.

**Votes on Final Passage:**

House 95 0  
 Senate 45 3 (Senate amended)  
 House 96 0 (House concurred)  
**Effective:** July 1, 1992 (Sections 1, 3 and 5)  
 July 1, 1993 (Sections 2, 4, 6, 7 and 8)

**SHB 2465**

C 68 L 92

Allowing temporary price reductions to promote a telecommunications service.

By House Committee on Energy & Utilities (originally sponsored by Representatives Grant, May, H. Myers, Miller, Paris, Forner and Casada).

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

**Background:** When a business introduces a new service or product, especially one with which the public might not be familiar, the business often temporarily offers the new service or product at reduced prices or perhaps even free. As soon as the product becomes familiar or proves worthwhile, the price rises to a profitable but competitive level.

As a regulated utility, at least in some of their services, telecommunications companies may be precluded by statute from offering new telecommunications services at reduced rates. Applicable statutes are those requiring service to be uniformly offered to all persons and in accordance with existing approved rates - unless filed under a new rate that would presumably be continued for a long time. An exception would have to be added to statutes to enable introductory temporarily reduced pricing.

**Summary:** Telecommunications companies may file a temporary tariff that reduces or totally waives charges for up to 60 days for new or existing subscribers for the following services:

- (1) Custom calling service;
- (2) Second access line; or
- (3) Other services that the Utilities and Transportation Commission (UTC) specifies by rule.

The purpose of this authorization is to introduce and promote new services. The UTC may suspend any promotional tariff that is not among those listed above.

**Votes on Final Passage:**

House 91 3  
 Senate 44 1  
**Effective:** June 11, 1992

**ESHB 2466****PARTIAL VETO**

C 205 L 92

Changing provisions relating to juveniles.

By House Committee on Human Services (originally sponsored by Representatives Ebersole, McLean, Leonard, Padden, Appelwick, Wineberry, Basich, Brumsickle, Ludwig, Lisk, Rayburn, Dellwo, Locke, Pruitt, Neher, R. King, Ogden, Anderson, Franklin, G. Fisher, Bray, Bowman, Edmondson, Moyer, Prentice, Spanel, Dorn, Riley, Silver, Heavey, Mielke, H. Myers, Inslee, Brekke, Chandler, Fuhrman, Jacobsen, Vance, Kremen, Hochstatter, Forner, Brough, Broback, Winsley, Ferguson, Wood, Horn, P. Johnson, Jones, Wang, Haugen, Zellinsky, Carlson, Mitchell, Sprenkle, J. Kohl, Valle, O'Brien, May, Roland, Fraser, Hine, Sheldon, Tate and Rasmussen).

House Committee on Human Services  
 House Committee on Judiciary  
 Senate Committee on Law & Justice

**Background:** The Juvenile Issues Task Force was created by the 1991 Legislature to examine the operation of the 1977 Juvenile Justice Act, the Family Reconciliation Act, 1990 at-risk youth legislation and related issues. The task force was also charged with making recommendations to the Legislature. It held 18 public hearings around the state to solicit public input. The task force divided its work into three substantive areas: juvenile offenders, families at risk, and involuntary commitment and treatment. In addition to its substantive recommendations, the task force is recommending that it continue for an additional year.

**Summary:** Juvenile Offenders: The intent and purpose of the state's Juvenile Justice Act is clarified to emphasize that all the purposes of the act are equally important policies.

The definitions of confinement and community supervision are expanded to provide greater flexibility in sentencing options available to judges. The standard sentencing range for community supervision for all non-committable youth is 0 to 12 months. Court ordered foster care or group care must be county funded. The standard sentencing ranges for confinement of middle offenders is modified.

Counties will develop and apply detention intake standards and risk assessment standards to determine the need for detention.

Counties may operate youth offender discipline programs for juvenile offenders. The court is required to consult with the parents, guardian, or custodian of a juvenile offender before disposition of the juvenile's

case. Parents are liable for damage caused by their child in the amount of \$5,000 instead of \$3,000.

Diversion agreements may not exceed six months unless an extension is necessary for purposes of restitution. Law enforcement officials or entities do not qualify as diversion units. Diversion is not allowed when a juvenile has previously been committed to a Division of Juvenile Rehabilitation facility, has three previous diversions, or is accused of a class A felony, a class B felony, or a class C felony that is a crime against a person. Diversion units must: (1) notify victims of crimes against persons or victims whose property has not been recovered of a diversion; (2) notify such victims how to contact the diversion unit; (3) consult with any victims that contact the unit when assessing the appropriate community service and restitution; and (4) provide qualified interpreters when necessary. Juvenile offenders may be referred to mediation or victim offender reconciliation programs. Diversion agreements may require attendance at up to 10 hours of counseling and/or up to 20 hours of educational programs. Diversion units may refer a juvenile to local treatment programs. In the event of noncompliance with a diversion agreement, the unit is to consult with the prosecuting attorney on the appropriate response.

The administrator for the courts will develop a curriculum, to be updated yearly, for court personnel and service providers about child development, placement, and treatment resources and about relevant statutes, court rules, and case law.

School districts may exchange information with law enforcement and juvenile court officials to the extent permitted by federal law.

The Department of Social and Health Services will collect data to determine the disproportionate impact of this legislation.

The Juvenile Disposition Standards Commission must make disposition recommendations to the Legislature every other year.

**Families at Risk:** Schools are required to notify parents after one unexcused absence, and schedule a conference with the parents after two unexcused absences. After five or more unexcused absences, the school may file a truancy petition. Schools will annually notify parents and children of truancy laws. The courts may order alternatives to detention if a child fails to obey a court order to return to school. The Superintendent of Public Instruction will issue annual reports to the Legislature on school enforcement efforts.

The Department of Social and Health Services will operate or contract to operate a minimum of 38 crisis residential centers (CRCs). A child will not remain in a CRC longer than five consecutive days from the date of intake. Only a family reconciliation services supervisor

may authorize placement of a child in a CRC. The minimum staffing ratio in regional CRCs is lowered to one staff person per three children.

Children who are inappropriately housed in CRCs will, to the extent possible, be transferred to residential and treatment services designed to meet their specific needs.

The Department of Social and Health Services will discontinue the practice of having social workers in the Division of Children and Family Reconciliation Services Program also perform non-related staff functions, except in rural offices where it proves impractical.

A planning, allocation, and service system for at-risk youth, runaways, and families in conflict will be developed by the Joint Select Legislative Committee on Juvenile Issues.

**Involuntary Treatment and Commitment:** The purpose of the involuntary treatment statute is clarified to ensure that a continuum of culturally-relevant services are available to both the patients and their families and to ensure that voluntary services are given the highest priority. Additionally, all divisions of the Department of Social and Health Services are required to jointly plan and deliver mental health services to all youth in out-of-home placements.

The Department of Social and Health Services is directed to design and implement the department's services and programs to maximize the state's allocation of federal funds. The department is also directed to encourage the development and expansion of evaluation and treatment facilities by redirecting federal Title XIX funds which are used for out-of-state placements to fund placements within the state.

When a youth is not detained for involuntary treatment, the county-designated mental health professionals (CDMHP) and county-designated chemical dependency specialists (CDCDS) are required to: (1) inform the parents of their right to file an at-risk youth petition or an alternative residential placement petition; (2) write a report detailing the reasons a commitment was not authorized; and (3) refer the parents to any other available services.

**Continuation of Juvenile Issues Study:** The task force is changed to a joint select legislative committee and is extended for one year. The final report on the DSHS study of racial disproportionality will be submitted by December 1, 1992.

**Votes on Final Passage:**

House	96	0	
Senate	43	5	(Senate amended)
House	97	0	(House concurred)

**Effective:** June 11, 1992

**Partial Veto Summary:** The governor vetoed the authorization for counties to hold alleged juvenile of-

fenders in foster or group homes, or under home electronic detention in lieu of secure detention. A judge's ability to sentence juvenile offenders to alcohol or drug treatment was deleted. Judicial discretion in sentencing juvenile offenders within broader ranges and language authorizing counties to operate youthful offender discipline programs were also vetoed. The governor removed language giving the Department of Social and Health Services two additional days to attempt family reconciliation before filing a court petition to place a child out of their home. Language requiring the department to organize specially trained staff units to work with adolescents in conflict with their parents was vetoed. The governor vetoed language requiring family reconciliation services supervisors to control all placements in crisis residential centers, and work closely with law enforcement regarding runaway youth. Language modifying the staffing levels in crisis residential centers was also removed. The governor vetoed a provision requiring the department to maximize available federal funding for specific children's programs. A parent's right to receive a written explanation why their child was denied alcohol, drug, or mental health treatment was also vetoed. The governor vetoed the requirement that the department monitor disparity in the juvenile justice system. He also vetoed the delayed effective date contained in the legislation. (See VETO MESSAGE)

**ESHB 2470**  
**PARTIAL VETO**  
 C 232 L 92

Making supplemental appropriations.

By House Committee on Appropriations (originally sponsored by Representatives Locke, Silver, Spanel and Inslee; by request of Governor Gardner).

House Committee on Appropriations  
 Senate Committee on Ways & Means

**Background:** The state government operates on the basis of a fiscal biennium that begins on July 1 of each odd-numbered year. A biennial operating budget was enacted in the 1991 special legislative session.

**Summary:** The 1991-93 operating budget is modified.

**Votes on Final Passage:**

House 56 41  
 Senate 25 23 (Senate amended)  
 House (House refused to concur)

**Conference Committee**

Senate 30 18  
 House 56 41

**Effective:** April 2, 1992

**Partial Veto Summary:** See "Operating Budget - Summary" for impact of partial veto. (See VETO MESSAGE)

**SHB 2479**

C 138 L 92

Making medicare supplemental insurance conform to federal law.

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives R. Johnson, Broback, Dellwo, Paris, Ferguson, Winsley and Franklin; by request of Insurance Commissioner).

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

**Background:** The federal Omnibus Budget Reconciliation Act of 1990 (OBRA) contained provisions regulating Medicare supplemental health insurance. OBRA required states to adopt regulations conforming to federal requirements or risk federal regulation of Medicare supplement policies in the non-conforming state. The Health Care Financing Administration has issued guidelines for implementation of these federal Medicare supplement standards and state law must be amended accordingly.

**Summary:** The state Medicare Supplemental Health Insurance Act is amended to conform to federal guidelines and amended to bring all issuers of such coverage under the same rules. Among the changes are the following: definitions are amended; the use of "usual, customary, and reasonable" as standards for judging the appropriateness of treatment for benefit payments is prohibited; loss ratio limits are increased; required insurer disclosures to consumers are changed; and health care service contracts, health maintenance agreements and rates for coverage must be filed with the Insurance Commission for approval prior to their use.

**Votes on Final Passage:**

House 98 0  
 Senate 49 0

**Effective:** June 11, 1992

ESHB 2490

C 75 L 92

Making escape from community placement or supervision a class C felony.

By House Committee on Judiciary (originally sponsored by Representatives Padden, Morris, D. Sommers, Hochstatter, Forner, Brough, Broback, Silver, Fuhrman, Horn, P. Johnson, Bowman, Wynne, Morton, Carlson, Chandler, Mitchell and Tate).

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

**Background:** An offender who is released from prison may be charged with escape if the offender is in "community custody" and "wilfully fails to comply with any one or more of the controls placed on the inmate's movements by the Department of Corrections." The offense is a class C felony.

The crime of escaping from community custody is an "unranked" offense which means the presumptive sentencing range is up to one year in jail. The presumptive sentence for a "ranked" felony is determined by the ranking level of the crime and the number of criminal history points the offender has previously accumulated. When calculating offender points for similar escape-related offenses, such as willful failure to return from furlough or work release, the offender gets points only if the offender has previous escape offenses.

When the court sentences an offender convicted of a sex offense or a serious violent offender to the department, the court must impose a term of community placement upon release. The court must impose a variety of conditions unless the court waives those conditions. In addition, the court may impose special conditions. One special condition a court may impose on a sex offender is that the offender obtain the department's prior approval of the offender's residence location and living arrangements. The provision is not mandatory and does not apply to serious violent offenders.

**Summary:** The definition of escape is changed to mean that the inmate willfully discontinues making himself or herself available to the Department of Corrections for supervision by making his or her whereabouts unknown or by failing to maintain contact with the department as directed by the community corrections officer. The crime is ranked at seriousness level two, which carries a presumptive sentence of 0-90 days in jail for a first-time offender. Only prior escape convictions are counted as criminal history in calculating offender points for an offender's second or subsequent

escape conviction. A number of technical changes are made as needed in the Sentencing Reform Act.

The court must require that sex and serious violent offenders obtain the department's approval of the offender's living arrangements and residence location during any period of community placement.

**Votes on Final Passage:**

House 98 0  
Senate 49 0

**Effective:** June 11, 1992

SHB 2495

C 161 L 92

Concerning rural public hospital districts.

By House Committee on Local Government (originally sponsored by Representatives Rayburn, Moyer, Haugen, Sheldon, Paris and Wynne).

House Committee on Local Government  
Senate Committee on Health & Long-Term Care

**Background:** The Interlocal Agreement Act allows public agencies to enter into agreements with one another for joint or cooperative action. Any powers, privileges, or authority held by a public agency may be exercised jointly with any other public agency having the same power, privilege, or authority.

A "public agency" includes any agency, political subdivision, or unit of local government in this state including, but not limited to municipal corporations, quasi municipal corporations, special purpose districts, and local service districts, as well as any state agency, federal agency, Indian tribe recognized by the federal government, and political subdivision of another state. Public hospital districts are included within this definition.

Concerns have been expressed that public hospital districts are susceptible to antitrust challenges if they enter into interlocal agreements. Proponents of such agreements assert that competition among hospitals, particularly in rural areas, is not cost-effective, practical, or desirable in providing quality health care to people in these areas. It has been suggested that more interlocal agreements between rural public hospital districts would be created if there was a clear statement in statute encouraging these agreements.

Interlocal agreements must be filed with the city clerk, county auditor, and the secretary of state before they take effect. It has been suggested that filing interlocal agreements with the city clerk is unnecessary since they are filed with the county auditor.

Public agencies that participate in interlocal agreements may supply personnel and services to the joint

## SHB 2498

## PARTIAL VETO

C 197 L 92

undertaking, but are not specifically authorized to provide property to the joint undertaking.

If a proposed interlocal agreement deals with services or facilities over which a state agency or officer has control, then the proposed agreement must be submitted to the state agency or officer for approval. No time limit is specified in statute for the state agency or officer to respond to the proposed agreement.

Public agencies must specify the precise organization of any separate legal entity created by an interlocal agreement. This entity may include a nonprofit organization whose membership is limited to the participating public agencies. Partnerships are not authorized to be formed in an interlocal agreement.

**Summary:** Rural public hospital districts are expressly authorized to enter into interlocal agreements and contracts with other rural public hospital districts to provide for health care needs of the people served in the districts. A rural public hospital district is defined as a public hospital district that does not include a city with a population of greater than 30,000 within its geographic boundaries.

Interlocal agreements and contracts between rural public hospital districts may include provisions for the: allocation of health care services among different facilities owned and operated by the districts; combined purchases and allocations of medical equipment and technologies; joint contracts for health care service delivery and payment with public and private entities; and other cooperative arrangements. All cooperative agreements and contracts are subject to the provisions of the Interlocal Cooperation Act.

Interlocal agreements no longer have to be filed with the city clerk.

Proposed interlocal agreements submitted to state officers or state agencies for approval are deemed approved if the officer or agency does not approve or disapprove of the proposed agreement within 90 days of its receipt.

Public agencies entering into interlocal agreements may supply property, as well as personnel and services to the joint undertaking.

Public agencies may, in an interlocal agreements, form partnerships comprised of participating public agencies.

**Votes on Final Passage:**

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

**Effective:** June 11, 1992

Regarding regulatory fairness.

By House Committee on Appropriations (originally sponsored by Representatives Ludwig, Forner, Cantwell, Sheldon, Dellwo, Bray, Roland, Rasmussen, Moyer, Rayburn, Grant, H. Myers, Paris, Riley, Edmondson, Kremen, Ferguson, Winsley, Wineberry, Jones, Dorn, Franklin, Ebersole, Bowman, May, Heavey, Ogden, Cooper, Pruitt, O'Brien, Hine, Nelson and P. Johnson).

House Committee on Appropriations  
Senate Committee on Commerce & Labor  
Senate Committee on Ways & Means

**Background:** There are three primary statutory provisions that govern agency rule-making: (1) the Administrative Procedures Act; (2) the Regulatory Fairness Act; and (3) the statute creating the Joint Administrative Rules Review Committee.

The Administrative Procedures Act (APA) describes procedures that state agencies must follow as they carry out their duties. Part three of the APA establishes rule-making procedures. State agencies are encouraged to seek input from the public, including businesses, on a subject under consideration by the agency for possible rule-making activity. Each agency must designate a rules coordinator who has knowledge of proposed rules and can respond to public inquiries. An agency must conduct a public hearing on all proposed rules.

The Regulatory Fairness Act provides that state agency rules affecting the business community must not place a proportionately higher burden on small businesses. When a proposed rule being considered for adoption by a state agency has an economic impact on more than 20 percent of all industries or more than 10 percent of any one industry, the adopting agency must reduce the economic impact of the rule on small businesses. The agency can accomplish this by simplifying compliance or reporting requirements for small businesses, establishing different timetables for small businesses, or exempting small businesses from some or all requirements of the rule.

The state agency must also prepare a small business economic impact statement and review its rules affecting small businesses. The small business economic impact statement analyzes the costs to small businesses of compliance with the proposed rule. The Business Assistance Center (BAC), in the Department of Trade and Economic Development, may help agencies prepare small business economic impact statements.

The Joint Administrative Rules Review Committee (JARRC) conducts legislative review of agency rules. JARRC is comprised of four senators and four representatives. The committee may review agency rules for compliance with legislative intent. If an agency fails to rectify a JARRC identified departure from legislative intent, the committee may recommend that the governor suspend the rule or that the Legislature repeal or amend authorizing legislation regarding the particular rule.

**Summary:** Upon the request of the BAC, the rules coordinator of an agency is required to provide the BAC with information on state rules that apply to specific types of businesses identified in the request.

State agencies must provide small businesses with notice of a proposed rule when a small business economic impact statement is required. Notice can be given by direct notification of known interested small businesses or trade organizations, or by notification in a publication likely to be read by affected small businesses. An agency may appoint a committee to comment on the proposed rule.

If applicable, the official notice of a proposed rule must contain a statement of steps taken to comply with the Regulatory Fairness Act.

If funds are appropriated for that purpose, the BAC must study how it can best serve as a clearinghouse to compile and provide lists of state rules that apply to specific classes or lines of small businesses. The state is not liable for any errors or omissions regarding provision of the information on agency rules to businesses by the BAC.

The Joint Administrative Rules Review Committee may review any rule for compliance with the Regulatory Fairness Act. The committee may review small business economic impact statements required under the Regulatory Fairness Act.

**Votes on Final Passage:**

House	98	0	
Senate	48	1	(Senate amended)
House			(House refused to concur)
Senate	45	1	(Senate amended)
House	96	0	(House concurred)

**Effective:** June 11, 1992

**Partial Veto Summary:** The provision precluding state liability for errors or omissions when the Business Assistance Center gives businesses information under this act on agency rules or regulations is removed. (See VETO MESSAGE)

Authorizing landlords' claims on tenants' property.

By House Committee on Housing (originally sponsored by Representatives Wineberry, Ballard, Ogden, Mitchell, P. Johnson, Franklin, D. Sommers, Winsley, Paris, Van Luven, Bowman, Brough and Wynne).

House Committee on Housing  
Senate Committee on Law & Justice

**Background:** All moneys, negotiable instruments, securities, or other tangible or intangible property that is furnished in exchange, or linked to the illegal exchange of a controlled substance, is subject to seizure by law enforcement officers or authorized inspectors. All property rights in items seized in this manner are forfeited by the owner.

When property is seized and forfeited, the law enforcement agency that seized the property may retain it for official use or may sell it if it is not required to be destroyed by law and is not harmful to the public. The proceeds from the sale of all forfeited property, and all moneys that are forfeited, must be used for paying the expenses of conducting the investigation leading to the seizure; the expenses of the proceedings for forfeiture and sale; the expenses of seizure, maintenance of custody, and advertising; the costs of the prosecuting attorney; and court costs.

If there is any money remaining after the expenses associated with the seizure are paid, and the property that was forfeited was personal property, then 75 percent of the proceeds are deposited into the general fund of the seizing agency and 25 percent of the proceeds are deposited into the state public safety and education account.

The money deposited into the general fund of the seizing agency may only be used for the expansion or improvement of law enforcement services, which includes the creation of reward funds to help in the conviction of people who violate controlled substances laws. Money deposited into the public safety and education account is used for traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, winter recreation parking, and the state game program.

In the case of proceeds from the sale of real property, the money is split between the seizing agency and the state drug enforcement and education account.

If the forfeited property is subject to a valid security interest, and the secured party was unaware of the illegal activity when the security interest was created, then

the forfeited property is still subject to the security interest.

Sometimes a landlord's property may be damaged during a drug enforcement action against a tenant.

**Summary:** The procedures for distributing proceeds from forfeited property in drug cases are modified. Ten percent of the net proceeds derived from forfeited personal or real property in drug cases must be remitted to the state's drug enforcement and education account. The seizing law enforcement agency retains the remainder of the net proceeds for the expansion and improvement of law enforcement activity related to controlled substances. The deductions for investigation-related expenses are deleted. Quarterly reports on forfeited property are required from seizing law enforcement agencies.

A forfeiture of money, negotiable instruments, securities, or other tangible or intangible property is subject to a claim by a landlord for damage to the property directly caused by a law enforcement officer while searching a tenant's property. The claim by the landlord must be filed with the local government within 30 days after the seizure.

The landlord cannot recover on a claim for property damage if the landlord knew about the illegal drug activity by the tenant. The landlord must first use the tenant's damage deposit to repair any damage caused by the tenant before asserting a claim against the seized property.

**Votes on Final Passage:**

House	96	0	
Senate	48	1	(Senate amended)
House			(House refused to concur)
Senate	49	0	(Senate amended)
House	97	0	(House concurred)

**Effective:** June 11, 1992

## SHB 2502

C 71 L 92

Changing provisions relating to organic agricultural products.

By House Committee on Agriculture & Rural Development (originally sponsored by Representatives R. Johnson, Chandler, McLean, Rayburn, Miller, Paris, Lisk, Spanel, Rasmussen and P. Johnson; by request of Department of Agriculture).

House Committee on Agriculture & Rural Development

Senate Committee on Agriculture & Water Resources

**Background:** The state's organic food laws prohibit a producer or vendor from selling or offering for sale any

food product as an organic food product if the producer or vendor knows, or has reason to know, that the food was produced with: any fertilizers other than manure or other natural fertilizers; certain substances manufactured by humans; or similar substances identified by the director of the Department of Agriculture by rule. Prohibited pesticides must not have been used in the production of an organic food product for three years before the harvest of the product and prohibited fertilizers must not have been used for two years before that harvest. Other products that have had no applications of prohibited substances within one year before harvest may be labeled as being in their first or second year of transition to organic.

Producers must provide documentation to vendors when selling products represented as being organically produced. Organic products from outside the state must be accompanied by a certificate from the state of origin indicating that the products satisfy Washington standards. The Department of Agriculture is authorized to establish a certification program for producers and processors of organic and transition to organic products on a fee-for-service basis.

The federal Organic Foods Production Act of 1990 established national standards for organically produced foods which take effect October 1, 1993.

**Summary:** The state's organic food laws are made applicable to any agricultural product which is organically produced, not just food products.

**Regulated Activities:** To be labeled, sold, or represented as an organic agricultural product, the product must be produced only with materials approved under the organic food laws. It is unlawful for a person to sell, offer for sale or process an agricultural product with an organic label unless the person is certified by the Department of Agriculture or a certifying agent recognized by the director. This certification requirement does not apply to final retailers who do not process organic food products or to producers whose annual sales of the products directly to consumers are no more than \$5,000. The state's Certification Program is expanded to include the certification of vendors.

The standard for a "knowing" violation of the organic food laws is amended. Under the law prior to the amendment, if a vendor knew, or "had reason to know" that a food product the vendor was selling as organic was produced in violation of the organic food laws, the vendor was selling the product in violation of those laws. Under the amendment, the "has reason to know" standard no longer applies to sales by vendors.

**Labeling:** Organic agricultural products must be labeled as being organic on all invoices, boxes, bins, and other packing and documentation for the product. All such products sold or processed in this state must have

## HB 2514

recordkeeping which permits tracking the product to the farm on which it was produced. "Transition to organic" products no longer have to identify whether they are in the first or second year of the transition.

A producer cannot sell an organic product to a processor unless the producer provides the processor a sworn statement that the product was grown or raised in conformity with the organic food laws. Organic certification for out-of-state products need not be made by the product's state of origin. The certification may be made by a certifying agent recognized by the director by rule. The director may deny, suspend, or revoke any organic certification if the director determines that an applicant or certified person has violated the organic food laws or rules.

**Standards:** General guidance is provided for identifying when animal products may be considered to be organic food products. The number of years during which any organic product must be produced without the use of a prohibited fertilizer is expanded from two to three years. Standards are established that must be used by the director to identify by rule the substances that may and may not be used in the production, processing, and handling - including sale - of organic products. Prohibited substances are no longer listed by statute.

**Drift:** If a product otherwise produced under the organic food laws is subjected to a drift of unapproved materials, the product cannot be labeled, represented or sold as organic during the course of the crop year of the drift. In the subsequent crop year, the product may regain its status as being organic if any residues of unapproved substances are not more than 5 percent of the Environmental Protection Agency's tolerance levels for the substances or, if there are no tolerance levels, 5 percent of the Food and Drug Administration's action level.

**Exemption from Disclosure:** The department must keep confidential any business-related information provided under the organic food laws. However, applications for certification and laboratory analyses are available for public inspection.

**Votes on Final Passage:**

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

**Effective:** June 11, 1992

## HB 2514

C 187 L 92

Modifying for the purposes of senior citizen property tax relief the calculation of combined disposable income for persons whose spouse has recently died.

By Representatives Wynne, Wang, Belcher, Brumsickle, Fraser, P. Johnson, G. Cole, Ballard, Rayburn, Horn, O'Brien, D. Sommers, Rust, Miller, Morton, Morris, Mitchell, Ferguson, Wood, Riley, Wilson, Basich, Forner, Hargrove, Silver, Heavey, Chandler, Broback, Moyer, Schmidt, Carlson, Vance, Van Luven, Zellinsky, Hine, Tate, Dellwo, Betrozoff, Haugen, Paris, Winsley, Lisk, Bowman, Orr, May, Brough, J. Kohl, Kremen, Ludwig, Roland, Pruitt, Spanel, Casada and Rasmussen.

House Committee on Revenue  
Senate Committee on Ways & Means

**Background:** Qualifying senior citizens and retired disabled persons are entitled to a partial property tax exemption on their principal residence. To qualify, a person must be 61 in the year of application, or retired from employment because of a physical disability. In addition, the disposable income of the applicant's household must be below \$26,000 a year.

Disposable income is the sum of federally defined adjusted gross income and the following, if not already included: capital gains, deductions for loss, depreciation, pensions and annuities, military pay and benefits, veterans benefits, social security benefits, dividends, and interest income. The income of a spouse and cotenants with an ownership interest in the residence is included in disposable income.

If a person was retired for less than the entire year, but for at least two months, then an annual disposable income is calculated only from the retirement income.

**Summary:** The calculation of retirement income is changed for persons whose retirement income is reduced when their spouse dies. If the income is reduced for at least two months, then annual disposable income is calculated only from the retirement income after the death of the spouse.

**Votes on Final Passage:**

House	96	0	
Senate	46	0	(Senate amended)
House			(House refused to concur)
Senate	45	1	(Senate receded)

**Effective:** June 11, 1992

## HB 2516

C 77 L 92

Prohibiting unlawful conduct in transit stations.

By Representatives Cooper, H. Myers, Morris, Prince, G. Fisher, Riley and Paris.

House Committee on Transportation  
Senate Committee on Transportation

**Background:** Persons riding municipal transit vehicles are prohibited from smoking, littering, spitting, playing loud music, carrying explosives or flammable liquids, or intentionally disturbing others by engaging in loud or unruly behavior. Violation of this statute is punishable as a misdemeanor.

**Summary:** Persons riding in municipal transit vehicles or waiting for transportation at a municipal transit station are guilty of unlawful bus conduct if they litter, spit, play loud music, carry explosives or flammable liquids, or intentionally disturb others by engaging in loud or unruly behavior. Violation of this statute is punishable as a misdemeanor.

Persons who smoke at transit stations may not be cited for unlawful bus conduct.

**Votes on Final Passage:**

House	96	0
Senate	44	0

**Effective:** June 11, 1992

**ESHB 2518**

C 159 L 92

Changing provisions for educational employees.

By House Committee on Education (originally sponsored by Representatives Peery, Vance, Brumsickle, D. Sommers, Winsley, Van Luven, Bowman, Broback, Wood, Wynne, Mitchell and H. Myers; by request of Superintendent of Public Instruction and Board of Education).

House Committee on Education  
 House Committee on Appropriations  
 Senate Committee on Education

**Background:** Record Checks: Under current law, a background check through the Washington State Patrol Criminal Identification System is required when a person applies to the Superintendent of Public Instruction (SPI) for an initial certificate to be a school teacher, administrator, or educational staff associate. In addition, school districts may request a State Patrol background check when applicants apply for classified and certificated positions. However, school districts are not required by law to do background checks.

To obtain positive identification when doing background checks, fingerprints are needed. School districts may require that fingerprints be submitted, but the law is unclear as to whether SPI can request fingerprints when background checks are done during the certification process.

Information included in the State Patrol identification system is limited to convictions and information concerning illegal activities in Washington State. To

obtain information regarding out-of-state criminal activity, a Federal Bureau of Investigation check is required.

SPI Investigation of Complaints: Under state law, SPI is permitted to revoke or suspend a certificate or permit only upon complaint of a school district superintendent or an educational service district superintendent. Further, in the absence of such a complaint, SPI lacks express authority to investigate an alleged violation of the certification statutes or rules even where SPI has reason to believe a violation has occurred. A complaint by a private school administrator is also insufficient, even though approved private schools have certificated personnel.

SPI Subpoena Power: In contrast to numerous other state licensing entities, when investigating a complaint, SPI currently does not have the power to administer oaths and affirmations, subpoena and compel the attendance of witnesses, take evidence, and require the production of relevant documents.

**Summary:** Record Checks: School districts, educational service districts, and their contractors shall require a record check through the state patrol criminal identification system and through the Federal Bureau of Investigation prior to hiring an employee. For contractors, however, only employees who have regularly scheduled unsupervised access to children are required to have record checks. The record check shall include a fingerprint check. Applicants may be employed on a conditional basis pending completion of the investigation.

If the applicant has had a record check within the previous two years, the district or contractor may waive the requirement. The district and contractor hiring the employee or using volunteers determine who pays the costs associated with the record check.

Current law requiring a mandatory background check of persons applying for an education certificate is amended to require that fingerprints be used, and that the record check also include information from the Federal Bureau of Investigation identification system. The requirement may be waived if a check has been done within the previous two years.

The State Patrol is authorized to charge school districts and educational service districts for record checks when fingerprints are submitted. A revolving fund is created for these funds.

The State Patrol and FBI are prohibited from keeping the fingerprints on file.

Complaint: Existing state law is amended to authorize revocation or suspension of a certificate or permit upon complaint of a private school administrator.

Investigation: In the absence of a complaint and under certain circumstances, SPI is authorized to investi-

## HB 2543

gate an alleged violation of state statutes and rules concerning certification. If the specified requirements are met, SPI can investigate not only the alleged violation, but other matters that may be disclosed in the course of the investigation as well.

**SPI Subpoena Power:** The SPI is empowered to administer oaths and affirmations, subpoena and compel the attendance of witnesses, take evidence, and require the production of relevant documents.

If a person fails to obey a subpoena or refuses to give evidence, a court with jurisdiction is permitted to issue a show cause order. Failure to obey a court order may be punishable as contempt.

### Votes on Final Passage:

House	98	0	
Senate	48	0	(Senate amended)
House	92	0	(House concurred)

**Effective:** June 11, 1992

## HB 2543

C 15 L 92

Reorganizing the recreational boating code.

By Representative Beck.

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

**Background:** The state's boating safety laws are contained in 40 sections found in seven different chapters of the Washington code.

**Summary:** The boating safety statutes are moved to the chapter of the code regulating motor boats and recodified under this chapter.

### Votes on Final Passage:

House	97	0	
Senate	45	0	

**Effective:** June 11, 1992

## SHB 2551

C 180 L 92

Changing provisions relating to special educational services demonstration projects.

By House Committee on Education (originally sponsored by Representatives H. Sommers, Peery, Brough and Valle).

House Committee on Education  
House Committee on Appropriations  
Senate Committee on Education

**Background:** In 1991, legislation was passed (ESHB 1329) that authorized school district demonstration projects intended to promote the blending of funds to improve the provision of services to students who qualify for learning disabled, bilingual, learning assistance and other categorical funds. The legislation also was intended to reduce the need to complete lengthy assessments of students before they qualify as learning disabled in special education, and to reduce the number of students labeled as special education students.

One problem with not categorizing or "labeling" students is determining the amount of categorical funds that should be allocated to school districts for these students. The 1991 legislation provided that the allocation for learning disabled students be based on an average of the previous three years. Under this formula, if projects do result in less labeling, state handicapped allocations to school districts would be reduced over time. The intent of the original legislation was to be revenue neutral and not penalize schools for labeling fewer students.

**Summary:** Language is added to clarify that the intent of the Special Education Services Demonstration projects is to discourage unnecessary labeling of students while still providing state funding for needed services.

Provisions are modified regarding state handicapped funding for projects participating in the special education services demonstration projects. The use of a three-year rolling average for new projects is eliminated, but may be used for projects approved on or before January 31, 1992. In addition, provisions are added that allow school districts that have projects designed to reduce unnecessary labeling of students as handicapped to use prior handicapped enrollments as the basis for funding during, and two years after, the project.

This act expires January 1, 1996.

### Votes on Final Passage:

House	94	0	
Senate	47	2	(Senate amended)
House	97	0	(House concurred)

**Effective:** April 1, 1992

## ESHB 2552

PARTIAL VETO

C 233 L 92

Adopting the supplemental capital budget.

By House Committee on Capital Facilities & Financing (originally sponsored by Representatives H. Sommers, Schmidt, Rasmussen, Neher, Dellwo and Jacobsen; by request of Governor Gardner).

House Committee on Capital Facilities & Financing

Senate Committee on Ways & Means

**Background:** Every two years the Legislature adopts a biennial capital budget authorizing the expenditure of state money for capital purposes. In the intervening years the Legislature adopts a supplemental budget to make changes or corrections to the biennial budget or to authorize additional capital projects. Included in the capital budget are moneys for remodeling and construction of public schools, institutions of higher education, parks and green spaces, and office buildings.

**Summary:** The bill includes new capital appropriations and amends the 1991-93 omnibus capital appropriations budget. See "Capital Budget Summary" for list of projects and specific appropriations.

**Votes on Final Passage:**

House	69	27	
Senate	37	11	(Senate amended)
House			(House refused to concur)

Conference Committee

Senate	39	9
House	61	36

**Effective:** April 2, 1992

**Partial Veto Summary:** See "Capital Budget - Summary" for impact of partial veto. (See VETO MESSAGE)

**ESHB 2553**  
PARTIAL VETO  
C 166 L 92

Adopting the 1992 supplemental transportation budget.

By House Committee on Transportation (originally sponsored by Representatives R. Fisher, Betzoff, R. Meyers and Dellwo; by request of Governor Gardner).

House Committee on Transportation  
Senate Committee on Transportation

**Background:** Appropriation authority is required for the expenditure of state funds. State government operates on the basis of a fiscal biennium that begins on July 1 of each odd-numbered year. A biennial budget was enacted during the 1991 legislative session.

**Summary:** A \$142 million budget appropriation is made for transportation agencies of which \$118 million is from the motor vehicle fund-federal and other funds. The \$33 million appropriation for the Washington State Patrol headquarters facility is eliminated.

Additional funding is provided for the Federal Interstate Program and Federal Demonstration projects iden-

tified in the Intermodal Surface Transportation Efficiency Act of 1991.

**Votes on Final Passage:**

House	97	0	
Senate	41	6	(Senate amended)
House			(House refused to concur)

Conference Committee

Senate	44	5
House	95	2

**Effective:** April 1, 1992

**Partial Veto Summary:** Three items were vetoed by the governor: (1) the requirement that the Department of Transportation adhere to the 1987 federal delineation of wetlands for mitigation purposes; (2) a \$100,000 appropriation and proviso to fund a study of the interrelationship between land use planning and zoning and transit ridership; and (3) a requirement that the Office of Financial Management conduct a study of the methods used by revolving fund agencies to charge for services provided to transportation agencies. (See VETO MESSAGE)

**HB 2554**  
C 5 L 92

Regarding sale of erotic sound recordings to minors.

By Representatives R. King, Padden, Scott, Casada, Paris, Pruitt, Brough, Belcher, Rasmussen and Nealey.

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** The sale, distribution or exhibition of "erotic material" to minors is generally prohibited. Under current law, however, only visual material, including printed material, is explicitly affected by this prohibition. Recently concern has been expressed about the availability to minors of erotic sound recordings.

"Erotic material" as currently defined means printed material, photographs, pictures, motion pictures or other material the dominant theme of which taken as a whole appeals to the prurient interest of minors in sex, and which is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters or sadomasochistic abuse, and which is utterly without redeeming social value.

Following notice to a dealer, distributor, or exhibitor, a county prosecuting attorney may seek a judicial determination that the material is erotic. If the material is found to be erotic, it must be labelled "adults only" and may not be displayed or sold in a manner that makes the material readily accessible to minors. Failure to

## SHB 2555

comply with these labelling and display provisions subjects the dealer, distributor, or exhibitor to contempt. Actually selling, distributing, or exhibiting such material to a minor is a crime. A first offense carries a maximum fine of \$500 and up to six months in jail; a second offense carries a maximum fine of \$1,000 and up to a year in jail; and a third offense is a felony with a maximum fine of \$5,000 and a minimum jail sentence of one year.

Retailers who try to comply with the requirements of this law may not be discriminated against by their wholesalers or franchisers. Treble damages may be awarded against any wholesaler or franchiser who violates this provision.

The law does not apply to public libraries, recognized historical societies and museums, county law libraries, libraries of colleges and universities, the state library, the state law library or public archives. An exception to the law is also made for minors who are accompanied by a parent or guardian while attending a motion picture.

**Summary:** Erotic sound recordings are added to the definition of "erotic material" that may not be sold, distributed or exhibited to minors. The prohibitions, procedures, penalties and exemptions that apply to other forms of erotic material are extended generally to sound recordings.

**Votes on Final Passage:**

House	96	2	
Senate	35	9	(Senate amended)
House	89	7	(House concurred)

**Effective:** June 11, 1992

## SHB 2555

C 59 L 92

Authorizing limited dental practice licenses for University of Washington dental residents.

By House Committee on Health Care (originally sponsored by Representatives Moyer, Braddock, Paris and Valle).

House Committee on Health Care  
Senate Committee on Health & Long-Term Care

**Background:** Upon the request of the dean of the University of Washington School of Dentistry, the Board of Dental Examiners may grant a license to practice dentistry, without examination, to a dentist licensed in another state or country who has accepted employment as a faculty member.

The board does not have authority to grant licenses to university residents in post-graduate dental education at the university. These residents actually engage in the

practice of dentistry in connection with the requirements of the curriculum.

**Summary:** Upon the request of the dean of the University of Washington dental school, the board is authorized to grant a limited license to residents in post-graduate dental education at the university to practice dentistry in connection with their responsibilities. The limited license is renewable annually.

**Votes on Final Passage:**

House	96	0
Senate	48	0

**Effective:** June 11, 1992

## SHB 2560

C 63 L 92

Establishing the senior environmental corps.

By House Committee on Environmental Affairs (originally sponsored by Representatives J. Kohl, Horn, Rust, Basich, Rayburn, Ogden, Kremen, Valle, Paris, Pruitt, Jacobsen, Haugen, Belcher, Rasmussen, Fraser and Anderson; by request of Department of Community Development).

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

**Background:** In his 1988 State of the State speech, Governor Gardner recommended that the state establish a senior environmental corps to tap the expertise of professional and para-professional seniors to volunteer in environmental and natural resource programs. Since his announcement, seven state agencies have established programs to use senior volunteers. According to figures provided by the Department of Community Development, at least 175 seniors have participated in the program by giving over 14,000 hours of their time.

Congress has passed legislation which includes grants to state and local governments that establish volunteer programs.

**Summary:** The Senior Environmental Corps is established within the Department of Community Development (DCD). The goals of the corps are: to carry out projects that focus on natural, environmental, and recreational resources; to provide opportunities for seniors to use their professional expertise; to assist state agencies in carrying out statutory responsibilities; and to provide public outreach and education.

A Senior Environmental Corps coordinating council is created to oversee operation of the corps. The council's duties include evaluation and selection of projects for senior volunteer participation. Nine natural re-

source, environmental, health, and recreational agencies are members of the council. Contingent upon funding, DCD will provide staff support for and budget oversight of the corps. Volunteers cannot be used to displace currently employed workers.

**Votes on Final Passage:**

House	94	0
Senate	46	1

**Effective:** March 26, 1992

## SHB 2594

C 153 L 92

Applying the state wildlife and recreation lands management act.

By House Committee on Natural Resources & Parks (originally sponsored by Representatives Fraser, Beck, Belcher, Brumsickle, Basich, Wynne and J. Kohl; by request of Interagency for Outdoor Recreation).

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

**Background:** Washington owns significant acreage of fish and wildlife habitat, natural areas, parks and other recreation lands. The state's natural resources agencies are responsible for management and maintenance of these lands and associated facilities, not only to provide for current use, but also to preserve the values associated with the lands that led to their initial acquisition. Because of a historical pattern of limited funding for operations and maintenance needs, these agencies have often deferred routine maintenance.

The 1990 Legislature directed the Interagency Committee for Outdoor Recreation (IAC) to assess the operation and maintenance needs of state-owned habitat and natural areas, parks, and other state-owned recreational sites. In its report, the IAC found that there are significant shortfalls in operation and maintenance funding. A one-time catch-up expenditure of \$39.5 million is required to repair facilities and roads, and to replace equipment which has exceeded its planned life cycle. It also found that annual operation and maintenance funding should be increased by \$10.9 million to prevent future backlogs from occurring, and to care properly for new lands acquired during the 1989-91 biennium.

**Summary:** It is the policy of the state of Washington to provide adequate and continuing funding for operation and maintenance needs of state-owned fish and wildlife habitat, natural areas, parks, and other recreation lands in order to protect the state's investment in such lands.

The state wildlife and recreation lands management account is established to be used exclusively for operation and maintenance needs associated with managing state-owned habitat, natural areas, and recreation lands. Legislative appropriation is required for expenditure from this account.

Monies appropriated from the account must be used for the following purposes and distributed according to the following percentages:

- (1) Basic stewardship - not less than 30 percent;
- (2) Improved or Developed Resources - not less than 20 percent;
- (3) Human Use Management - not less than 15 percent; and,
- (4) Administration - not more than 15 percent.

The individual agencies eligible for funding from this account are not required to meet this distribution; however, funding across agencies should meet these percentages during each biennium.

The agencies eligible to receive funds from the account include the departments of Fisheries, Wildlife, and Natural Resources, and the State Parks and Recreation Commission. Monies appropriated from the account must be distributed to these agencies in the following manner:

- (1) Parks and Recreation Commission - not less than 25 percent;
- (2) Department of Natural Resources - not less than 25 percent;
- (3) Department of Wildlife - not less than 25 percent; and,
- (4) Department of Fisheries - no minimum specified.

A State Wildlife and Recreation Lands Management Task Force is created to develop recommendations regarding new long-term funding sources for the act. The task force must investigate opportunities for the use of future appropriations for habitat conservation and recreation in meeting major operations and maintenance funding needs. In addition, the task force must report on funding needed to assist counties in providing the local services needed to protect state-owned lands. The task force is composed of seven voting members, appointed by the governor, plus five non-voting members representing the departments of Fisheries, Wildlife, Natural Resources, the Parks and Recreation Commission, and the Office of Financial Management. The president of the Senate and the speaker of the House are each required to appoint one nonvoting member from each caucus of their respective legislative bodies to the task force. The Interagency Committee for Outdoor Recreation and the Office of Financial Management are directed to provide staff and technical assistance to the task force. A report and recommenda-

## ESHB 2609

tions must be submitted to the governor and committees of the Legislature by September 15, 1992.

### Votes on Final Passage:

House	93	0	
Senate	45	0	(Senate amended)
House	96	0	(House concurred)

**Effective:** June 11, 1992

## ESHB 2609

C 190 L 92

Making airport expansions consistent with the state air transportation policy plan.

By House Committee on Transportation (originally sponsored by Representatives Hine, G. Fisher, R. Fisher, Brough, Heavey, Locke, Chandler, Leonard, Valle, Wood, Prentice, Hochstatter, Mitchell, Horn, Rasmussen, Paris, R. King, Beck, Spanel, Nelson, Appelwick, Wilson, Franklin, Wang, Jacobsen and Belcher).

House Committee on Transportation  
Senate Committee on Transportation

**Background:** The Air Transportation Commission (ATC) is a 27-member body that is conducting studies to determine Washington State's long-range air transportation policy. The commission's work program will address the following issues: investment in air transportation or other modal alternatives; the needs of commercial and general aviation; air transportation as an economic development tool; air transportation as part of the state's environmental policy; air transportation as part of the state's growth management policy; and the suitability of existing governance structures.

The ATC will submit its findings and recommendations to the Legislative Transportation Committee by December 1, 1994, with an interim report by December 1992.

The Puget Sound Air Transportation Committee (PSATC) is a 39-member committee responsible for addressing the air capacity needs of Sea-Tac Airport. The committee's project, known as "Flight Plan," is sponsored by the Puget Sound Regional Council and the Port of Seattle. After two years of work the committee has selected as its preferred alternative a multiple airport system, which will be implemented in the following phases:

- (1) Add a new air carrier runway at Sea-Tac (1995-2000).
- (2) Initiate commercial service at Paine Field (1995-2000).
- (3) Add a supplemental airport after 2010 at one of the following:

- (a) Ft. Lewis or McChord if military coordination can be achieved;
- (b) Ft. Lewis East if airspace coordination can be resolved; or
- (c) Olympia/Black Lake if no military sharing is possible.

The PSATC's findings, supporting material and draft programmatic Environmental Impact Statement are subject to public review. Construction of the new runway at Sea-Tac would begin no earlier than 1996.

**Summary:** Public entities that intend to extend or construct new runways may proceed with the planning process as required by the Growth Management Act, the State Environmental Policy Act and the National Environmental Policy Act.

City, county, and county-wide port districts in King, Pierce, Snohomish, Kitsap and Thurston Counties may not construct or extend a runway of 1,000 or more feet, or permit an air carrier to initiate new service at any airport not presently receiving commercial service until the Air Transportation Commission (ATC) submits its final report to the Legislative Transportation Committee (LTC).

The commission must provide the LTC with the following reports by December 1, 1992: an evaluation of the importance of air transportation to the economic and social vitality of the state, including costs and effects of delay of air capacity expansion; an analysis of air transportation demand, aviation industry trends, and air capacity in Washington State through 2020; and a review of the final draft of the Puget Sound Air Transportation Committee's "Flight Plan" assessments of air capacity and demand. The ATC must also submit these reports to regional transportation planning organizations to assist them in their planning responsibilities under the Growth Management Act.

By July 1, 1993, the ATC must submit to the LTC a transportation systems planning evaluation of air transportation planning options.

The final report of the ATC, due in December 1994, must include a review of the environmental, social and economic costs associated with the state's air transportation system. The commission must also review and comment upon mitigation practices related to the air transportation system.

### Votes on Final Passage:

House	97	1	
Senate	47	0	(Senate amended)
House			(House refused to concur)
Senate	42	5	(Senate amended)
House	97	0	(House concurred)

**Effective:** April 2, 1992

## ESHB 2610

C 101 L 92

Authorizing regional transit authorities and creating a regional transportation council.

By House Committee on Transportation (originally sponsored by Representatives R. Fisher, Haugen, Hine, Zellinsky, Winsley, Nelson, Mitchell, Wang, Prentice, R. Meyers, R. King, Schmidt, Locke, Heavey, Pruitt, J. Kohl, Jacobsen, Dorn, Fraser, Appelwick, Franklin, Roland, Wineberry, Betzoff, Cantwell, G. Cole, Belcher, Braddock, May, Valle, Ebersole, Morris, Leonard, Scott, Horn, Anderson, Vance, Basich, Kremen, Paris, G. Fisher, Ferguson and Spanel).

House Committee on Transportation  
Senate Committee on Transportation

**Background:** State law enacted in 1990 and 1991 made local transit agencies in King, Pierce and Snohomish Counties responsible for high capacity transit (HCT) system planning, construction and operation in the Puget Sound region. An HCT system is defined as a "system of public transportation services within an urbanized region operating principally on exclusive rights of way, and the supporting services and facilities necessary to implement such a system, including high occupancy vehicle lanes, which taken as a whole, provides a substantially higher level of passenger capacity, speed and service frequency than traditional public transportation systems operating principally in general purpose roadways."

The law prescribes: (1) processes for evaluation of HCT systems; (2) requirements for what must be included in the HCT system plan presented to voters; and (3) certain local option taxes which, with voter approval, can be imposed to develop an HCT system. Pursuant to those statutes, planning for the HCT system is being governed by the Joint Regional Policy Committee composed of representatives of the four transit agencies (Metro, Pierce Transit, Community Transit and Everett Transit), and of the Department of Transportation (DOT).

Participants in the HCT planning process have identified a number of impediments to ultimate development of an HCT system under current law, including: the need for separate votes in each participating jurisdiction; the inability to provide HCT taxing district boundaries different from transit district boundaries; the complexity of revenue allocation and staging of the project among multiple jurisdictions; and inadequate bonding capacity among the transit agencies.

Since the 1960s, federal law has required urbanized regions to have a Metropolitan Planning Organization (MPO) representing cities and counties within the re-

gion. The MPO is responsible for developing a regional transportation plan and a regional six-year transportation improvement program as a prerequisite for obtaining and expending federal highway and transit funds within the region.

The MPO for the Puget Sound region is the newly-restructured Puget Sound Regional Council (PSRC, formerly PSCOG) which encompasses King, Pierce, Snohomish and Kitsap Counties. It is a voluntary association of county and city governments established through interlocal agreements.

The federally-mandated MPOs are also designated as Regional Transportation Planning Organizations under the state's 1990 Growth Management Act (GMA). Under this act, state requirements for regional transportation planning were overlaid on the federal requirements, including a requirement to certify that the transportation elements of local comprehensive plans conform with the GMA and are consistent with the regional transportation plan. Receipt of certain state funds, and imposition of certain taxes such as those for high capacity transit systems, are contingent upon the plans being consistent. No state agencies or ports are voting members on the PSRC executive committee. They do serve on the agency's transportation policy committee.

**Summary:** Contiguous counties having populations of 400,000 or more (King, Pierce and Snohomish) are authorized to create a Regional Transit Authority (RTA) that would have responsibility to plan, construct and operate a high capacity transit system within the region. Formation of an RTA requires participation of at least two contiguous counties, which opt to participate by resolution of the county legislative authority.

The RTA will be governed by a board made up of local elected officials with membership proportionate to county population; appointment of city officials must be proportionate to incorporated population. The secretary of the Department of Transportation will serve as a non-voting member, but can be given voting status by the board. Appointments from each county will be made by the county executive, with council approval; at least 50 percent of the appointees from each county must serve on a transit agency board.

A two-thirds majority of governing board membership is required for major decisions of the board, defined to include: system plan adoption and amendment; system phasing decisions; annual budget adoption; authorization of annexations; modification of board composition; and executive director employment.

The initial boundaries of the RTA will be based on the system plan developed by the Joint Regional Policy Committee (JRPC) (predecessor to the RTA), to include the largest urban growth area in each county.

Upon adoption of a system plan, the JRPC will cease to exist.

The authority is given powers to design, construct and operate an HCT system within its borders. The HCT system plan is to address system revenues, facility development and benefits to each corridor. "Feeder systems and facilities" is deleted from the definition of high capacity transportation and "interim express service" is added. Also, criteria are provided to assess commuter rail as a "reasonable" transportation alternative.

Transit agency taxing authority for HCT purposes is transferred to the RTA (1 percent sales tax; 0.8 percent motor vehicle excise tax; \$2/month employer tax). Bonding authority is provided the authority—up to 1.5 percent of assessed valuation, and with 60 percent voter approval, 5 percent). The authority may also create local improvement districts.

The authority may not call for an election to approve the system plan and impose taxes before July 1, 1993. The authority can call no more than two votes on any system plan. A single county authority may be formed if a positive vote cannot be achieved after two years from date of the first vote.

The Puget Sound Regional Council (the federally-mandated Metropolitan Planning Organization for King, Pierce, Snohomish and Kitsap Counties) must, to receive an allocation of state planning funds for Regional Transportation Planning Organizations, provide voting membership on its executive board to the Transportation Commission and state Department of Transportation, and to the three largest ports within the region, and must assure that at least 50 percent of the city- and county-elected officials on the board are also members of transit agency boards.

**Votes on Final Passage:**

House 61 36  
Senate 34 11 (Senate amended)  
House 71 25 (House concurred)

**Effective:** July 1, 1992

**HB 2633**

C 17 L 92

Requiring local governments to encourage use of privately owned moderate-risk waste facilities.

By Representatives Rust, Horn, Valle, Heavey and J. Kohl.

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

**Background:** A number of private facilities in the state provide services to collect and recycle certain types of moderate-risk wastes.

Moderate risk wastes are hazardous wastes that are generated in small quantities, less than 220 lbs per month. Examples of moderate-risk waste include anti-freeze, used oil filters, and "household hazardous wastes" such as the discarded containers of pesticides, cleaners, paints, and solvents. Moderate-risk wastes are exempt from hazardous waste laws.

Local governments are required by law to establish a program to manage moderate risk wastes. Local governments have initiated a wide variety of programs to collect moderate risk waste; these programs range from collection vehicles with established routes to annual or semi-annual collection days. Current law also requires local governments to coordinate with private facilities involved in managing moderate risk waste.

**Summary:** The bill requires local governments to take certain actions to incorporate private sector management of moderate-risk waste if the local government determines that a private facility offers an acceptable service at a reasonable price. Actions that a local government can take include, but are not limited to, restricting or prohibiting the land disposal of a moderate risk waste.

**Votes on Final Passage:**

House 98 0  
Senate 49 0

**Effective:** June 11, 1992

**SHB 2635**

C 175 L 92

Revising the model litter control and recycling act.

By House Committee on Revenue (originally sponsored by Representatives Rust, Horn, Valle, Heavey, Winsley and Brekke).

House Committee on Revenue  
Senate Committee on Environment & Natural Resources

**Background:** The 1971 Legislature enacted the Model Litter Control and Recycling Act to control and recycle litter. To fund these efforts, the Legislature imposed an annual tax on the value of certain products manufactured and sold within the state. The tax is collected by the Department of Revenue (DOR) and applies in the same manner as the state business and occupation tax to specified categories of products. The rate of 0.015 percent is imposed on the manufacture, wholesale, and retail of:

- (1) Food for human or pet consumption;

- (2) Groceries;
- (3) Cigarettes and tobacco products;
- (4) Soft drinks and carbonated waters;
- (5) Beer and malt beverages;
- (6) Wine;
- (7) Newspapers and magazines;
- (8) Household paper and paper products;
- (9) Glass containers;
- (10) Metal containers;
- (11) Plastic or fiber containers;
- (12) Cleaning agents and toiletries; and
- (13) Drugstores' sundry products, excluding drugs.

Proceeds from the tax are deposited in the litter control account and are distributed by the Department of Ecology as follows:

- (1) 40 to 50 percent for youth litter patrol programs;
- (2) 20 to 30 percent for public education and administration of the Model Litter Control and Recycling Act; and
- (3) 20 to 30 percent for recycling.

In 1991, the Legislature created the Clean Washington Center to develop markets for recyclable materials, and funded the center for the 1991-93 biennium.

**Summary:** The Model Litter Control and Recycling Act is renamed the Waste Reduction, Recycling, and Model Litter Control Act. The purposes of the act are expanded to include promotion of markets for recyclable materials through the Clean Washington Center and other means.

The percentages for distribution of litter tax revenues are eliminated. For fiscal year 1993, proceeds from the litter tax are to be used to control litter, encourage recycling, enforce compliance with the litter tax, and for market development. After fiscal year 1993, 40 to 50 percent of revenues are to be used for youth litter control programs. Remaining revenues are to be used for recycling, encouraging compliance with the litter tax, market development for recycling, and public education and promotion of litter control and recycling programs.

Instead of requiring businesses to separately account for taxable and nontaxable products, DOR may establish rules allowing businesses to pay the tax based on the ratio of the taxable activity to total sales.

**Votes on Final Passage:**

House	98	0	
Senate	43	3	(Senate amended)
House	90	0	(House concurred)

**Effective:** July 1, 1992

## SHB 2639

C 213 L 92

Modifying the nonprofit homes for the aging property tax exemption.

By House Committee on Revenue (originally sponsored by Representatives Wang, Hine, Brumsickle, Horn, Heavey, Van Luven, Appelwick, Silver, Day, Padden, Sheldon, Franklin, Ogden, G. Fisher, Pruitt, Dellwo, Nelson, Haugen, Rasmussen, Spanel and Winsley).

House Committee on Revenue  
Senate Committee on Ways & Means

**Background:** In 1989, the Legislature changed the property tax exemption for nonprofit homes for the aging. Under the 1989 law, most homes for the aging remained completely exempt from property tax. Some became partially taxable. Homes for the aging subsidized under a Federal Housing and Urban Development program remained completely exempt. Those homes with at least 50 percent of the occupied dwelling units occupied by households with incomes below \$18,000 also remained completely exempt.

A partial property tax exemption is available for the homes that do not qualify for a full exemption. The percent of the property that is exempt is equal to twice the percentage of dwelling units occupied by persons with incomes below \$18,000.

Of 126 homes applying for exemption for 1992 taxes, 78 are fully exempt as HUD facilities and 23 others are fully exempt because they had over 50 percent of the residents with incomes below \$18,000. The remaining 25 are partially exempt. The exemption amount for this group ranges from 18 percent to 87.5 percent with an average of 53 percent.

In 1991, the Legislature increased the income thresholds for the senior citizen homeowner property tax exemption program. The top income threshold, for special levy relief, was increased from \$18,000 to \$26,000. The second threshold, where senior homeowners first become eligible for regular levy relief, was increased from \$14,000 to \$18,000.

The 1991 legislation also changed the tie-in between the nonprofit homes for the aging exemption and the senior homeowner exemption program. Rather than being tied to the top income threshold, the formula for the homes for the aging exemption now is tied to the second income threshold, the income threshold where senior homeowners first become eligible for regular property tax relief. This left the income threshold used in the homes for the aging exemption formula unchanged at \$18,000.

## ESHB 2640

**Summary:** The income threshold for determining the nonprofit homes for the aging property tax exemption is increased to \$22,000.

For-profit homes for the aging that convert to nonprofit status must wait five years before receiving a property tax exemption. The exemption is then phased in equally over the following five years.

The Department of Revenue is required to conduct a study of the property tax exemption for nonprofit homes for the aging. The study shall be conducted with the assistance of a study committee composed of residents and managers of nonprofit homes for the aging, representatives of senior citizen advocacy organizations not associated with nonprofit homes for the aging, the county assessors, city officials, and county officials.

**Votes on Final Passage:**

House	92	1
Senate	47	0

**Effective:** June 11, 1992

### ESHB 2640

C 174 L 92

Requiring the department of ecology to establish a comprehensive sludge management program.

By House Committee on Environmental Affairs (originally sponsored by Representatives R. Johnson, Rust, Kremen, Roland, Heavey, Rasmussen and Spanel).

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

Senate Committee on Ways & Means

**Background:** Sludge is a by-product of the wastewater treatment process. Federal law requires wastewater to undergo secondary treatment and to meet state standards for allowable discharges.

Sludge that has been removed from the wastewater treatment plant is regulated in this state as a solid waste. Local governments have primary enforcement authority for solid waste. Local health departments are responsible for issuing solid waste permits for the use and disposal of municipal sludge. Local permits establish the practices and standards that must be followed by the person owning the land to which the sludge is applied, or by the operator of the disposal facility.

Most of the sludge generated in the state is beneficially reused through land application to forests and farms. A small percentage of sludge is incinerated.

The permits issued by local health departments can be reviewed by the Department of Ecology. The depart-

ment may approve a permit or appeal it to the Pollution Control Hearings Board. Permits are renewed annually by the local government; renewals can also be reviewed by the department. The Department of Ecology has developed guidelines for the use and disposal of sludge. These guidelines are used by local health departments when writing permits for sludge.

The federal Clean Water Act of 1987 required the Environmental Protection Agency (EPA) to develop rules to increase federal requirements for sludge management. In 1989, the EPA adopted rules relating to how states must regulate a sludge management program. These rules, in part, require states to have direct enforcement authority, including the power to impose both civil and criminal penalties, and to have the power to delegate permitting authority to local governments. The state solid waste law does not provide the department with direct enforcement authority or the ability to delegate sludge permits to local governments.

The EPA is scheduled to adopt additional rules sometime in 1992 that will establish technical standards for the use and disposal of sludge. These rules will establish numeric standards for toxics and pathogens, and will establish certain best management practices.

The Water Environment Federation, and the international association of water quality and wastewater treatment officials, has endorsed the term "biosolids" to distinguish sludge that has been treated according to state and federal law from sludge that has not been treated. The Environmental Protection Agency may adopt the term biosolids for sludge that meets its proposed technical standards.

**Summary:** The Department of Ecology is required to develop a biosolid management program that will conform with federal regulations on municipal sewage sludge within 12 months of the final adoption of proposed federal sludge standards. Municipal sewage sludge that meets all state and federal standards will be regulated as a biosolid; sludge not meeting these standards will continue to be regulated as a solid waste. Rules adopted by the department must provide for public input for all state and local biosolid permits. The biosolid program will be funded, subject to legislative appropriation, through waste water discharge permit fees.

The Department of Ecology is given authority to impose both civil and criminal penalties for violations of the biosolid program. The Department of Ecology is also given authority to delegate to local health departments the authority to issue and enforce permits for the use and disposal of biosolids. If the Department of Ecology does not act on a local permit within 60 days, the permit is considered approved. Local health depart-

ments may appeal a permit decision by the Department of Ecology to the Pollution Control Hearings Board.

The Department of Ecology is authorized to promote beneficial uses of biosolids. Current definitions of compost are amended to include compost consisting of biosolids. The department is also authorized to provide relevant scientific and legal information to local governments and citizen groups.

**Votes on Final Passage:**

House	90	0	
Senate	49	0	(Senate amended)
House	97	0	(House concurred)

**Effective:** June 11, 1992

**ESHB 2643**

C 216 L 92

Restructuring reimbursement of vehicle licensing and registration activities.

By House Committee on Transportation (originally sponsored by Representatives Cooper and R. Fisher).

House Committee on Transportation  
Senate Committee on Transportation

**Background:** Beginning with the 1987 legislative session, the Legislature has annually considered proposals for increasing county auditor (agent) filing and motor vehicle subagent licensing service fees. During the 1991 session, the Legislature enacted a new fee structure for motor vehicle subagents. This fee increase expires on June 30, 1992, unless there is legislative action.

In the 1991 transportation budget, the Legislative Transportation Committee was directed to study the fee structures associated with motor vehicle licensing. The issues that were studied included: (1) aligning the fees with the cost of transactions; (2) reimbursing small counties that lose money by providing motor vehicle licensing service; and (3) considering what counties should do with surplus revenue generated by filing fees. In addition, the interim study tried to resolve two questions that remained unanswered by a 1990 Department of Licensing (DOL) study. The 1990 study did not resolve (1) the problem of allocating current or future costs of the County Auditor Automation Program system, and (2) the revenue and cost of providing motor vehicle licensing services.

During the 1990 calendar year, county revenues totalled \$16.8 million, while costs totalled \$6.8 million. The counties produced a surplus income of \$10 million during 1990. The 130 subagents had total revenue of \$8.7 million and costs of \$8.5 million. Subagent own-

ers received salaries and net income of \$1.8 million during 1990.

During the 1991 study, 11 counties submitted data showing losses of \$225,000. During the 1990 study, nine counties submitted data showing losses of \$131,000.

**Summary:** The expiration date of June 30, 1992, for the subagent fee increase is removed. The \$2.00 service fee is increased. The fee to be charged by subagents for a title transaction with or without a registration renewal is set at \$5.50. A transaction fee for preparation and verification of titles is established at \$5.50. A fee of \$2.25 is established for registration renewal, transit permits, or any other service by a subagent.

The subagent appointment process is made statutory. Subagent appointments are subject to normal county procurement procedures, with the exception of the low-bid provision.

Standard contracts are to be used in the relationships between the DOL and a county, and a county and a subagent.

Minimum contract terms are defined. Contracts must describe service expectations, equipment responsibilities, insurance or bond requirements, training and procedures for termination of the contract.

The director of DOL is given authority to require or waive any provision necessary to ensure acceptable service, full collection of motor vehicle tax revenues, and to ensure that service is provided to all citizens.

A 50 cent fee is imposed on all new and renewal vehicle license fees. The fee is deposited in the new Department of Licensing Services Account in the Motor Vehicle Fund. Monies deposited into this account must be appropriated and used only for information and service systems for the department, and for reimbursing counties that do not cover their costs of providing motor vehicle licensing services as agents of the state.

The department must define and standardize allowable costs that may be charged to vehicle licensing activities by the counties.

A statutory advisory committee is created. The Title and Registration Advisory Committee is to foster communication between the county auditors, subagents, DOL and the Legislature. The committee will make recommendations regarding revisions to the fee structure, cost sharing, and the development of standard contracts. The advisory committee is composed of three representatives from DOL, two county auditors, two subagents and two members each from the Senate and House Transportation committees. The director of the department is to serve as chair.

## HB 2655

### Votes on Final Passage:

House 65 33  
Senate 32 16 (Senate amended)  
House 81 15 (House concurred)

**Effective:** June 11, 1992

## HB 2655

C 55 L 92

Modifying municipal criminal justice account distribution.

By Representatives Haugen, Horn and Wang; by request of Task Force on City/County Finances.

House Committee on Local Government  
Senate Committee on Ways & Means

**Background:** A portion of the motor vehicle excise tax is distributed to cities for local criminal justice purposes as part of the Criminal Justice Assistance Act, adopted in June 1990. The Legislature established limitations and priorities for distributing funds to high crime cities. Of the total funding for high crime cities, 30 percent is available for cities with crime rates 200 percent or greater than the state-wide average crime rate. The remainder is distributed to cities with crime rates 125 percent or greater than the state-wide average crime rate. No city may receive more than 50 percent of the funds available for cities with crime rates of 200 percent or more. Seattle is the only city whose funds are limited by this provision. Because funds are distributed on the basis of population, the cap results in undistributed funds. The state treasurer distributes these excess funds to cities with crime rates of 125 percent or more of the state-wide average crime rate.

In August 1991, the state auditor requested an opinion from the attorney general concerning the proper distribution of excess funds resulting from the 50 percent limitation placed on funding for cities with crime rates at 200 percent or more of the state-wide average crime rate. The attorney general responded in a memorandum dated September 19, 1991, that the state treasurer was not distributing the excess funds consistent with the law.

The attorney general found that the statute required 30 percent of the total high crime funding to be distributed to cities with crime rates at or above 200 percent of the average state-wide crime rate. Secondly, the attorney general found that there was no provision directing a reduction in the 30 percent distribution if any city's share exceeds the 50 percent limitation. The attorney general believed this interpretation was consistent with legislative intent which was to earmark a specific portion of state funding to those cities experi-

encing crime rates significantly higher than other cities eligible for state funding.

The result of this interpretation is a significant increase in funding for two high crime cities in the 200 percent category, Pasco and Yakima, at the expense of 32 cities in the 125 percent category.

Due to reduced crime rates, the cities of Wapato and Tacoma are no longer eligible for distributions from the funding provided for cities with crime rates of 200 percent or greater than the state-wide average crime rate.

**Summary:** The formula for distribution of the portion of the motor vehicle excise tax for cities with high crime rates is modified. Thirty percent of the money is for cities with crime rates of at least 175 percent, instead of 200 percent, of the state-wide average. The remaining 70 percent is for cities with a crime rate of at least 125 percent of the state-wide average. In addition, if the amount of the excise tax distributed to a city with a crime rate of at least 175 percent of the state-wide average is limited because the city would be eligible to receive more than 50 percent of the funds available to all cities with a crime rate of at least 175 percent of the state-wide average, the amount of the city's share above 50 percent shall be distributed to cities with a crime rate of at least 125 percent of the state wide average.

### Votes on Final Passage:

House 98 0  
Senate 47 0

**Effective:** March 26, 1992

## SHB 2659

FULL VETO

Concerning public works contracts.

By House Committee on Local Government (originally sponsored by Representatives Cooper, Haugen, Ferguson, Rayburn, Wynne, Zellinsky, Horn, Bray and Wood).

House Committee on Local Government  
Senate Committee on Governmental Operations

**Background:** The state and each county, city, town, district, board, or other public body must reserve, from the moneys earned by a contractor on a public improvement contract, an amount to ensure that all labor, materials, and taxes will be paid. The amount of contract retainage that a public body may reserve cannot exceed 5 percent of the moneys earned by the contractor. Any laborer or material person has a lien on this contract retainage.

Whenever 50 percent of the original contract work is completed, the public body may make partial payments

to the contractor, but the public body must always retain at least 5 percent of the moneys earned by the contractor. The contractor may, however, request that the contract retainage be reduced to 100 percent of the value of the work remaining on the contract. The public body may release the contract retainage 30 days after the work is completed and accepted.

It has been suggested that the language governing contract retainage reserved by public bodies from the earnings of contractors should be simplified.

There is no specific statutory prohibition against a public body reserving moneys earned by a contractor under a public works contract for purposes other than to ensure payment of labor, materials, and taxes.

**Summary:** The language governing contract retainage reserved by public bodies from the earnings of contractors to ensure payment of labor, materials, and taxes is simplified. The requirement that at least 50 percent of the original contract work must be completed before any contract retainage is released is eliminated.

A public body cannot reserve moneys earned by a contractor under a public improvement contract for any purpose other than to ensure payment of labor, materials, and taxes, so long as the contractor is fulfilling his or her responsibilities under the contract.

**Votes on Final Passage:**

House	96	0	
Senate	48	0	(Senate amended)
House	90	0	(House concurred)

FULL VETO (See VETO MESSAGE)

## SHB 2660

### PARTIAL VETO

C 222 L 92

Affecting vehicle license registration.

By House Committee on Transportation (originally sponsored by Representatives Cooper, Prince, Zellinsky and Mielke; by request of Department of Licensing).

House Committee on Transportation  
Senate Committee on Transportation

**Background:** During the 1991 session, the Legislature enacted a formula that associates the number of dealer plates with the number of vehicles sold by a specific dealer. Any vehicle dealer selling less than five vehicles a year is not entitled to dealer plates. The intent of the legislation was to curb dealer plate abuses.

In 1990, a statute was enacted authorizing a full 12 month vehicle registration license period.

When a county authorizes collection of the \$15 local option vehicle registration fee, it may provide for a refund process for those eligible.

**Summary:** The director of the Department of Licensing may waive by rule dealer plate issuance restrictions, if the waiver is in accordance with the purposes of the chapter and is essential to the continuation of the dealer's business. The department must provide at least three dealer plates to all vehicle dealers.

The new owner of a vehicle with an expired license will receive a full 12 month registration period.

The refund process that is authorized under the local option vehicle registration fee statute is changed to an exemption process.

**Votes on Final Passage:**

House	90	0	
Senate	46	0	(Senate amended)
House	96	0	(House concurred)

**Effective:** June 11, 1992

**Partial Veto Summary:** The provision which would have changed the local option vehicle registration fee refund process to an exemption process was vetoed. (See VETO MESSAGE)

## HB 2662

C 181 L 92

Removing disqualified candidates from the ballot.

By Representatives D. Sommers, Dellwo, Moyer, Day, Mielke, Silver and Padden.

House Committee on State Government  
Senate Committee on Governmental Operations

**Background:** A void in candidacy for elective office of a city, town, or special purpose district occurs if an election has been scheduled for the office and no valid declaration of candidacy has been filed for it or all persons filing declarations for the office have died or been disqualified. If a special filing period is conducted for the office and a void in candidacy continues to exist or the void is created after the period for which a special filing period may be provided, the election for the office is deemed lapsed and the office is stricken from the ballot. In such a case, the incumbent holding the office remains in office until a successor is elected.

After contested primaries for most nonpartisan offices, the names of the candidates receiving the most and second most votes for an office qualify to appear on the general election ballot.

**Summary:** If a court of competent jurisdiction rules that a candidate for an elective office of a city, town, or

special purpose district is unqualified to hold the office, the following provisions apply:

- (1) If the candidate is the only candidate for the office, a void in candidacy exists;
- (2) If a primary has been conducted for the office and general election ballots for the office have not been ordered, the name of the candidate who received the third greatest number of votes for the office at the primary is placed on the general election ballot in lieu of the name of the disqualified candidate;
- (3) If a primary is not conducted for the office and general election ballots have not been ordered, the name of the disqualified candidate cannot appear on the general election ballot for the office; and
- (4) Whether a primary is or is not conducted for the office, if general election ballots have been ordered, votes cast for the disqualified candidate cannot be counted.

**Votes on Final Passage:**

House	91	0
Senate	46	0

**Effective:** July 1, 1992

**SHB 2672**

C 218 L 92

Initiating a study of the tax status of cellular communications.

By House Committee on Revenue (originally sponsored by Representatives Wang, Ebersole, Ballard, Brumsickle and Wynne).

House Committee on Revenue  
Senate Committee on Energy & Utilities

**Background:** Cellular telephones are mobile or portable devices that are part of what the Federal Communications Commission calls "Domestic Public Cellular Radio Telecommunications Service." Cellular telephone systems divide service areas into relatively small "cells," using multiple transmitter/receiver locations (cell sites). These cell sites are connected with each other and the ordinary telephone network in a manner that allows a cellular telephone user to move from one cell to another while maintaining a telephone connection.

Cellular telephony is a rapidly expanding field. Some industry projections indicate one out of five Americans will be cellular telephone users by the year 2000. Cell sites are proliferating rapidly and may soon be spaced under two miles apart, with antennas on utility poles or buildings instead of the 200-foot tall towers presently used.

Cellular telephone systems are subject to property tax in the same manner as any other property. Cellular telephone devices and equipment are subject to sales and use taxation in the same manner as other tangible personal property.

Cellular telephone services represented by monthly and per-call charges are included in the definition of "telephone services" that are subject to sales and use taxes. Because telephone services are taxable as retail sales, cellular companies pay state B&O taxes on gross receipts at the retailing rate of 0.471 percent. There is no state utility tax on telephone services. However, cities impose utility taxes on utility services, including "network telephone services," which includes cellular telephone service. City utility rates may not exceed 6.0 percent for telephone, electrical energy, natural gas, and steam energy services after 1992 unless the voters approve a higher rate. The rate on water, sewer, garbage, and cable television services is not limited.

Due to the mobile nature of cellular telephones, there are substantial questions about which city has a right to tax revenue from any particular call.

**Summary:** The Department of Revenue is directed to study and define cellular communications, and recommend to the Legislature how cellular communications should be taxed. The department is to form an advisory committee to assist in the study. The committee is to have balanced representation from government and industry. The department is to report interim findings to the Legislature by December 1, 1992, with a final report due December 1, 1993.

**Votes on Final Passage:**

House	91	0
Senate	48	0

**Effective:** April 2, 1992

**SHB 2673**

C 79 L 92

Concerning residential buildings moved into a city or county.

By House Committee on Housing (originally sponsored by Representatives Hargrove and Nelson).

House Committee on Housing  
Senate Committee on Governmental Operations

**Background:** The state building code and state energy code are comprehensive technical documents that provide minimum standards for the construction, alteration, moving, demolition, repair, use, and energy efficiency of all buildings or structures in the state. Counties, cities and towns are responsible for enforce-

ment of the state building code and the state energy code.

The state electrical code establishes the electrical wiring requirements for all types of residential, commercial, industrial, and institutional buildings or structures. The Department of Labor and Industries (L&I) has general responsibility for the development and enforcement of the state electrical code. Only cities and towns, with L&I approval, may enforce the requirements of the state electrical code.

In 1989, the Legislature revised both the construction and energy standards so that residential buildings or structures moved into or within a county, city or town would not be required to meet all of the requirements of the latest editions of the uniform codes that comprise the state building code and the requirements of the state energy code. The exemption only applies to moved buildings or structures if: (1) the building or structure meets building or energy codes in effect at the time the building or structure was built; and (2) the original occupancy classification of the building or structure is not changed as a result of the move.

**Summary:** Residential buildings or structures that are moved into or within a county, city or town are not required to meet all of the requirements of the latest edition of the state electrical code. The exemption from the latest code requirements applies to moved buildings or structures if: (1) the building or structure meets the requirement of electrical codes in effect at the time the building or structure was built; and (2) the original occupancy classification of the building or structure is not changed as a result of the move.

**Votes on Final Passage:**

House 93 0  
Senate 41 3

**Effective:** June 11, 1992

**SHB 2676**

FULL VETO

Concerning economic development related projects.

By House Committee on Trade & Economic Development (originally sponsored by Representatives Sheldon, Forner, Cantwell, Rasmussen, Ferguson, Wynne, Jacobsen and Carlson).

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

**Background:** Counties and cities in Washington State have inherent constitutional authority to plan for land use. In addition, four state statutes authorize or require planning.

A majority of counties and cities are planning under the Growth Management Act (GMA). The comprehensive plans required under this act are intended to enable local governments to accommodate expected growth within their jurisdictions. The comprehensive plans are to be consistent with the plans of adjacent jurisdictions and coordinated regarding regional issues.

The GMA mandates urban growth areas in counties planning under the GMA. Urban development is prohibited outside urban growth areas except for new fully contained communities and master planned resorts.

**Summary:** Counties and cities, as part of their planning process, may identify economic development related projects of regional or state significance. The county or city may request that the other governments in the region jointly plan for the project. The county or city may seek state technical or financial assistance to help offset the impacts of the project, particularly infrastructure impacts.

Counties planning under the Growth Management Act may establish a process, in conjunction with cities, for reviewing proposals to site major industrial developments outside urban growth areas. A major industrial development is defined as a manufacturing or commercial use that requires a parcel of land so large that no appropriate parcel is available in an urban growth area or that requires location near natural resource lands.

The criteria for siting a major industrial development in rural areas include providing for: (1) new infrastructure and impact fees; (2) transportation needs; (3) buffers between the development and rural areas, providing environmental protection; (4) mitigation of adverse impacts on designated natural resource lands; and (5) protection of critical areas.

An approved major industrial development may become a separate urban growth area.

**Votes on Final Passage:**

House 98 0  
Senate 40 19 (Senate amended)  
House 67 30 (House concurred)

FULL VETO (See VETO MESSAGE)

**EHB 2680**

C 206 L 92

Modifying provisions for the assessment and collection of taxes.

By Representatives J. Kohl, Brumsickle and Fraser; by request of Department of Revenue.

House Committee on Revenue  
Senate Committee on Ways & Means

**Background: Excise Tax Administration:** The retail sales tax is generally collected by the seller from the buyer and remitted to the Department of Revenue (DOR) by the 25th of each month following the tax period in which the purchase was made. In cases where a buyer has failed to pay sales tax to the seller, DOR may proceed directly against the buyer for collection of the tax, and may assess penalties and interest against the buyer from the time the tax is due. In this case, the statutory due date is set at the 15th day of the month instead of the 25th.

When a taxpayer believes his or her tax assessment is too high, the taxpayer may appeal to DOR for a refund. If DOR rejects the appeal, the taxpayer may appeal to the Thurston County Superior Court. Within 10 days of filing the appeal, the taxpayer must file a \$200 bond with the superior court. The intent of the bond requirement is to cover court costs if the appeal is not sustained.

Emergency lodging provided to homeless persons by eligible organizations is exempt from local option hotel/motel taxes.

The state leasehold excise tax is imposed on property used for private purposes that is also exempt from property taxation. The tax is collected by public entities that lease property to private parties. The tax must be remitted to DOR by the 15th of each month following the period in which the tax is collected.

Persons engaging in business pay state business and occupation tax on the gross income of the business if the income exceeds \$1,000 per month. Persons engaging in retail sales must also collect sales and use tax on sales of tangible personal property and some services. Depending on the activity, other taxes may apply.

Any person engaging in business or performing a taxable act is required to register with the DOR and pay a registration fee of \$15. Registration and filing of a tax return are required even if no tax is due.

**Property Tax Administration:** County boards of equalization provide the first level of appeal for property owners who dispute the value placed on their property by the assessor for property tax purposes. Appeals of county boards of equalization decisions are taken to the State Board of Tax Appeals. Appeals to the State Board of Tax Appeals must be made within 30 days.

County boards of equalization ensure all parcels of property are valued correctly by:

- (1) Ruling on appeals of property owners who believe their property has been incorrectly assessed;
- (2) Examining the county assessment roll and "equalizing" the property values; and
- (3) Approving certain corrections discovered by the county assessor after the property tax roll has been closed.

Senior citizens at least 61 years of age and persons retired by reason of physical disability may receive a partial property tax exemption on their principal residence if the combined disposable household income is \$26,000 or less. Application is only required in the first year, but the claimant must inform the county assessor of any change in status.

**Summary: Excise Tax Administration:** Various statutes are repealed or amended to correct obsolete or incorrect references. The statute extending the hotel/motel tax exemption to homeless organizations is changed to clarify that the taxes do not apply to lodging provided for a period of less than 30 days. The requirement that taxpayers file a \$200 bond is removed.

The statutory due date for remittance of retail sales tax collections due from the buyer is changed from the 15th to the 25th of the month following the tax collection period. The date for remittance of the state leasehold excise tax is changed from the 15th of the month to the last day of the month following the tax collection period.

DOR may exempt certain persons from the requirement to file tax returns or pay a registration fee to DOR. Registration with DOR is not required if a person:

- (1) Has gross income below \$1,000 per month;
- (2) Is not required to collect or pay to DOR any other tax administered by DOR; and
- (3) Is not required to register under the master licensing program.

**Property Tax Administration:** Property owners may appeal valuations directly to the state Board of Tax Appeals when the assessor, owner, and a majority of the county board of equalization agree. An assessor may make corrections to the assessment roll of clerical and other errors that do not involve a revaluation of the property without review by the Board of Equalization. No correction may be made for periods prior to three years from discovery of error.

County assessors may make corrections that involve a revaluation of the property after the certification of the assessment roll under the following conditions:

- (1) The taxpayer and the assessor have agreed to the correct property value; and
- (2) The taxpayer has appealed to the board of equalization and a hearing has not been held.

All applicants for the senior citizen and disabled persons property tax relief programs must provide documents to verify income. An application must be renewed at least once every four years. A county assessor may require a renewal application following a change in the program's income requirements.

**Votes on Final Passage:**

House 94 2  
 Senate 48 0 (Senate amended)  
 House (House refused to concur)

**Conference Committee**

Senate 47 1  
 House 97 0

**Effective:** July 1, 1992

**HB 2681**

C 169 L 92

Modifying provisions for the refund of overpaid taxes.

By Representatives J. Kohl, Brumsickle and Fraser; by request of Department of Revenue.

House Committee on Revenue  
 Senate Committee on Ways & Means

**Background:** The Department of Revenue (DOR) has the authority to collect back taxes, penalties, and interest from businesses that evade taxes or are late in paying taxes. DOR may not assess additional taxes, penalties, or interest later than four years after DOR discovers the additional tax liability, except:

- (1) When a taxpayer has not registered as required;
- (2) Upon a showing of fraud or misrepresentation by the taxpayer; or
- (3) When a taxpayer has signed a waiver of the four year statute of limitations on assessments.

DOR will sometimes seek a waiver of the four year statute of limitations when the information needed to complete an audit within the four year time period is not yet available. The waiver ensures that DOR will be able to assess the appropriate amount of taxes after the limitation expires. However, if DOR discovers in an audit extending beyond the limitation that a business has overpaid taxes, the department is unable to offer a refund.

**Summary:** Taxpayer waiver of the four year limitation on assessments will automatically provide for refund or credit of overpaid taxes discovered after the waiver is signed.

**Votes on Final Passage:**

House 96 0  
 Senate 47 0 (Senate amended)  
 House 97 0 (House concurred)

**Effective:** July 1, 1992

**HB 2682**

C 48 L 92

Modifying provisions regarding recovery of unclaimed property.

By Representatives J. Kohl, Brumsickle and Fraser; by request of Department of Revenue.

House Committee on Revenue  
 Senate Committee on Ways & Means

**Background:** Unclaimed intangible property, including stocks and other securities, will often be held by a brokerage firm's main office while an attempt is made to locate the owner of the property. Most such headquarters are located in New York State. If the brokerage firm is unable to locate the owner of the property, New York's unclaimed property statute specifies that unclaimed intangible property belongs to the state of New York.

Delaware recently filed suit against New York to recover unclaimed property held by any New York brokerage firm incorporated in Delaware. Several other states, including Washington, have joined the suit, claiming that the most equitable method of distribution is to assign unclaimed intangible property to the state in which the issuer of the property has its principal place of business. An initial ruling in Washington's favor has been appealed to the U.S. Supreme Court, and a decision is expected by July 1992.

**Summary:** In the event of a favorable U.S. Supreme Court decision, Washington is authorized to receive unclaimed intangible property held by out-of-state brokers when the issuer of the intangible property is located in Washington.

**Votes on Final Passage:**

House 96 0  
 Senate 49 0

**Effective:** June 11, 1992

**SHB 2686**

C 217 L 92

Regulating contractor registration and licensing.

By House Committee on Commerce & Labor (originally sponsored by Representatives Kremen, Heavey and Fuhrman).

House Committee on Commerce & Labor  
 Senate Committee on Commerce & Labor

**Background:** Construction contractors are required to register with the Department of Labor and Industries. To apply for registration, the contractor must submit

## ESHB 2702

his or her social security number, Employment Security Department number, industrial insurance number, and state excise tax registration number. Electrical contractors must be licensed by the department, but they are not required to provide information about the contractor's unemployment insurance or workers' compensation coverage in the application.

There is no requirement under the state industrial insurance law that employers domiciled in another state who have employment in Washington open an account with the Department of Labor and Industries before the employment begins in Washington. If a worker is injured on the job in Washington and the worker's employer is domiciled in another state, the department may require the employer to file proof of worker's compensation insurance in the other state. If the employer has not provided coverage in another state, the worker is paid his or her benefits by the department and the employer is subject to a penalty.

**Summary:** Both construction and electrical contractors are required to provide information about their workers' compensation coverage to the Department of Labor and Industries when applying for registration or licensure.

As applicable, the contractors must provide their industrial insurance account numbers covering employees domiciled in Washington, and must give evidence of coverage in the contractors' state of domicile for the contractors' out-of-state employees working in Washington. The department is authorized to verify the information provided by the contractors. If the contractors have coverage in states other than Washington, the department may notify the other states that the contractors are employing employees in Washington.

Electrical contractors applying for licensure must also include on the application the employer social security number, the Employment Security Department number, and the state excise tax registration number, or use the unified business identifier account number.

### Votes on Final Passage:

House	93	0	
Senate	42	0	(Senate amended)
House	96	0	(House concurred)

**Effective:** June 11, 1992

## ESHB 2702

C 186 L 92

Modifying the criminal code provisions regarding harassment.

By House Committee on Judiciary (originally sponsored by Representatives R. Johnson, Belcher,

Paris, Schmidt, Anderson, Roland, Bray, Jacobsen, Spanel, Scott, Leonard, Sheldon, Wynne, Lisk, Ebersole, Brough, Basich, R. King, Valle, Zellinsky, Kremen, Hochstatter, Wineberry, Winsley, Van Luven, Forner, P. Johnson, Bowman, Pruitt, Fraser, Tate, Ogden, J. Kohl, McLean, Wood and Rasmussen).

House Committee on Judiciary

House Committee on Appropriations

Senate Committee on Law & Justice

**Background:** A person is guilty of the crime of "harassment" if the person threatens to: 1) cause bodily injury to the victim or another person; 2) cause physical damage to another person's property; 3) subject the person threatened to physical confinement; or 4) maliciously do any other act intended to substantially harm the person threatened. The victim must be placed in reasonable fear that the harasser will carry out the threat.

A person is guilty of the crime of "making telephone calls to harass" if the person telephones the victim and threatens the victim with bodily harm.

The crimes of harassment and telephone harassment do not punish an offender for making threats to kill any more severely than they do for making threats to hurt a person.

The crime of harassment does not cover cases in which the victim is continuously followed or "stalked" by someone who does not make overt threats of harm. A victim may, under some circumstances, obtain a civil antiharassment order and then prosecute if the stalker violates that order. Violations of civil antiharassment orders are gross misdemeanors.

The crimes of harassment and telephone harassment are gross misdemeanors unless the defendant has previously been convicted of any crime of harassment against the same victim or the victim's family or household members or any person specifically named in a no-contact order or a no-harassment order. In these cases the crimes are class C felonies.

Crimes of "harassment" which will elevate the gross misdemeanor to a class C felony are numerous: examples include assault, rape, criminal trespass, malicious mischief, kidnapping, rape of child, child molestation, burglary in the first degree, and telephone harassment.

Victims of harassment are not notified of their harasser's release from prison or a state mental hospital.

During the 1991 legislative session, the Legislature enacted extensive provisions governing licensure of private detectives.

**Summary:** A new crime of "stalking" is created. A person is guilty of "stalking" if, without lawful authority the person intentionally and repeatedly follows the victim to the victim's home, school, place of employ-

ment, business, or any other location, or follows the victim while the victim is in transit between locations. The crime of stalking does not apply where the behavior amounts to a felony attempt to commit some other crime.

The stalker must either: (1) know or reasonably should know that the victim being followed is frightened, intimidated or harassed; or (2) must intend to frighten, intimidate or harass the victim.

The victim must be intimidated, harassed or placed in fear that the stalker intends to injure the victim or property of the victim being followed or that the stalker intends to injure another person or another person's property. The fear must be one a reasonable person would experience under the same circumstances.

A stalker is guilty of a gross misdemeanor unless the stalker has previously been convicted of a crime of harassment of the same victim or members of the victim's family or household or anyone named in a no-contact order or antiharassment protection order; violates a court order protecting the person being stalked; or has been convicted of stalking other people. In these situations, stalking is a class C felony. The crime of "stalking" is included in the list of "crimes of harassment."

It is a defense to a charge of "stalking" that the defendant is a licensed private detective acting within the capacity of his or her license.

If a person threatens to kill the victim or another person, the harasser is guilty of a class C felony under the "harassment" and "telephone calls to harass" statutes.

The Department of Corrections or the Department of Social and Health Services must notify the victim and law enforcement when a person who was charged or convicted of felony harassment is released from prison or a mental hospital.

**Votes on Final Passage:**

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

**Effective:** June 11, 1992

## SHB 2714

C 16 L 92

Regulating addition of territory to public transportation benefit areas.

By House Committee on Transportation (originally sponsored by Representatives R. Fisher, Cantwell, Paris and Wood).

House Committee on Transportation  
Senate Committee on Transportation

**Background:** A public transportation benefit area (PTBA) is a locally controlled, special purpose government that provides public transit services.

The following regulations relate to the addition of territory to PTBAs. (1) PTBAs may not contain part of any city. Instead, PTBAs must wholly include or wholly exclude cities from their boundaries. (2) If, subsequent to the formation of a PTBA, an additional area becomes part of a component city, the additional area is included within the boundaries of the PTBA. (3) If a city that is not a component city of the PTBA adds area to its boundaries that is within the boundaries of the PTBA, the area added will be excluded from the PTBA area.

**Summary:** If a city extends its boundaries through annexation across a county boundary line to include areas within the public transportation benefit area (PTBA), then the entire area of the city within the county that is within the PTBA shall be included within the PTBA boundaries. That area of the city in the PTBA shall be considered a component city of the PTBA corporation.

**Votes on Final Passage:**

House	98	0
Senate	47	0

**Effective:** March 20, 1992

## SHB 2720

### PARTIAL VETO

C 209 L 92

Making workers' compensation coverage available to all longshore and harbor workers.

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives R. Meyers, Paris, Anderson, Hargrove, Miller, H. Sommers, Winsley, Jones, Basich, J. Kohl, Belcher and Orr).

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

**Background:** Federal law requires the employers of longshore and harbor workers to obtain workers' compensation coverage for their employees and maritime employer's liability coverage. Longshore and harbor employees currently are not eligible for coverage under the Washington state workers' compensation insurance program.

In Washington, some employers and employees subject to the federal requirement are unable to obtain insurance through private insurance companies or are unable to self-insure.

**Summary:** Before July 1, 1992, the insurance commissioner must develop an insurance plan to provide federal longshore and harbor workers coverage for those persons unable to obtain such coverage in normal insurance markets. The losses of the plan must be shared by insurance companies writing such coverage and by the state workers compensation fund. The state fund must share in 50 percent of the losses; primary insurance companies must share in 48 percent of the losses; and excess insurers must share in 2 percent of the losses.

The Department of Labor and Industries must obtain or provide excess of loss insurance coverage for the plan by July 1, 1992. If the department is unable to obtain or provide such coverage or such coverage is unaffordable, the department is relieved of this responsibility.

The insurance commissioner must appoint an eight member committee to study methods of making longshore and harbor workers insurance coverage more available and affordable. The study shall consider the possible rates of private insurers and the state fund in providing affordable coverage.

Insurance companies not admitted to do business in Washington may not solicit or provide longshore and harbor workers insurance within the state.

The act expires on July 1, 1993.

**Votes on Final Passage:**

House 95 0  
Senate 45 3 (Senate amended)  
House (House refused to concur)

**Conference Committee**

Senate 42 3  
House 95 2

**Effective:** April 2, 1992

**Partial Veto Summary:** Provisions barring non-admitted companies from selling longshore and harbor workers insurance within the state were vetoed. (See VETO MESSAGE)

**HB 2727**

C 154 L 92

Modifying provisions for the taxation of aircraft, watercraft, and travel trailer and camper excise taxes.

By Representatives Fraser and Brumsickle; by request of Department of Revenue.

House Committee on Revenue  
Senate Committee on Ways & Means

**Background:** The motor vehicle excise tax (MVET) is levied annually on the value of motor vehicles licensed by state residents. Washington residents who license

motor vehicles outside the state must pay MVET to the Department of Licensing (DOL) at the time the vehicle is brought into the state. Residents who avoid MVET by registering vehicles in another state or country are liable for unpaid taxes. If liability for unpaid MVET is discovered, the Department of Revenue (DOR) may collect the back taxes along with penalties and interest.

The state levies annual excise taxes on aircraft, watercraft, and travel trailers/campers. The Department of Transportation administers the aircraft excise tax, and the watercraft and travel trailer/camper excise taxes are administered by DOL. Neither DOR nor these agencies have specific authority to collect back taxes from residents who do not properly license aircraft, watercraft, travel trailers, and campers in the state.

**Summary:** DOR is authorized to collect unpaid aircraft, watercraft, and travel trailer/camper excise taxes along with the penalties and interest.

**Votes on Final Passage:**

House 97 0  
Senate 42 4 (Senate amended)  
House 95 0 (House concurred)

**Effective:** July 1, 1992

**SHB 2735**

C 66 L 92

Enhancing the duties of the center for voluntary action, which is renamed the center for volunteerism and citizen service act.

By House Committee on State Government (originally sponsored by Representatives Ogden, Wood, Pruitt, Dellwo, Paris, Winsley, R. King, O'Brien, Ludwig, Jacobsen, Ferguson, Sheldon, Brekke and Anderson; by request of Department of Community Development).

House Committee on State Government  
Senate Committee on Governmental Operations

**Background:** In 1982, the Legislature passed the Center for Voluntary Action Act. In so doing, the Legislature expressed an intent to ensure that the state of Washington makes every appropriate effort to encourage citizens to be volunteers. The Legislature gave the governor the authority to establish a statewide Center for Voluntary Action within the Department of Community Development. The center's major task is to work in cooperation with individuals, local groups, and organizations throughout the state to further volunteer efforts. The Legislature also created the Washington State Council on Voluntary Action to assist the governor and the center in furthering volunteer efforts.

**Summary:** The Center for Voluntary Action becomes the Center for Volunteerism and Citizen Service. The Council on Voluntary Action becomes the Washington State Council on Volunteerism and Citizen Service. The upper limit on council membership increases from 21 to 25 members, and the governor is directed to consider a number of factors when making appointments to the council. Both the center and the council receive the new duty of seeking additional funding sources to support, promote, and enhance the ethic of citizen service throughout the state.

**Votes on Final Passage:**

House	97	0
Senate	43	0

**Effective:** June 11, 1992

## SHB 2745

C 143 L 92

Changing provisions relating to orders for protection and antiharassment orders.

By House Committee on Judiciary (originally sponsored by Representatives H. Myers, Belcher, Forner, Brough, Mitchell, Ogden, Appelwick, Morris, Riley, Ludwig, Paris, Wineberry, Winsley, Scott, Wood, Ferguson, Hochstatter, Sheldon, J. Kohl and Brekke).

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** The Domestic Violence Protection Act allows a person who alleges that he or she is a victim of domestic violence to petition the court for a protection order. The act contains detailed procedural requirements for issuing orders.

Upon receipt of the petition, the court must order a hearing to be held within 14 days. The respondent must be personally served with notice of the hearing five days prior to the hearing. Pending the hearing, the court may issue a temporary ex parte order of protection. If the respondent is not served on time, the court may reset the hearing and renew the ex parte order of protection for another 14 days. This process may be repeated a number of times if personal service cannot be made on the respondent.

After a hearing, the court may grant a protection order for a period not to exceed one year. The petitioner must initiate the process again if the petitioner wants continued protection after the one-year order expires.

The court may require the respondent to pay the filing fee, court costs, service fees, and other costs, including reasonable attorney fees.

A law enforcement agency to which the court has sent an order must retain the order in its computer based information system for one year.

Very similar procedures exist under the Antiharassment Act. That act allows a petitioner who is being harassed by someone who is not a "family or household member" to seek a protection order. That act does not provide for the award of costs and attorney fees.

**Summary:** The Domestic Violence Protection Act and the Antiharassment Act are amended to provide, under certain circumstances, for service of process by publication, entry of a permanent protection order or entry of orders that last longer than one year, and the award of costs and attorney fees in antiharassment cases.

**Service of Process by Publication:** If personal service has not been made on the respondent, the court must reset the hearing, must reissue the ex parte protection order, and must either order further attempts at personal service or allow service by publication.

The court may order service by publication if: (1) the server files an affidavit stating the server was unable to complete personal service. The affidavit must describe the number and types of attempts the server made to complete service; (2) the petitioner files an affidavit stating the petitioner believes the respondent is hiding to avoid service. The petitioner must explain the reasons for that belief; (3) the server has deposited a copy of the summons, notice of hearing, and ex parte order of protection in the post office directed to the respondent's last known address; and (4) the court finds reasonable grounds exist to believe the respondent is concealing himself or herself to avoid service and that further attempts to personally serve the respondent will be unduly burdensome or futile.

If the court permits service by publication, the court must reissue the ex parte order of protection. The publication must run once a week for three weeks in one of the three most widely circulated newspapers in the county of the respondent's last known address and in the county where the hearing will be held. The publication must contain the details of the petition, the response requirements, and the consequences for failing to appear. Service is considered complete upon expiration of the three weeks. The court must reset the hearing for 24 days from the date of issuing the ex parte order and order permitting service by publication. The petitioner must pay for the costs of publication unless the county legislative authority authorizes funds for that purpose.

**Permanent Order of Protection:** The court may issue a permanent protection order or a protection order for longer than one year if the court finds the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household mem-

bers upon expiration of a one-year order. The court may not issue an order of protection for longer than one year if the order prohibits contact with the respondent's minor children. If an order involves the respondent's minor children, the court must advise the petitioner that upon expiration of the one-year order the petitioner may either re-petition for protection under the Domestic Violence Protection Act or may seek relief pursuant to the domestic relations provisions. The court may order service of the one-year order or the permanent order to be completed by personal service or service by publication if the court has already allowed service by publication.

The court order must specify whether the order was granted after personal service or service by publication and whether the final order was ordered served by publication or served personally. The appropriate law enforcement agencies must put the information regarding method of service into their computer systems. The court must advise the petitioner that if process is served by publication that the respondent will not be subject to criminal and contempt sanctions unless the respondent "knows of the order." When the police investigate a report of a violation of a no-contact order, the police must try to determine whether the respondent knew of the order. If the police think that the respondent did not know or probably did not know of the order, then the officer must make a reasonable attempt to obtain a copy of the order and serve it on the respondent during the investigation.

Reissuance of a One-Year Order: If the court issues a one-year order and the petitioner applies for a renewal of the order, the court must grant the petition unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of domestic violence when the order expires. The same rules regarding service of process apply to these provisions.

Antiharassment Cases: Similar provisions are adopted in the antiharassment statute. The court may award costs and attorney fees to the petitioner in an antiharassment case.

**Votes on Final Passage:**

House 94 0  
Senate 35 12

**Effective:** June 11, 1992

**HB 2746**

C 18 L 92

Authorizing contracts between tow truck operators and landowners for payment of impound charges.

By Representatives Zellinsky, R. Fisher, Ballard, Van Loven and Ferguson.

House Committee on Transportation  
Senate Committee on Transportation

**Background:** Registered tow truck operators may not receive compensation from a private property landowner or his or her agent for impounding a vehicle. The provision is to prevent collusion between landowners and tow truck operators.

If a tow truck operator responds to a call from a private property landowner to remove abandoned junk vehicles, the tow truck operator cannot recover costs incurred for removal from the registered vehicle owner who has abandoned the junk vehicle on the landowner's property.

**Summary:** In limited situations, a landowner may pay a tow truck operator for removal of a vehicle that has an approximate fair market value equal to the scrap value in it. The vehicle must be impounded in the manner prescribed in statute. Any compensation from the landowner must be deducted from the amount of the vehicle lien resulting from impoundment and storage charges.

**Votes on Final Passage:**

House 92 0  
Senate 46 0

**Effective:** June 11, 1992

**SHB 2747**

C 34 L 92

Regulating bottled water.

By House Committee on Agriculture & Rural Development (originally sponsored by Representatives Fraser, McLean, Valle, Miller, Rayburn, Edmondson, Winsley, Scott, Basich and Jacobsen).

House Committee on Agriculture & Rural  
Development

House Committee on Appropriations  
Senate Committee on Agriculture & Water Resources

**Background:** The Department of Agriculture regulates intrastate commerce in food products under the state's Food Processing Act and Food, Drug, and Cosmetics Act. The department regulates certain specific food products, such as dairy, meat, and poultry products, under other state laws as well.

**Summary:** Standards are established for labelling the following forms of bottled water: artesian or natural artesian water, distilled water, mineral water, spring or natural spring water, naturally carbonated or naturally sparkling water, purified water, and well water. Supple-

mental labelling information or graphics appearing on such bottled water must not imply properties of the water which are not factual. Soft drinks, soda, and seltzer products commonly recognized as soft drinks and identified with a name other than these names for bottled water are exempted from these requirements. Standards and labelling requirements are also established for bottled drinking water and for bottled water to which carbon dioxide has been added.

Bottled water is expressly added to the foods that are regulated by the Department of Agriculture under the state's Food Processing Act and Food, Drug, and Cosmetics Act. In addition, the Board of Health is directed to set by rule quality standards for the source or supply of water for bottled water plants.

If a water dealer or operator of a bottled water plant knows or has reason to believe that a contaminant is present in the dealer's or plant's water source and its presence would create a potential health hazard to consumers, the dealer or operator must report the occurrence to the Department of Health.

**Votes on Final Passage:**

House	94	0	
Senate	46	0	(Senate amended)
House	96	0	(House concurred)

**Effective:** June 11, 1992

## SHB 2766

C 164 L 92

Increasing official fees for a sheriff's services.

By House Committee on Local Government (originally sponsored by Representatives Rayburn, Nealey, Riley, Edmondson, Paris and Basich).

House Committee on Local Government  
Senate Committee on Governmental Operations

**Background:** The county sheriff, like other county officers, is required to collect fees for official services. Fees collected by the sheriff for services connected with a lawsuit may be recovered by the prevailing party in the lawsuit as a part of court costs.

A fee schedule must be posted in the sheriff's office. The sheriff must make out a bill for the fees upon request. The bill must specify each particular item and a receipt must be provided upon payment of the fees. The sheriff may allow payment to be made after the official services have been performed. The sheriff must submit a statement of the fees charged and collected to the county auditor by the first Monday of each month. All fees are paid into the county treasury on the first Monday in each month.

A county officer may charge a fee for performing a service even though no fee for such service is provided in statute. The county officer may charge fees similar and equal to those allowed for services of the same kind. It is suggested that the statutorily expressed amount that the sheriff may charge for various services should be raised, and that fees for performing other services not currently established in statute be expressly authorized.

**Summary:** The fees that a sheriff is required to collect for performing official services are raised as follows:

- (1) Service of summons or complaint, raised from \$6 to \$10 for one defendant at any location, and \$12 for two or more defendants at one residence;
- (2) Making a return trip, raised from \$5 to \$7;
- (3) Levying a writ of attachment or execution, raised from \$15 to \$30 per hour;
- (4) Filing a copy of a writ of attachment or execution with the county auditor, raised from \$5 to \$10;
- (5) Serving a writ of possession or restitution, raised from \$15 to \$25;
- (6) Serving an arrest warrant, raised from \$15 to \$30;
- (7) Executing any other writ or process in a civil proceeding, raised from \$15 to \$30 per hour;
- (8) For each mile traveled going to or returning from any place of service or attempted service, raised from 25 cents to 35 cents;
- (9) Making a deed to lands sold upon execution or order of sale or other decree of court, payable by the purchaser, raised from \$20 to \$30;
- (10) Serving any other document for which no other fee is provided, raised from \$6 to \$12;
- (11) Posting a notice of sale or postponement, raised from \$5 to \$10;
- (12) Issuing a certificate or bill of sale of property, or certificate of redemption, raised from \$20 to \$30; and
- (13) Conducting a sale of property, raised from \$15 to \$30 per hour.

The following fees are newly authorized to be imposed by a sheriff:

- (1) \$5 for notarizing each document;
- (2) \$10 for fingerprinting for noncriminal purposes for up to two sets, \$3 for each additional set;
- (3) Actual cost of postage for mailings required by statute;
- (4) \$10 for internal criminal history record checks;
- (5) Actual cost of reproducing audio, visual, or photographic material, or magnetic microfilming, including personnel time.

A county legislative authority may set the amount of the fees collected by the sheriff to cover the costs of administration and operation, notwithstanding the amount set by statute.

## SHB 2768

Language is added to clarify that public funds may not be spent to pay for the costs of private litigation. Costs are to be paid by the party seeking action by the sheriff, and may be recovered from the proceeds of any subsequent judicial sale, or may be added to any judgment.

### Votes on Final Passage:

House	91	2	
Senate	46	2	(Senate amended)
House	90	0	(House concurred)

**Effective:** June 11, 1992

## SHB 2768

C 19 L 92

Allowing technical assistance officers for the department of ecology.

By House Committee on Environmental Affairs (originally sponsored by Representatives Horn, Rust, Bowman, D. Sommers, Van Luven, Neher, Bray, Edmondson, Brough, Wynne, Brekke and Tate).

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

**Background:** The Department of Ecology is responsible for enforcing the state's air, water, and solid and hazardous waste laws. In general, the department is required to enforce violations when they occur.

In 1988, state law was enacted directing the Department of Ecology to develop a waste reduction program to provide technical assistance to entities interested in reducing the amount of solid or hazardous waste they generated. The law specifically prohibited employees of the program from issuing citations, notices, or civil penalties.

**Summary:** The Department of Ecology is authorized to appoint one or more technical assistance officers to provide on-site consultation to businesses for the purpose of helping businesses comply with environmental regulations. The technical assistance officer may report violations to others within the department, but cannot issue violations unless persons or property are at risk of substantial harm.

The state, department, and technical officers are not liable for technical assistance given or for failure to give technical assistance.

### Votes on Final Passage:

House	92	0
Senate	43	2

**Effective:** June 11, 1992

## SHB 2784

C 229 L 92

Making technical and clarifying amendments to domestic relations provisions.

By House Committee on Judiciary (originally sponsored by Representative Appelwick).

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** In 1991, the Legislature enacted a statute requiring the administrator for the courts to develop mandatory forms for use in domestic relations cases. Some implementation questions arose during the process of developing the forms.

The terms "motion," "petition," "modification," and "adjustment" are terms of art that impact procedural requirements. The terms are sometimes used interchangeably and improperly in existing domestic relations statutes.

Some decrees provide for automatic adjustments of support. If a party has to move the court for an order compelling compliance, the law does not specify whether the adjustment is retroactive to the date specified in the decree or to the date the motion is filed.

Child support provisions have been amended during the last two legislative sessions. Each time the amendment has stated when parties may use those provisions to modify a support order. Those provisions need to be updated.

The court must enter written findings of fact as to why the court set support at a certain amount. Apparently clarification is needed to insure that courts enter findings whether support is set at an amount within or outside the presumptive or advisory amounts set out in the law.

The Parentage Act specifies that the Marriage Dissolution Act, which governs modifications of support orders, applies to modifications of support orders issued under the Parentage Act but does not specify that the Marriage Dissolution Act also applies to modifications of a parenting plan.

The court may issue a temporary restraining order pending final resolution of a divorce, restraining the parties from disposing of or concealing property. Under court rule, the court must order the moving party to post security. No court rule or statute gives the court discretion to waive that requirement in domestic cases.

**Summary:** In addition to forms and format rules already developed, the administrator for the courts must develop by September 1, 1992 mandatory forms for financial affidavits. The parties must use those forms for actions commenced on or after September 1, 1992.

Parties may delete unnecessary parts of forms according to rules established by the administrator for the courts. The court may not dismiss a case, reject a filing, or strike a pleading if a party does not use the mandatory forms. The court may require the party to submit a corrected pleading and impose terms.

The administrator for the courts has ongoing responsibility to develop and revise forms and format rules. The administrator for the courts and court clerks may distribute the forms and may collect the costs of distribution and production. Private vendors may also distribute the forms.

Technical changes are made to use correct references to "motion," "petition," "modification," and "adjustment."

Adjustments of support ordered following a motion to compel compliance with the decree will accrue from the effective date specified in the decree.

An expired provision regarding when parties may file for a modification due to changes in the child support schedule is deleted.

The court must enter written findings of fact whether the court sets support at an amount within the presumptive amount, within the advisory amount, or outside the presumptive or advisory amounts.

Provisions in the Marriage Dissolution Act regarding modification of parenting plans also apply to orders regarding parenting plans issued under the Parentage Act.

The court may waive the requirement to post security when the court issues a temporary restraining order restraining a party from disposing of property pending final resolution of a divorce.

#### Votes on Final Passage:

House	95	0	
Senate	46	0	(Senate amended)
House			(House refused to concur)
Senate	46	0	(Senate amended)
House	96	0	(House concurred)

**Effective:** June 11, 1992

## SHB 2796

C 67 L 92

Authorizing local governmental entities to administer and enforce portions of the water well construction program.

By House Committee on Environmental Affairs (originally sponsored by Representatives Bray, Horn, Rust, Ludwig, Valle, D. Sommers and Fraser).

House Committee on Environmental Affairs  
Senate Committee on Agriculture & Water Resources

**Background:** The Department of Ecology is responsible for overseeing water well construction. The department's duties include a licensing program for well drillers, a notification program for proposed wells and abandoned wells, and construction standards for drilling and decommissioning wells.

**Summary:** The Department of Ecology (Ecology), by means of a memorandum of agreement, may delegate enforcement of certain portions of the water well program to local health districts and counties. Ecology must determine that the local government has the resources to accept the delegation. Prior to entering into a memorandum of agreement, notice of the proposed delegation and an opportunity to comment must be provided to well drillers, contractors, and consultants. After the comment period, if Ecology believes a delegation of enforcement of well sealing and decommissioning elements of the water well construction program will be beneficial, it may enter into a memorandum of agreement with the local government for delegation of these responsibilities.

Ecology is responsible for monitoring the administration of a delegated program. It must also provide copies of well construction start cards to a local government with a delegated program.

Enforcement actions of a local government under a delegated program are appealable to Ecology. Ecology's decision is subject to review by the pollution control hearings board.

Ecology may not delegate licensing, reporting, or fee collection provisions of the water well program.

The authority to delegate elements of the water well construction program expires June 30, 1996.

#### Votes on Final Passage:

House	95	3	
Senate	47	0	(Senate amended)
House	95	0	(House concurred)

**Effective:** June 11, 1992

## HB 2811

C 182 L 92

Exempting excess nursing supplies cost from the reimbursement of the pilot facility for persons living with AIDS.

By Representatives Braddock, Locke, H. Sommers, Wang, Prentice, Moyer, Schmidt, Paris, Wineberry and Anderson.

House Committee on Appropriations  
Senate Committee on Health & Long-Term Care

**Background:** The state's nursing home reimbursement rate is set in statute—limits are placed on costs which

## EHB 2812

can be reimbursed. One such limit is placed on the Operations and Administration (A&O) Cost Center. This limit is referred to as the "85th percentile lid," meaning that any home's total A&O cost is limited to the cost of homes at the 85th percentile of all nursing homes. An inflation factor is applied to this lid.

**Summary:** A specific pilot facility, developed to meet the needs of persons with AIDS, is exempted from the "85th percentile" cost lid specifically for the costs associated with nursing supplies.

### Votes on Final Passage:

House	97	0	
Senate	47	0	(Senate amended)
House	92	0	(House concurred)

**Effective:** June 11, 1992

## EHB 2812

C 183 L 92

Providing for aircraft maintenance vocational training.

By Representatives Cantwell, Mielke, Locke, Forner, Wineberry, Padden, D. Sommers, Orr, Roland, Silver, Moyer, Day, Brough, Paris, Miller, Winsley, Dellwo, McLean, Hochstatter, Haugen, Wood and Rasmussen.

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

**Background:** Vocational education and training plays a key role in preparing employees for the workplace, helping them to develop skills and qualify for secure jobs. The Council on Investment in Human Capital report states that the need to enhance Washington's workplace training and education is critical. Studies indicate that the quality of an area's workforce is a key factor in determining where businesses expand or relocate.

**Summary:** For the 1991-93 biennium, \$500,000 is appropriated to the Department of Trade and Economic Development (DTED) for allocation to a technical or community college to develop a vocational training program on the maintenance of aircraft.

The appropriation is contingent upon an airline locating a new maintenance facility in this state. No part of the appropriation can be spent by DTED on administrative expenses or overhead.

### Votes on Final Passage:

House	89	6	
Senate	43	6	(Senate amended)
House			(House refused to concur)
Senate	30	18	(Senate amended)
House			(House refused to concur)
Senate	47	0	(Senate receded)

**Effective:** April 1, 1992

## EHB 2813

C 199 L 92

Allowing the transfer of the state law enforcement officers and fire fighters retirement system to the state health care authority.

By Representatives Bowman, Prentice, Riley, Braddock, Cantwell, Van Luvan and Brumsickle.

House Committee on Health Care  
Senate Committee on Health & Long-Term Care

**Background:** When the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF-I) was created in 1970, the law required local governmental entities to provide full 24-hour health benefit coverage. When the State Employee Insurance Board, predecessor of the Health Care Authority (HCA), was created, LEOFF was excluded from mandatory health care coverage in an effort to avoid potential high costs.

In recent years, several developments occurred that made LEOFF participation in the HCA plan advantageous: (1) LEOFF-II, created in 1976, did not require health coverage; (2) retiree coverage, required in LEOFF I, has become difficult to obtain other than through the HCA; and (3) local governments, which covered non-LEOFF employees through the HCA, have been finding it increasingly difficult to obtain separate coverage for LEOFF employees.

There are 4,363 active member in LEOFF I and 6,899 in LEOFF II.

**Summary:** To permit LEOFF enrollment in the HCA plan, current law that prohibits LEOFF participation in the HCA benefits plan is deleted. However, LEOFF members' right to bargain collectively for health benefits is unchanged.

### Votes on Final Passage:

House	93	0	
Senate	49	0	

**Effective:** June 11, 1992

## SHB 2814

C 20 L 92

Revising statutes regarding state information resources.

By House Committee on Appropriations (originally sponsored by Representatives H. Sommers, Silver, Anderson, Locke and Winsley; by request of Department of Information Services and Office of Financial Management).

House Committee on Appropriations  
Senate Committee on Ways & Means

**Background:** The Information Services Board and Department of Information Services: The Information Services Board and the Department of Information Services were created in 1987 to provide coordinated planning, management, and delivery of state information services. The board provides direction to state agencies on strategic planning and technical policies for information services, develops acquisition standards, and assists agencies in acquiring and implementing information services.

Service and Planning Components: The department consists of two principal functional components: service and planning. The service component provides telephone, data transmission, mainframe computing, bulk purchasing, and consulting services. The department holds roughly 30 percent of the state agency market for these services. Services are provided on a full cost-recovery basis, and the department must compete with other vendors to provide services to state agencies. The planning component provides staff support to the board and its duties include conducting reviews and assessments of agency information technology projects, as directed by the board.

The department is scheduled for sunset review in 1994.

Report to the Legislature: In response to troubled large computer system development, the 1991-93 Omnibus Appropriations Act provided funding only for fiscal year 1992 for the planning component. The act also directed the department to report to the Legislature by January 15, 1992, on the state's information systems development, review, and approval process.

The report recognizes that information technology planning has been poorly executed and that project oversight has been ineffective. To remedy these problems, the report lays out a two-year planning cycle and a project oversight process that are intended to improve control over project resources, the quality of technical requirements assessments, and the accuracy of estimates of the time and funding necessary for implementation.

**Summary:** Legislative Intent: The legislative intent behind the establishment of the department is expanded to specify that information projects be implemented on an incremental basis, that the state move toward open system architecture, and that the state recognize price advantages available in midrange and personal computing architecture.

Planning and Funding of Major Information Technology Projects: The department is required to establish standards and policies, subject to approval of the board, governing planning, implementation, and evaluation of major information technology projects. These standards and policies are to define a process and procedures which agencies will follow in developing and implementing major projects. Agencies may propose their own process for department approval. Processes are to include distinct and identifiable "phases" upon which funding can be based and user validation of products through system demonstrations and testing of prototypes. Project plans and agreements are to be mutually agreed to by the director of the agency involved, the director of the department and the director of financial management. The director of the department may terminate a major project if it is not meeting anticipated performance standards. The department must evaluate projects at three developmental stages and provide copies of evaluations to the Office of Financial Management (OFM) and to selected members and staff of the appropriations committees. The department is to define what projects will be subject to this process.

OFM must establish policies and standards governing the funding of major projects. The director of information services, the director of the department, and the head of the agency proposing the project are to agree on terms and conditions for funding projects. The department may require that funds be released on a phase-by-phase basis. Products are to be tested and approved before final payment is made.

Review of Funding Requests for Information Technology: At the request of OFM, the department must review agency funding requests for major information technology projects. Department recommendations regarding such funding requests are to be submitted to OFM and the Legislature along with the agency's budget request.

State and Agency Strategic Planning: The department is required to develop a state strategic information technology plan setting forth the statewide mission, goals, and objectives for the use of information technology. The plan and any updates are to be approved by the board.

Each agency is required to develop an agency strategic information technology plan setting forth the agency mission, goals and objectives relating to infor-

## EHB 2821

mation technology. Plans must include an explanation of how the agency plan conforms to the state strategic plan and projects, resources, and estimated funding required to meet the objectives of the plan.

**Biennial Performance Report:** The department is required to develop a biennial performance report on information technology. This report must include an assessment of progress toward implementing the state strategic information technology plan; an analysis of the success or failure, feasibility, progress, costs, and timeliness of major information technology projects; identification of benefits, cost avoidance, and cost savings generated by major projects; and an inventory of state information technology.

Agencies are required to develop agency performance reports similar to the statewide performance report outlined above.

**Information Services Board (ISB):** Board composition requirements are changed, deleting the requirement that three members represent cabinet agencies and specifying that one member represent a statewide elected official other than the governor.

**Other:** Research applications at institutions of higher education are exempted from the provisions of the bill. The director of the department is required to appoint, after consulting with the board, the assistant director of the planning component.

**Sunset:** The current sunset review of the Department of Information Services (DIS) and the ISB scheduled for June 30, 1994 is extended to June 30, 1996.

### Votes on Final Passage:

House	94	0	
Senate	44	4	(Senate amended)
House	96	0	(House concurred)

**Effective:** March 20, 1992

## EHB 2821

C 21 L 92

Allowing communities closely associated with timber impact areas to be included in programs for dislocated forest products workers.

By Representatives Jones, Bowman, Kremen, Wynne, Rayburn, Hargrove, Basich, Scott, Ogden, Morris, Riley, Haugen, Sheldon, Rasmussen, J. Kohl, Franklin, Brekke and Brumsickle.

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

**Background:** Reduced timber harvest levels in Washington affect regions of the state differently. Those communities whose economic base relies primarily on the timber industry are the most adversely affected.

In 1991, the Legislature created several programs to assist communities, businesses, workers and families in timber impact areas. The legislation defines timber impact area on a countywide basis.

State funds budgeted for the capital and operating costs of timber impact area assistance programs exceed \$56 million for the 1991-93 biennium. The Interagency Task Force and the Timber Recovery Coordinator, created by the same 1991 legislation, coordinate the assistance programs to the timber impact areas. Because funds are limited, the Interagency Timber Task Force has focussed its efforts and resources on eligible areas that it has determined to be in greatest need.

**Summary:** The definition of timber impact area in the timber programs created by the 1991 legislation is broadened to include communities that are socially and economically integrated with those areas meeting the current definition.

The Economic Recovery Coordinating Board is to determine which additional communities meet the new criteria.

Eligibility for state basic health care is expanded to include all persons in timber impact areas, not just dislocated forest products workers and their families.

### Votes on Final Passage:

House	97	0
Senate	49	0

**Effective:** March 20, 1992

## SHB 2831

C 173 L 92

Revising pesticide recordkeeping and posting requirements.

By House Committee on Commerce & Labor (originally sponsored by Representatives Heavey, Rayburn, Edmondson, Kremen, Prentice, Inslee, Roland, Nealey, Ludwig, Bray, Grant, Franklin, McLean, Rasmussen and Haugen).

House Committee on Commerce & Labor  
Senate Committee on Commerce & Labor

**Background:** Since 1961, the Pesticide Application Act has required certain pesticide applicators to keep records of pesticide applications. In 1989, the record-keeping requirements were amended and new record-keeping and posting requirements were added to the Worker and Community Right to Know Act.

### Requirements for Pesticide Application and Storage Records

**Pesticide Application Act (PAA):** Licensed pesticide applicators and all persons who apply pesticides to more than one acre of agricultural land in a calendar

year (except dairy farmers) must keep records of their pesticide applications on a form jointly adopted by the Department of Agriculture and the Department of Labor and Industries. The records must be updated each day a pesticide is applied, be kept for seven years, and be readily available to: the Department of Agriculture; the Department of Social and Health Services; the Pesticide Incident Reporting and Tracking Review Panel; treating medical personnel in a suspected case of pesticide poisoning; and, in the case of an industrial insurance claim filed with the Department of Labor and Industries, the employee or the employee's designated representative and the department.

Any person who fails to comply with the requirements of the PAA is subject to a civil penalty of up to \$7,500.

**Worker and Community Right to Know Act (WCRKA):** An employer who applies or stores pesticides in connection with the production of an agricultural crop must maintain a workplace pesticide list by crop for each pesticide that is applied to a crop or stored in a work area. The list must be updated on the day that a pesticide is applied or first stored. It must be accessible and available for copying, be kept for at least seven years, and be on a form jointly adopted by the Department of Agriculture and the Department of Labor and Industries. The list must be readily available to employees and their representatives. It must be provided, on request, to: the Department of Labor and Industries; the Pesticide Incident Reporting and Tracking Review Panel; treating medical personnel; or an employee or the employee's designated representative in the case of an industrial insurance claim.

Pesticide records kept under the WCRKA or PAA may be used to satisfy the recordkeeping requirements of either law.

**Posting of Warning Signs:** The WCRKA requires the posting of warning signs when labor-intensive agricultural crops are treated with certain pesticides. The signs must be posted in the area no sooner than 24 hours before the pesticide is applied. Under rules adopted by the Department of Labor and Industries, this provision is interpreted to require posting at least 24 hours before pesticide application.

**Physician Reporting of Pesticide Cases:** Physicians are required to report cases or suspected cases of pesticide illness to the Department of Health. The report must include information required by Board of Health rules.

**Summary: Pesticide Application Records:** The Department of Agriculture and the Department of Labor and Industries are authorized to adopt more than one prescribed form for pesticide application recordkeeping. Pesticide application records are no longer required to

be kept on the agency prescribed form. Employers do not have to maintain their records by crop. The exemption from the recordkeeping requirements for dairy farms is deleted.

Commercial applicators must provide a copy of pesticide application records to owners or lessees of the agricultural land being treated, and the copy must be on the agency prescribed form, if requested. The owner or lessee who has employees covered under the WCRKA must keep the record for seven years. This record may be used to satisfy the employer's recordkeeping obligations under the WCRKA.

The records must be readily accessible to the administering department for inspection. When copies of the records have been requested by authorized entities, the record must be provided on the agency prescribed form, if requested. If the record is needed for determining medical treatment, it must be provided immediately, and may be provided by telephone when requested. In other cases, the record must be provided within 72 hours. The PAA is amended to permit the Department of Labor and Industries to request the records without regard to whether an industrial insurance claim has been filed.

Pesticide application records must be accessible to employees and their designated representatives for viewing in a central location in the workplace beginning on the day the pesticide is applied and for at least 30 days following the application. The employee or employee's representative is entitled to make his or her own record of the information contained in the application record. New employees must be made aware of these requirements.

If the employer has reason to suspect that an employee is ill because of a pesticide exposure, the employer must provide a copy of the records immediately to the employee.

**Pesticide Storage Records:** The WCRKA requirement that employers keep storage records is deleted. Instead, employers must conduct an inventory each calendar year of pesticides stored in a work area. In addition, the employer must maintain a record of pesticide purchases or have the purchase records kept by the employer's distributor. The director of the Department of Labor and Industries may require employers and distributors to submit records to the department, covering a specified period of time or geographical location.

**Enforcement of Recordkeeping Requirements:** The departments are instructed to inspect for records when conducting on-site inspections of farms. However, no person is subject to more than one record inspection per year as part of an on-site inspection. The departments' inspection authority is not limited when the inspection pertains to pesticide-related injury, illness,

## SHB 2833

fatalities, accidents, or complaints. The inspection should include a determination that the records are readily transferable to the department form and accessible to employees. If an employer fails to maintain and preserve the records, the employer is subject to applicable penalties under the Washington Industrial Safety and Health Act.

**Posting of Warning Signs:** The required pesticide application warning signs must be posted within 24 hours before the scheduled application of the pesticide. Employees working in an area scheduled for pesticide application must be informed of the application and must vacate the area before the pesticide is applied.

**Physician Reporting of Pesticide Cases:** Beginning January 1, 1993, physician reports of pesticide cases to the Department of Health may include information taken from the relevant pesticide records.

### Votes on Final Passage:

House	94	0	
Senate	39	1	(Senate amended)
House	96	0	(House concurred)

**Effective:** April 1, 1992 (Sections 1 - 3)  
January 1, 1993 (Section 4)

## SHB 2833

C 204 L 92

Regulating the usage of reclaimed water.

By House Committee on Natural Resources & Parks (originally sponsored by Representatives Fraser, McLean, Rayburn, Edmondson, Valle, Miller, Belcher, Brekke and Haugen).

House Committee on Natural Resources & Parks  
Senate Committee on Agriculture & Water Resources

**Background:** Legislation passed in 1989 required the Department of Health to, contingent upon the availability of funds, encourage the use of reclaimed water. Permanent standards have not been adopted. Many states, including California and Oregon, have standards that allow the use of reclaimed water.

**Summary:** The Department of Health, in coordination with the Department of Ecology, is required to adopt a single set of permanent standards, procedures and guidelines by August 1, 1993, for the industrial and commercial use of reclaimed water. The Department of Ecology, in coordination with the Department of Health, is required to adopt a single set of permanent standards, procedures and guidelines by August 1, 1993, for land applications of reclaimed water.

The departments are required to assist parties in developing pilot projects to use reclaimed water. The departments must develop interim standards for pilot

projects using reclaimed water for application to land by July 1, 1992 and for use in commercial and industrial applications by November 15, 1992.

Persons lawfully using reclaimed water prior to the effective date of the act are not required to comply with standards, procedures and guidelines before July 1, 1995.

The Department of Health is authorized to issue permits for the use of reclaimed water for industrial and commercial uses, but may not issue permits until a fee structure for the permits has been established. A permit is required from the Department of Ecology for any land application of reclaimed water. Permits issued by either department may be issued only to a municipal, quasi-municipal, or other governmental entity, or to a holder of a waste discharge permit.

The Department of Health is directed to report to the Legislature by August 1, 1994, on the progress of the program to use reclaimed water. In addition, the department is directed to make recommendations regarding whether current uses of reclaimed water, exempt from compliance until July 1995 should be required to comply with the new standards. The report must include guidelines to assure safe, high quality food products for domestic and export markets. The report must also consider potential uses of greywater, as distinct from reclaimed water, and make recommendations on such uses. The report is to be prepared in coordination with the Department of Ecology, State Building Code Council, and State Board of Health.

The Department of Health, in coordination with the departments of Ecology and Agriculture, is required to form an advisory committee before May 1, 1992, to provide technical assistance on the development of standards for use of reclaimed water. The department must report to the Joint Select Committee on Water Resource Policy by December 1, 1992, on the permit fees recommended and authorized under the act.

### Votes on Final Passage:

House	95	0	
Senate	48	0	(Senate amended)
House	96	0	(House concurred)

**Effective:** April 2, 1992

## HB 2841

C 122 L 92

Exempting donated or worthless property from the uniform unclaimed property act.

By Representatives Mitchell, Appelwick, Wood, Winsley, Broback, Paris, Miller, Brough, Forner and Haugen.

House Committee on Local Government  
Senate Committee on Governmental Operations

**Background:** The Uniform Unclaimed Property Act generally requires that unclaimed property must be turned over to the custody of the state Department of Revenue. If the property is unclaimed after three years, it is sold to the highest bidder at public sale. The proceeds from the sale of abandoned property are deposited into the state general fund.

The Department of Revenue is not required to offer property for sale if the cost of the sale exceeds the value of the property. The department may also destroy or otherwise dispose of property that has insubstantial commercial value at any time.

Property of negligible value must still be turned over to the state because it is not exempt from the provisions of the Uniform Unclaimed Property Act. Unclaimed property in the hands of city police or the county sheriff, however, may be destroyed if it has no substantial commercial value. City police and county sheriffs may also donate unclaimed bicycles and toys to nonprofit charitable organizations.

**Summary:** Provisions of the Uniform Unclaimed Property Act do not apply to used clothing, umbrellas, bags, luggage, or other personal effects if the property is disposed of either by being donated to a bona fide charity, or by being destroyed if the property has negligible value.

**Votes on Final Passage:**

House	92	0
Senate	48	0

**Effective:** June 11, 1992

**ESHB 2842**

C 219 L 92

Prohibiting duplication of mitigation for system improvements.

By House Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson, Cantwell, Wilson, Morris, Forner, R. Meyers, Wood, Peery, Paris, Miller, Carlson, Wynne, Mitchell and Hochstatter)

House Committee on Local Government  
Senate Committee on Governmental Operations

**Background:** Impact fees: Counties and cities that are required or choose to plan under all the requirements of the Growth Management Act may impose impact fees on certain development activity to finance some of the infrastructure needs and impacts arising from the development activity.

The ability of counties and cities to impose impact fees is restricted. A direct connection must exist between the fees and the actual impact of the development activity for which the impact fees are paid. Impact fees may not be arbitrary. Impact fees may not be duplicative of other fees or requirements placed upon the development activity. Impact fees may only be imposed if they are part of a package of funding sources to finance infrastructure needs.

Impact fees may only be imposed for: (1) public streets and roads; (2) publicly-owned parks, open space, and recreation facilities; (3) school facilities; and (4) city fire protection facilities. Further, impact fees may only be imposed to finance those public facilities if they are addressed in the capital facilities element of the new comprehensive plans that are required to be prepared.

Further restrictions exist where impact fees are imposed to partially finance public facilities designed to benefit the general public at large, as well as to the users of the development, which are referred to as "system improvements." Impact fees may not exceed the proportionate share of the costs of these system improvements that are reasonably related to the new development. Impact fees that are imposed for these system improvements must reasonably benefit the new development.

State Environmental Policy Act: The State Environmental Policy Act (SEPA) requires every governmental agency to review its proposed major actions and determine if a probable significant adverse environmental impact will arise from the proposed action.

The review process involves a number of potential steps that could result in the preparation of an environmental impact statement for a proposed governmental action. However, very few proposed governmental actions result in the preparation of an environmental impact statement. Many actions are categorically exempted from the analysis. Proposed actions may be modified or actions may be taken to remove the probable significant adverse environmental impact. The action taken may include the payment of fees to compensate for the adverse impact. The SEPA analysis must consider any and all mitigation measures to determine if, after modification or after the mitigation measures have been taken, a probable significant adverse impact still would arise.

The SEPA analysis reviews a variety of subjects, including the probable impact of a governmental decision on public facilities.

**Summary:** A person who is required to pay an impact fee for system improvements under the Growth Management Act shall not be required to pay a fee under SEPA for the same system improvements.

## HB 2844

A person who is required to pay a fee under SEPA for system improvements shall not be required to pay an impact fee for the same system improvements under the Growth Management Act.

### Votes on Final Passage:

House 98 0

Senate 49 0

**Effective:** June 11, 1992

## HB 2844

C 200 L 92

Removing the limitation on deficiency claims against owners of vehicles subjected to a law enforcement impound.

By Representatives Zellinsky and R. Fisher.

House Committee on Transportation  
Senate Committee on Transportation

**Background:** A registered tow truck operator who has lawfully impounded and stored a vehicle has a lien on the vehicle for the impound and storage charges incurred. If a vehicle remains unclaimed after the proper notification and waiting period, the tow truck operator must sell the vehicle at a public auction.

If an operator does not satisfy the lien through the sale of the vehicle at the public auction, the operator has a deficiency claim of up to \$300, less the amount received at the auction, against the last registered owner. For vehicles over 10,000 pounds gross vehicle weight, the operator has a deficiency claim of \$1,000, less the bid at the auction.

**Summary:** The limitation on deficiency claims for tow truck operators who lawfully impound and sell vehicles at a public auction does not apply to law enforcement-directed impounds.

### Votes on Final Passage:

House 96 1

Senate 40 0 (Senate amended)

House 95 1 (House concurred)

**Effective:** June 11, 1992

## SHB 2845

C 94 L 92

Modifying overtime compensation for automobile salespersons.

By House Committee on Commerce & Labor (originally sponsored by Representatives Heavey, Lisk and Ludwig).

House Committee on Commerce & Labor  
Senate Committee on Commerce & Labor

**Background:** Under federal and state law, employers are required to pay overtime compensation to covered employees who work more than 40 hours in a work week. Federal law exempts automobile and truck salespersons working for non-manufacturing businesses primarily selling vehicles to ultimate purchasers. Washington law provides exemptions for salespersons, but only if the salesperson primarily works outside the employer's place of business.

In 1986, the Department of Labor and Industries authorized the automobile dealers to pay overtime for salespersons by paying either commissions or one and one-half times the base rate of pay established for a 40 hour week, whichever was greater. Recently the department has indicated that this method of compensation is not permitted under Washington law.

**Summary:** Employers of commissioned salespersons primarily engaged in the business of selling automobiles and trucks to the ultimate purchaser do not violate state overtime compensation requirements if the salespersons are paid the greater of (1) compensation at the hourly rate for hours up to 40 hours per week, plus overtime at one and one-half times the hourly rate, or (2) commissions, salaries, or salaries plus commission.

### Votes on Final Passage:

House 92 0

Senate 38 1

**Effective:** June 11, 1992

## SHB 2857

C 152 L 92

Providing for continued health care benefit coverage of retired and disabled school district employees and their dependents.

By House Committee on Appropriations (originally sponsored by Representatives Hine, Locke, Spanel, Ferguson, Jones, Dorn, Paris, Kremen, G. Fisher, Brough, Pruitt, Rayburn, Prentice, Franklin, Ogden, Roland, Sheldon, Nelson, Bowman, Leonard, Belcher, Orr, Brekke, Bray, H. Myers, Rasmussen, Fraser, G. Cole, O'Brien, J. Kohl and Anderson).

House Committee on Appropriations  
Senate Committee on Ways & Means

**Background:** State employees who are retired or disabled may continue their participation in insurance plans offered by the State Employees' Benefits Board. The premium rates for these retirees are developed from an experience pool that includes active employ-

ees. This rating system results in a subsidy for retirees under age 65 of about 40 percent of the cost of their premiums.

There are no similar provisions in state law regarding school district employees' ability to continue participation in group insurance plans offered through their districts. Federal law under the Consolidated Omnibus Budget Reconciliation Act (COBRA) requires that retirees be allowed to continue group coverage for medical, dental or vision insurance at no more than 102 percent of the group rate for a period of 18 months, or until the retiree becomes eligible for Medicare. This 102 percent premium cap results in a subsidy similar to that granted to state retirees.

In 1991, the Legislature extended COBRA coverage for certain school district employees for a period of 30 months, rather than 18 months. The bill also directed the Health Care Authority to study the issue of insurance coverage for school district employees, but the study provision was vetoed by the governor. In addition, insurance companies and school districts have expressed concern that the law as currently written is difficult to interpret and administer.

**Summary:** Insurance policies created to provide benefits to school district employees and their dependents must allow retired or disabled employees to continue medical, dental, or vision coverage under the group policy until June 30, 1994, or until the employee becomes eligible for Medicare, whichever comes first. "Retired employee" is defined as someone who is eligible at the time of separation from service to begin receiving a state retirement allowance.

The terms of this continued coverage must conform to standards for continued coverage under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA). This period of continued coverage runs concurrently with any period provided by the federal government under COBRA. The Superintendent of Public Instruction must adopt rules to implement the continued coverage.

A previous law allowing continued coverage for retired school district employees for up to 30 months is repealed, but the continued coverage to 1994 applies to the same employees as the previous law did. That is, continued coverage to 1994 applies to: (1) school district employees who retired or lost insurance coverage due to disability after July 28, 1991; (2) employees who retired or lost coverage due to disability within the 18-month period ending on July 28, 1991; and (3) employees who retired or lost coverage due to disability prior to January 28, 1990, and who were covered by their district's insurance plan on January 1, 1991.

Insurance companies may not require retired school district employees to pay health insurance premiums

through deductions from the retiree's state pension if the amount of the premium exceeds the amount of the pension. If the premium is greater than the pension, the retiree must be allowed to pay the premium directly.

The Health Care Authority is directed to study alternatives for making appropriate health insurance coverage available to retired and disabled school district employees and to develop estimated costs and funding mechanisms to provide such coverage, including alternatives for partial subsidization of costs by active employees or the state. The Health Care Authority's findings and recommendations are due January 15, 1993.

**Votes on Final Passage:**

House	91	1	
Senate	48	0	(Senate amended)
House	92	0	(House concurred)

**Effective:** June 11, 1992

## SHB 2865

C 184 L 92

Regulating the harvest of wild mushrooms.

By House Committee on Natural Resources & Parks (originally sponsored by Representatives Sheldon, Belcher, P. Johnson, Jacobsen, Fraser, Nelson, Scott, Winsley, Bowman and Anderson).

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

**Background:** Wild edible mushrooms are harvested in Washington as both a recreational pursuit and, in some areas, a commercial enterprise. Before 1988, there was no mechanism for keeping accurate data on quantities harvested to determine whether overharvesting might be occurring.

In 1988, the Legislature enacted the Wild Mushroom Harvesting and Processing Act to gather data on the commercial harvest. The act created a licensing program for the commercial mushroom industry. Under the act, mushroom buyers and dealers are required to be licensed and report the quantity of mushrooms purchased by species to the Washington State Department of Agriculture. The act also encourages recreational harvesters to report their harvesting voluntarily. The reporting system has no enforcement mechanism, but depends on the willingness of buyers to comply.

Mushrooms are not treated as specialized forest products. Specialized forest products include Christmas trees, native ornamental trees and shrubs, evergreen foliage, cedar products, cedar salvage, processed cedar products, and cascara bark. Harvest, possession, or

## SHB 2867

transportation of specialized forest products over specified minimum levels requires a permit. Permits must be signed by the landowner and validated by the county sheriff. The county sheriff has primary responsibility for enforcement of these provisions.

**Summary:** Wild edible mushrooms are included under the definition of specialized forest products. A specialized forest products permit is required for harvest of more than three U.S. gallons of a single species of wild edible mushroom and not more than an aggregate total of nine U.S. gallons of wild edible mushrooms, plus one wild edible mushroom.

**Votes on Final Passage:**

House	92	0	
Senate	44	0	(Senate amended)
House	96	0	(House concurred)

**Effective:** June 11, 1992

## SHB 2867

C 22 L 92

Authorizing reimbursement of certain medical insurance premiums to retired police officers and fire fighters.

By House Committee on Appropriations (originally sponsored by Representatives H. Sommers, Edmondson, Horn, Orr, Winsley, Jones, Paris, Wood, Bray and J. Kohl).

House Committee on Appropriations  
Senate Committee on Ways & Means

**Background:** Plan I of the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) requires employers to pay for medical services needed by retired and disabled members. Local LEOFF disability boards oversee the medical services. The law allows employers to purchase insurance plans to cover these members, with the employer then also paying for charges not covered by the insurance. Employers are also allowed to deduct charges that have been paid by Medicare from amounts they owe to the retired members.

The police officers retirement plan established prior to LEOFF gives local disability boards discretion over whether and how much to pay for medical services for retired members, although many do provide some level of reimbursement. Pre-LEOFF fire fighters' disability boards are required to provide medical services for retired disabled fire fighters.

Part B of Medicare covers the cost of physicians' charges and may be purchased by Medicare-eligible retirees for \$29.60 per month. Medicare part B coverage is not mandatory, but retirees who purchase it receive

substantial discounts on other insurance to supplement Medicare because the federal government is then responsible for the largest portion of charges for medical services.

Some former employers of LEOFF and pre-LEOFF retirees have been reimbursing the retirees for the cost of the Medicare part B premiums so that the employers' supplemental insurance obligations are reduced. The state attorney general and the state auditor have taken exception to this practice, stating that the employers and the local disability boards have no statutory authority to reimburse retirees for part B premiums.

**Summary:** Former employers of retired members of plan I of the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) may choose to reimburse such members for the cost of Medicare part B premiums or premiums for other insurance that supplements Medicare.

Disability boards overseeing retirees under the police officers' retirement system and disabled retirees under the fire fighters' retirement system established prior to LEOFF also have authority and discretion to reimburse retirees for Medicare part B premiums or other supplemental insurance.

**Votes on Final Passage:**

House	97	0
Senate	47	0

**Effective:** June 11, 1992

## SHB 2873

C 61 L 92

Requiring financial assurance for the disposal of radioactive waste.

By House Committee on Energy & Utilities (originally sponsored by Representatives Grant, May and Rayburn).

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

**Background:** Legislation in 1986 called for the low-level radioactive waste disposal site operator and site users to carry liability insurance and to hold harmless the state of Washington for any damages in connection with the site. The Department of Ecology (WDOE) was also directed to review the risks of waste disposal activities and set appropriate amounts of insurance coverage. Similar responsibilities were given to the Radiation Control Office (Department of Health (DOH)) and the Utilities and Transportation Commission.

WDOE reviewed the insurance market and found that liability coverage was prohibitively expensive.

Consequently, some portions of statute were not being enforced. An attempt was made in 1990 to clarify the insurance requirements, and also to spread the requirement of holding the state harmless to a wider range of entities using radioactive materials. Further confusion within the industry ensued.

To clarify the situation, in 1991 the Legislature directed the Department of General Administration (Risk Management Division), assisted by WDOE and DOH, to analyze risks and insurance requirements.

The agencies concluded that the risk in the use of low-level radioactive materials and the possibility of exposing the public to injury or causing damage to their property is very low. The state's tort liability exposure arising out of its low-level radioactive materials licensing activities is also minimal. Accordingly, the agencies could not justify requiring radioactive materials licensees to pay high premiums to purchase insurance to protect against low risk events.

Principal agency recommendations were that holders of radioactive materials state licenses not be required to indemnify the state for their activities, that disposal site permit holders continue to execute an indemnity agreement, that insurance coverage requirements be an exception rather than the norm, and that WDOE and DOH be given discretion in specifying insurance requirements.

**Summary:** Overlapping responsibilities between WDOE and DOH for determining financial assurance are eliminated. WDOE purview is limited to the waste disposal site operator and site use permittees. DOH makes determinations for radioactive material holder licenses.

Throughout, the term "financial assurance" is substituted for other liability provisions in order to be current and to allow as much flexibility as possible for affected parties to meet liability requirements.

WDOE must complete another financial assurance level review and determination by December 1, 1994.

Assurance level determination guidance for DOH is revised to incorporate provisions used by the U.S. Nuclear Regulatory Commission.

License holders may be required to have and to demonstrate financial assurances, but are no longer expressly required to indemnify and hold harmless the state from claims. Provisions which allow WDOE and DOH to exempt certain permittees or license holders from financial assurance requirements are deleted because imposition of these provisions is at the discretion of the departments.

**Votes on Final Passage:**

House 98 0

Senate 46 1

**Effective:** June 11, 1992

**SHB 2874**

C 108 L 92

Modifying the department of social and health services financial responsibility for funeral expenses of eligible persons.

By House Committee on Human Services (originally sponsored by Representatives Winsley, Grant, Tate, Ogden, Neher, Leonard, Padden, Paris, Brough, Basich and Mitchell).

House Committee on Human Services  
Senate Committee on Ways & Means

**Background:** The right and responsibility for the disposition of the remains of a deceased person belongs to the decedent's family, unless the decedent has left other instructions. Liability for burial falls to the family of the decedent in the following order: surviving spouse, surviving children, and surviving parents. A decedent's family is liable only for interment - burial or cremation -and is not liable for preparation and care of the remains and other related services.

The state may assume responsibility for the preparation, care and disposition of the remains of a decedent whose assets do not include sufficient resources to pay for a minimum standard funeral and interment. In determining the state's liability, the Department of Social and Health Services may consider the assets of a surviving spouse or parent. The department is not authorized to consider the assets of surviving children, or of parents, unless the decedent is a minor child.

The current state grant standard for disposition is \$657. The standard provides for costs related to the preparation, care and transportation of a decedent's remains, memorial services, and burial or cremation. Any contribution made by family and friends for the cost of the funeral or interment is deducted from the state's grant.

**Summary:** The liability of families of deceased persons is expanded to include the preparation, care, and disposition of the decedent's remains.

The Department of Social and Health Services may consider the assets of surviving children and parents of adult decedents when determining whether a decedent is eligible for state burial assistance.

The department shall establish a maximum level for contributions from family, friends and others for funeral, transportation, or burial services, which will not be deducted from the state's grant standard.

**Votes on Final Passage:**

House 93 0

Senate 48 0 (Senate amended)

House 96 0 (House concurred)

**Effective:** June 11, 1992

**ESHB 2876**

C 139 L 92

Making changes in public disclosure laws.

By House Committee on State Government (originally sponsored by Representatives Anderson, McLean, R. Fisher, Pruitt, Bowman and Basich).

House Committee on State Government  
Senate Committee on Governmental Operations

**Background:** Agency Responsibilities Under Current Law: Current law requires agencies to respond "promptly" to a public record request but does not specify what constitutes a prompt response.

Statutes allowing agencies to exempt certain records from public inspection and copying appear in the public disclosure section of the law as well as throughout the code.

Agencies have schedules in place regarding the maintenance and eventual destruction of their records. At times a public record that is the subject of a request may be scheduled for destruction as part of this routine schedule.

Review of an Agency's Public Records Decisions: Existing law provides that a person who has been denied access to a record may have the agency's decision reviewed in Superior Court. If the person prevails against the agency, the person is awarded court costs, including attorney fees. The court also has the option of awarding the person up to \$25 per day for each day that the person was denied access to the record.

Liability for Release of Records: There is some concern among state officials and employees that they would be personally liable for accidentally releasing information that was, in fact, exempt from disclosure.

**Summary:** Public Records Laws To Be Liberally Construed: Public records statutes are to be liberally construed and record exemptions are to be narrowly construed to promote the public policy of openness.

Changes in Agency Responsibilities: Agencies must respond to a public record request within five business days, in one of three ways: (1) by providing the record; (2) by acknowledging receipt of the request and providing a reasonable estimate of the time the agency will require to respond to the request; or (3) by denying the public record request. In acknowledging receipt of a record request, an agency may ask the requestor to clarify what information that person is seeking. If the requestor fails to clarify the request, the agency is not required to respond.

For informational purposes, agencies must publish and maintain a current list of laws other than those in the public records statutes which the agency believes exempts any of the agency's records from disclosure.

Also, the Office of the Attorney General is to publish a pamphlet explaining the provisions of the public records subdivision of the state's disclosure laws.

If a public record request is made at a time when a record exists but is scheduled for destruction in the near future, an agency is to retain the record until the request is resolved.

Review of an Agency's Public Records Decisions: A court's review of an agency decision to deny access to a record may be based only on affidavits. The court has the discretion to make an award within a new dollar range to a person who prevails against an agency. The range is no less than \$5 per day and no greater than \$100 per day for each day that the person was denied access to the record.

In addition to judicial review, a second avenue is provided for a person whose public record request has been denied by a state agency. The person may ask the attorney general to review a state agency's determination that a record is exempt from disclosure. The attorney general is to provide the person with a written opinion on whether the record in question is exempt. Making such a request does not establish an attorney-client relationship between the person requesting the opinion and the attorney general.

A person may also take a case to Superior Court if the person believes that an agency has not made a reasonable estimate of the time the agency requires to respond to a public record request. In such a situation, the burden of proof is on the agency to show that the estimate it provided is reasonable.

Public Records Exemptions: An existing public record exemption is modified to expressly exempt information revealing the identity of persons who are witnesses to or victims of crime. A new exemption is added which protects information about an agency employee who is seeking advice or information about employee rights in connection with sexual harassment or other unfair practices.

Joint Select Committee on Open Government: The Joint Select Committee on Open Government, created by resolution, will address several issues during the remainder of 1992: electronic data and records, treatment of information under existing disclosure laws, treatment of investigatory records, and a number of issues related to open public meetings. The committee is to report back to the Legislature by January 1993.

Immunity: A public agency, official, employee, or custodian may not be held liable for loss or damage based on the release of a public record, as long as the agency or person was acting in good faith in releasing the information.

**Votes on Final Passage:**

House 98 0  
 Senate 49 0 (Senate amended)  
 House 97 0 (House concurred)

**Effective:** June 11, 1992

**SHB 2887**

C 140 L 92

Raising appellate court filing fees.

By House Committee on Appropriations (originally sponsored by Representative Appelwick).

House Committee on Appropriations  
 Senate Committee on Ways & Means

**Background:** When appealing a case to the Supreme Court or the Court of Appeals, the appellant pays certain fees. These fees are deposited into the state general fund. The current Supreme Court and Court of Appeals docket fee is \$125. The current fee for filing a petition for review by the Court of Appeals is \$100.

**Summary:** The Supreme Court and Court of Appeals docket fees are increased by \$125 for a total fee of \$250. The Court of Appeals petition for review fee is increased by \$100 for a total fee of \$200.

**Votes on Final Passage:**

House 56 42  
 Senate 33 10

**Effective:** April 1, 1992

**HB 2896**

C 158 L 92

Authorizing state ferry bonds.

By Representatives Zellinsky, Schmidt, Wilson, R. Meyers, P. Johnson, R. Johnson, Brough, R. Fisher, Wood, Heavey, Mitchell, Pruitt and Sheldon.

House Committee on Transportation  
 Senate Committee on Transportation

**Background:** Recent studies have identified the need for the acquisition of up to three Jumbo class ferries to meet increased ferry service demand. The estimated cost for the acquisition of three Jumbo ferries is \$210 million.

**Summary:** Upon legislative appropriation authority, the state Finance Committee is authorized to sell up to \$210 million in bonds for vessel acquisition. The proceeds from the sale of bonds will be deposited in the Puget Sound Capital Construction Account.

The principle and interest is to be paid from the state's share of the motor vehicle and special fuels tax. The Motor Vehicle Fund will be reimbursed by the Puget Sound Capital Construction Account.

**Votes on Final Passage:**

House 96 1  
 Senate 38 11

**Effective:** June 11, 1992

**ESHB 2928****PARTIAL VETO**

C 69 L 92

Modifying open space laws.

By House Committee on Revenue (originally sponsored by Representatives Fraser, Wynne, Belcher, Morris, Wang, Dellwo, Scott and Jones).

House Committee on Revenue  
 Senate Committee on Ways & Means

**Background:** Property meeting certain conditions may have property taxes determined on current use values rather than market values. There are five categories of lands that may be classified and assessed on current use. Three categories are covered in the open space law: open space lands, farm and agriculture lands, and timber lands; and two are in the timber tax law: classified and designated forest land.

Open space land is land that preserves natural or scenic resources, protects streams or water supplies, promotes conservation of soils, wetlands, beaches or tidal marshes, enhances neighboring parks, forest, wildlife preserves, nature reservations or sanctuaries, enhances recreation opportunities, preserves historic sites, and retains land in urban areas in its natural state. The legislative body granting open space classification may require the land be open to public use.

Farm and agricultural land is land devoted primarily to commercial agricultural purposes. To qualify for classification, farm parcels less than five acres must generate \$1,000 in farm gross income. Farm parcels less than 20 acres and greater than five acres must have income greater than \$100 per acre. Farm parcels greater than 20 acres have no income test.

Application for farm and agricultural classification is made to the county assessor. A denial by the assessor can be appealed to the county legislative authority. Applications for open space or timber land are made to the county legislative authority. Appeals of county legislative authority decisions are made to the superior court.

Timber land is land of five or more acres devoted primarily to the growing and harvesting of timber. Classified and designated forest land is land which is

20 or more acres in size and devoted primarily to the growing and harvesting of timber. The assessed value of timber land and classified and designated forest land is set by statute.

Property may be removed from classification by the owner giving notice to withdraw. In the case of lands classified under the open space law, this notification is irrevocable. Land is removed from classification by the assessor if it no longer is used for the purpose under which it was granted open space classification.

When property is removed from classification, back taxes plus interest must be paid. For open space categories back taxes represent the tax benefit received over the most recent seven years. In addition, a penalty equal to 20 percent of the back taxes is applied. The penalty may be avoided if the property remains in the program for at least 10 years and a two year waiting period after notice of withdrawal is satisfied. For classified and designated forest land, back taxes are equal to the tax benefit in the most recent year times the number of years in the program, but not more than 10.

Land may be transferred between farm and agricultural land, timber land, classified and designated forest land without paying back taxes. Land may not be transferred into the open space category from another current use category without the payment of back taxes.

Sale or transfer to a new owner triggers removal from classification. Back taxes must be paid unless the new owner signs an agreement to continue in the program. Back taxes are not imposed if the property is transferred through exercise of eminent domain or the threat of eminent domain.

Transfers by inheritance have traditionally not been treated as a transfer triggering removal from the program. A recent attorney general opinion, however, makes it clear that an inheritance is a transfer. Unless the new owner signs a continuance, the property is removed from the program. An exemption from the back taxes is provided for a transfer within two years of the death of an owner of at least 50 percent interest in the property.

**Summary:** The definition of open space is expanded to include any land area which will preserve visual quality along highways, roads, and street corridors or scenic vistas. Public access cannot be required as a condition of granting open space classification to wetlands.

A new category is created in the open space category called "farm and agriculture conservation land." Lands eligible for this category are those formerly classified as farm and agriculture lands that no longer meet the income test or are not being actively farmed. Traditional farmland that has not been devoted to a use inconsistent with agricultural uses, that is not in another current use classification, and has a high potential for

returning to commercial agriculture is also eligible for this category.

Transfers without payment of back taxes can be made between all categories of current use valuation except for transfers out of open space. However, land classified as farm and agricultural conservation land within open space may be transferred to the farm and agricultural land category.

The annual gross income test for farm and agricultural land is increased for farms five to 20 acres in size from \$100 to \$200 per acre. The annual gross income test is increased for farms less than five acres in size from \$1,000 to \$1,500. These changes in income test are effective for applications after January 1, 1993. Land previously classified as farm and agricultural land will retain old income tests. A transfer of classified farm land to a new owner will trigger application of the higher income tests.

The current allowance for farm woodlots is expanded to an allowance of up to 20 percent of the farm land for uses incidental to agricultural purposes. Wetlands preservation is considered to be an incidental use compatible with agricultural purposes.

Land under farm dwellings is assessed at farmland values. This treatment applies only to farms over 20 acres and when use of the dwelling is integral to farm operation. The current use value of land under farm dwellings is set at the average farm and agricultural land value plus the value of land improvements for septic, water, and power to serve the residence. Back taxes are not charged when land under farm dwellings is removed from special assessment.

The definition of agriculture is expanded to include other activities as established by Department of Revenue rule following consultation with a statewide advisory committee. An advisory committee is created with membership as follows:

- (1) Four assessors, two from Western Washington and two from Eastern Washington;
- (2) Two members representing natural resource protection organizations;
- (3) Two members representing the public; and
- (4) Four members representing agriculture and forestry.

A timber management plan is required for classification as timber land.

Lands classified under the open space or the timber tax laws retain their classification when a transfer occurs due to an inheritance. The exemption from the collection of back taxes when property is sold within two years of the death of an owner of at least 50 percent interest in the property is removed.

Numerous technical changes are made to the open space property tax law. Denials by assessor of applications for farm and agricultural land classification are

appealed to the county board of equalization rather than the county legislative authority. Continued open space classification is allowed if the land is transferred due to a loan default to a government agency and the agency intends to resell the property to be continued in the same use. Property classified under open space law is required to continue to meet criteria for classification as open space for the years following initial classification. Provisions relating to application of the 20 percent penalty in addition to back taxes are clarified. The intent to use power of eminent domain must be stated in writing or other official action taken before back taxes may be forgiven.

An assessor may reclassify land if it was incorrectly placed in the wrong classification. This authority expires on December 31, 1995.

**Votes on Final Passage:**

House	97	1	
Senate	48	0	(Senate amended)
House	96	0	(House concurred)

**Effective:** January 1, 1993

**Partial Veto Summary:** The section creating an advisory committee on open space property tax administrative rules is vetoed. (See VETO MESSAGE)

**HB 2932**

C 142 L 92

Revising the Washington technology center.

By Representatives Cantwell, Forner, Rasmussen, Ludwig and Paris.

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

**Background:** In Washington State, several organizations play a role in public technology development and commercialization efforts. The University of Washington and Washington State University do an extensive amount of basic research, most of which is funded by the federal government. Both universities have offices that attempt to identify and protect research that has commercial potential.

In 1983, the Legislature created the Washington Technology Center (WTC) to form a university-industry-government partnership to conduct research that has a greater likelihood of being commercially applicable than traditional research done solely by a university. The WTC is headquartered at the University of Washington and is administered by a board of directors appointed by the University of Washington Board of Regents. State funding for the WTC is administered by the Department of Trade and Economic Development.

Since its inception, the WTC has received approximately \$47 million from the state.

The Department of Trade and Economic Development, as directed by the Legislature, recently completed two reports analyzing the state role in technology development and commercialization and assessing the Washington Technology Center. The assessment, done through Battelle, concludes that the Washington Technology Center is a viable organization and makes several recommendations including. The assessment recommends that: (1) the WTC develop a strategic plan; (2) the WTC give increased emphasis to technology commercialization and transfer; (3) the WTC respond to its mandate for education and training; (4) the WTC increase accountability; (5) the WTC evaluate the number of centers and strongly consider reducing that number to better use limited resources; (6) the WTC build direct lines of communication between the universities, industry, and state government; and (7) the WTC operations and organizational structure be refined.

**Summary:** The enabling legislation creating the Washington Technology Center (WTC) is modified. The mission of the Washington Technology Center is to perform and commercialize research on a statewide basis that benefits the intermediate and long-term economic vitality of the state. The Washington Technology Center is also to develop and strengthen university-industry relationships through conducting research that primarily benefits Washington-based companies.

The WTC board of directors, whose primary duty is to administer the WTC, is made an independent board appointed by the governor. The board is comprised of 14 representatives of technology-based industries, eight representatives of state universities, the executive director of the Spokane Intercollegiate Research and Technology Institute, the provost of the University of Washington and Washington State University, and the director of the Department of Trade and Economic Development. The term of each of the 14 industry and eight academic representatives is three years.

The Department of Trade and Economic Development is to provide guidance to the WTC regarding development of the center's strategic plan. The department is also responsible to the Legislature for the public contractual performance of the WTC. The department is to contract with the University of Washington board of regents for expenditures of state-appropriated funds for operation of the WTC.

## SHB 2937

### Votes on Final Passage:

House	98	0	
Senate	49	0	(Senate amended)
House			(House refused to concur)

### Conference Committee

Senate	48	0
House	97	0

**Effective:** June 11, 1992

## SHB 2937

C 117 L 92

Modifying requirements for fire protection contracts.

By House Committee on Appropriations (originally sponsored by Representatives Belcher and Bowman; by request of Department of Community Development).

House Committee on Appropriations  
Senate Committee on Ways & Means

**Background:** Under current statute, the state is required to contract with local jurisdictions for fire protection services when a state-owned facility lies within a local jurisdiction's boundaries. The Department of Community Development (DCD) is required to present in each budget request how much is needed to cover these contracts.

Prior to 1991, funds were appropriated to DCD and passed through to local jurisdictions. In fiscal year 1990, nearly 90 cities received a total of \$437,000 in funds, ranging from \$100 to \$191,000. Funds were allocated on a square-footage basis.

The governor's proposed budget for the 1991-93 biennium did not include pass-through funding and assumed passage of legislation to repeal the requirement for fire service contracts. The legislation did not pass. Instead, the Legislature appropriated \$500,000 to DCD to provide funding to communities which had 15 percent or more of their assessed valuation in state-owned property. The five communities of Bellingham, Electric City, Ellensburg, Olympia and Walla Walla would have received funding.

The 1992 governor's proposed supplemental budget and the final budget passed by the Legislature strike the \$500,000 appropriation to DCD.

In 1989, the city of Ellensburg sued claiming the state had failed to provide sufficient money for necessary fire protection services. The trial court ruled in favor of Ellensburg, indicating that the state should pay \$1.1 million in "back pay" plus allocations per the court's formula in the future. This amounts to \$318,000 for fiscal year 1991. The state appealed the case to the Supreme Court. A decision is expected in three to nine months.

Responsibility for fire control is divided among local fire departments, the Fire Protection Services Division of the Department of Community Development, and the Division of Fire Control in the Department of Natural Resources (DNR). While there are some mutual aid agreements in place among local jurisdictions to provide for the sharing of resources, there is no statewide plan in place for the mobilization of firefighting resources on a larger scale.

**Summary:** A process is established for state agencies to negotiate fire protection service contracts with local jurisdictions. Specifically, in cities or towns where the estimated value of state-owned facilities constitutes 10 percent or more of the total assessed property valuation, the agency owning such a facility is required to contract with the city or town to provide a negotiated share of the cost of fire protection services. The contract must provide for payments to the city or town.

DCD is required to adopt valuation procedures. Cities and towns must notify DCD and the appropriate state agency regarding their intent to negotiate fire protection contracts based upon the valuation procedures.

In negotiating contracts, if the local jurisdiction and the state agency cannot reach an agreement, the director of DCD recommends a resolution.

If the parties reject the resolution and the impasse continues, the matter goes to arbitration and a neutral arbitrator is chosen. The arbitrator is empowered to choose the final offer of one of the parties or the resolution offered by the director of DCD. The decision of the arbitrator is final and nonappealable.

A state agency may contract for fire protection services in circumstances where state agencies do not make up 10 percent of the assessed property valuation. Contracts negotiated prior to the effective date of the bill are not affected.

For the purposes of this act, the state is divided into seven regions, and a regional fire defense board is created within each region. Each regional board is to develop a regional fire service plan that includes provisions for organized fire agencies to respond to fires or other disasters across municipal, county, or regional boundaries. Each regional plan is to be consistent with the incident command system, the state fire services mobilization plan, and other regional response plans already adopted and in use in the state. Counties within the regions and DNR select the members of the regional fire defense boards; these members serve in a voluntary capacity and are not eligible for reimbursement from the state for meeting-related expenses.

A state fire defense board is created, consisting of the state fire marshal, a representative from DNR, and a representative from each of the regional fire defense boards. The state board is to develop the Washington

State fire services mobilization plan, which must include the procedures to be used during fire emergencies for coordinating local, regional, and state fire jurisdiction resources. The state board will also approve each regional fire service plan. Members serving on the state board also do so in a voluntary capacity and are not eligible for reimbursement for meeting-related expenses.

The director of the Department of Community Development is to review the state fire services mobilization plan, recommend any necessary changes, and then approve the fire services plan for inclusion in the state's comprehensive emergency management plan. The director has the responsibility to mobilize jurisdictions under the state fire services mobilization plan.

The Department of Community Development in consultation with the Office of Financial Management is to develop procedures to facilitate reimbursement to jurisdictions from appropriate federal and state funds when the director mobilizes jurisdictions under the state fire services plan.

**Votes on Final Passage:**

House	97	0	
Senate	44	5	(Senate amended)
House	97	0	(House concurred)

**Effective:** March 31, 1992

**HB 2944**

PARTIAL VETO

C 193 L 92

Regulating consumer credit transactions.

By Representatives Dellwo, Broback, Zellinsky, R. Johnson, Winsley, Mielke, Paris, Anderson, Dorn and Schmidt.

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

**Background:** The Retail Installment Sales Act (RISA) limits the service charge (interest) that may be collected by a creditor. The limit depends upon the type of transaction. RISA generally divides retail installment transactions into closed-end and open-end transactions. Closed-end transactions are one-time contracts for the purchase of identified goods with a fixed repayment period, for example credit extended by car and boat dealers. Open-end transactions permit periodic use of credit with an open-ended repayment period. Open-end credit is identified as a retail charge agreement under RISA. Retail credit cards and bank credit cards are subject to different interest rate limits.

RISA has two basic types of interest rate limits - a fixed rate and an indexed rate. Retail credit cards cannot exceed a fixed rate of 18 percent per year. Closed-end transactions are governed by an indexed rate of 6 percent over the average of 26 week T-bill rates for the last market auctions conducted during February, May, August, and November of the year prior to the date of the consumer credit transaction. The indexed rate for car and boat loans is indexed to the T-bill rate for the preceding quarterly auction of T-bills.

**Summary:** The interest rate limits for retail installment credit are repealed. Retailers may charge any rate agreed to and disclosed by contract.

A joint select committee is created to study state and federal consumer credit statutes and to develop a comprehensive state statute addressing consumer credit transactions. The committee must submit its report to the Legislature by December 1, 1994.

The repeal of interest rate limits for retail installment credit expires June 30, 1995.

**Votes on Final Passage:**

House	77	20	
Senate	35	13	(Senate amended)
House	77	20	(House concurred)

**Effective:** April 2, 1992

**Partial Veto Summary:** Provisions creating a joint select committee on consumer credit transactions were vetoed. (See VETO MESSAGE)

**ESHB 2947**

C 234 L 92

Authorizing early retirement for certain employees of PERS and TRS.

By House Committee on Appropriations (originally sponsored by Representatives Locke, Ferguson, Belcher, Miller, Peery, Hine, Fraser, Dellwo, Winsley, Paris, Edmondson, D. Sommers, Bowman, Basich, Van Luven, Jones, Forner, Neher, Scott, Haugen, Rayburn, Ludwig, Sheldon, O'Brien and Anderson).

House Committee on Appropriations

**Background:** Under Plan I of the Public Employees' and Teachers' Retirement systems (PERS and TRS), employees may retire with full retirement benefits if they have: (a) 30 years of service credit, regardless of their age; (b) at least 25 years of service credit and are at least age 55; or (c) at least five years of service credit and are at least 60. A retiring employee's pension benefit is based on his or her average final compensation times years of service times 2 percent.

An "early retirement" option would allow employees to retire at a younger age, or with fewer years of service credit, if they retired by a certain date. The Legislature last enacted a temporary early retirement window in 1982. A study done by the Office of Financial Management on the 1982 option showed that approximately 3,200 employees, or 21 percent of those eligible, chose to retire early. The study also pointed out that a significant number were retained on personal service contracts or rehired in temporary positions immediately after retiring.

Many school districts have established "attendance incentive programs," that allow employees to receive cash remuneration on retirement for one-fourth of any accumulated leave for illness or injury, up to a 180-day maximum. Unexpected retirement of a large number of employees could cause concerns over cash-flow if the districts must pay the remuneration all at one time.

**Summary:** Plan I members of the Public Employees' and Teachers' Retirement systems (PERS and TRS) who meet certain criteria can retire early, as long as they notify their employer and apply to retire no later than June 15, 1992, and actually retire no later than August 31, 1992. To qualify for this retirement, the member must have: (a) at least 25 years of service credit, regardless of age; (b) at least 20 years of service credit and be at least age 50; or (c) at least five years of service credit and be at least 55.

In addition, PERS members must be employed in an eligible position when the bill takes effect; an eligible position is one which normally requires five or more months of service of at least 70 hours a month. TRS members must be employed by a retirement system employer in a position other than as a substitute teacher. No change is made to the calculation of a retiring member's pension benefit.

State agencies and school districts are prohibited from engaging persons who retire under the early retirement option on personal service contracts through June 30, 1995, for state agencies and August 31, 1995, for school districts. State agencies are also prohibited from rehiring early retirees as temporary or project employees. The director of the Office of Financial Management, or the superintendent of public instruction in the case of school districts, may grant exceptions to these prohibitions if the contract or rehire is necessary to protect the public safety, prevent loss of certification or federal funds, or carry out functions so essential that even temporary suspension or delay of services would have a significant impact on the public. Information will be sent quarterly to the fiscal committees of the Legislature on any exceptions to the prohibitions, describing the justification, name of the proposed contractor or rehire, duration and cost of the proposed contract

or employment, and specific functions and duties to be carried out.

School district employees who retire early are eligible to receive, at the time they separate from district employment, at least one-half of the remuneration due to them for accrued leave for illness and injury. School districts may pay the remainder of the remuneration not later than three years after the employee separates from school district employment, or when the employee would ordinarily have been eligible to retire, whichever occurs first. School districts must establish a policy for paying the remaining remuneration that does not discriminate among employees.

The Department of Personnel, through the Combined Benefits Communication Project, is directed to prepare information regarding the potential consequences of early retirement, such as responsibility for health insurance, receipt of reduced benefits, and a longer period of time before eligibility for cost-of-living adjustments. The Department of Retirement Systems will distribute the information to potential early retirees. Persons who elect to retire early will be required to sign a statement acknowledging their receipt of the information.

The Office of the State Actuary is directed to study the utilization and impact of the early retirement option. The study will be submitted to the Joint Committee on Pension Policy and the fiscal committees of the Legislature by December 31, 1993.

**Votes on Final Passage:**

House	85	12
Senate	40	7

**Effective:** April 2, 1992

**ESHB 2950**

C 235 L 92

Changing the authorization for general obligation bonds.

By House Committee on Capital Facilities & Financing (originally sponsored by Representatives Rasmussen and H. Sommers; by request of Office of Financial Management).

House Committee on Capital Facilities & Financing

**Background:** The state of Washington periodically issues general obligation bonds to finance capital construction projects throughout the state. Specific legislative approval of a capital project is usually contained in the Capital Appropriation Act. Those appropriations requiring state bonding depend on legislation authorizing the sale of bonds. Bond authorization legislation requires a 60 percent majority vote in both the House of Representatives and the Senate.

**Summary:** Chapter 31, Laws of 1991 (the 1991 bond bill) is amended to increase the amount of bond authorization by \$189 million to finance the 1992 supplemental capital budget. Of the total increased bond authority, \$48 million is transferred into the state building construction account, \$135.5 million into the common school reimbursable construction account, \$3.2 million into the data processing construction account, and \$900 thousand into the Washington State dairy products commission projects account.

Senate Bill 6285 changed the disposition of higher education operating fees from the general fund to another account, so the debt service on the 1991 higher education bonds will be paid proportionally from the University of Washington operating fee account, the Washington State University operating fee account, and the Central Washington University operating fee account. The authorization for \$2.4 million from the wild-life reimbursable construction account is deleted.

The data processing building construction account and the Washington State dairy products commission facility account are created as appropriated accounts to fund capital projects. The Office of Financial Management must certify that the Washington State Dairy Products Commission has sufficient revenues in its operating fund to pay debt service prior to the issuance of bonds. The two accounts may retain all interest earnings.

The water pollution control revolving fund, the public facilities construction loan revolving account, and the Washington State development loan fund are changed from non-appropriated funds to appropriated funds.

**Votes on Final Passage:**

House 61 36  
Senate 41 7

**Effective:** April 2, 1992

**HB 2961**

C 156 L 92

Providing for the disposition of proceeds of the Thurston county special excise tax.

By Representatives Fraser, Bowman, Belcher, Brumsickle and Sheldon.

House Committee on Revenue  
Senate Committee on Ways & Means

**Background:** Cities and counties may levy a 2 percent local option tax on the rental of hotel and motel rooms to pay for the costs of acquiring, constructing, maintaining and operating public stadium, convention center, performing arts, and visual arts facilities.

Jurisdictions imposing the tax may credit the rate against the state sales tax rate of 6.5 percent.

In recent years, the Legislature has authorized additional local option hotel/motel taxes that are not credited against the state sales tax rate and has significantly expanded the uses of revenues. Bellevue, Pierce County and its cities, Ocean Shores, and Yakima County and its cities have additional local option authority. Uses of the basic 2 percent have also been expanded to include tourism promotion.

The 1988 Legislature authorized Thurston County to levy a 3 percent additional hotel/motel tax to pay for the costs of siting, acquiring, constructing, and operating an Olympic Academy. In 1990, the Thurston County Superior Court declared the tax unconstitutional, and the county subsequently decided not to construct the Olympic Academy. Approximately \$210,000 remains of the taxes collected between imposition and invalidation of the tax.

**Summary:** Thurston County is authorized to use proceeds from the 3 percent hotel/motel tax for projects that attract visitors to or promote tourism in Thurston County, arts or cultural activities, historical activities, or park and recreational sites with historical significance.

**Votes on Final Passage:**

House 89 4  
Senate 47 2

**Effective:** April 1, 1992

**ESHB 2964**

C 194 L 92

Modifying rental car taxation and providing funding for traffic safety education programs.

By House Committee on Revenue (originally sponsored by Representatives Wang, Winsley, Locke, Peery, R. Fisher and Brekke).

House Committee on Revenue

**Background:** In 1991, the Legislature directed the Legislative Transportation Committee (LTC) and affected state agencies to study the taxation of rental cars. The study is to examine the impacts of sales, business and occupation (B&O), and motor vehicle excise taxes (MVET) on the industry, whether the MVET is equitably applied to rental cars, and whether there are alternatives to the MVET. The committee is to provide an interim report on this issue by January 1, 1992 and a final report by January 1, 1993.

Rental cars are subject to the sales tax at the 6.5 percent state rate, the B&O tax at the 0.471 percent retailing rate, and the MVET at the 2.2 percent state rate.

State and local sales taxes and B&O taxes apply to the value of the contract each time a car is rented. Revenues from sales and B&O taxes are deposited in the general fund.

The 2.2 percent state MVET is paid yearly to the Department of Licensing (DOL) based on the value of each rental car operating in the state. Proceeds of the state MVET are split between the general fund and various transportation accounts. Transit districts may levy a voter-approved local option MVET of up to 0.8 percent to be used for high capacity transportation service. Certain counties may levy a surcharge of 15 percent on the state MVET for high occupancy vehicle service. The total amount generated in a county where both the 0.8 percent tax and the 15 percent surcharge are levied may not exceed the amount generated from the 0.8 percent tax. Cities and counties may levy an additional MVET that is credited against the state tax and is to be used for acquisition and construction of mass transit facilities. The rate is 0.725 percent after June 30, 1992.

Application of the MVET to rental cars used interstate has been administratively difficult in recent years. Before 1988, every rental car used in Washington had to be registered in the state, regardless of whether the car was used partially in Washington and partially elsewhere. The only exception was for one-way rentals coming from out of state. In 1988, Washington joined the International Registration Plan (IRP). The IRP is a multi-state agreement originally developed to allow interstate truck fleets to pay license fees based on fleet miles operated in various jurisdictions. A provision of the IRP also allows interstate car rental agencies to allocate their license fees among states. The IRP formula requires that the number of cars registered in the state reflect the percentage of revenue generated in the state. Thus, if a company receives 10 percent of its gross revenue in Washington, it must pay MVET on 10 percent of its vehicles. Of the approximately 100 rental car agencies operating in Washington, nine are interstate companies, and all participate in the IRP.

Although the concept of the IRP is fairly simple, there has been disagreement between DOL and some interstate car rental companies regarding how many vehicles each company should register in Washington. Complaints from in-state car rental companies that most cars on some companies' lots had Oregon license plates lead to a DOL investigation of interstate car rental companies in 1990. The investigation revealed that some interstate companies might not be registering as many vehicles in Washington as required by DOL's interpretation of the IRP.

**Summary:** Rental cars are exempt from the MVET and a new 5.9 percent sales and use tax is imposed on

each rental car contract in place of the MVET. The new tax is intended to replace the revenues previously generated by the MVET on rental cars. Proceeds from the new tax are deposited and distributed in the same manner as revenues collected under the existing MVET statute.

Rental cars subject to the tax are defined as passenger cars that are used solely by a rental car business for rental to others, without a driver provided by the rental car business, for periods of not more than 30 consecutive days. The tax does not apply to long-term vehicle leases that are financing alternatives to a traditional car loan, vehicles loaned to customers by automotive repair businesses while the customer's vehicle is under repair, or to taxicabs. Rental car companies must annually register vehicles with DOL in the same manner as under current law.

Authorized local jurisdictions may levy sales and use taxes on rental cars in place of the existing local option motor vehicle excise taxes on rental cars. The ratio of the new local taxes to the new 5.9 percent state tax is to be the same as the ratio of rates for the existing state and local option motor vehicle excise taxes. In addition, any county may impose an additional 1.0 percent sales and use tax on rental cars. Proceeds of the tax may not be used to subsidize any professional sports team and may be used only for:

- (1) Acquiring, constructing, maintaining, or operating public sports stadium facilities;
- (2) Engineering, planning, financial, legal, or professional services incidental to such facilities; or
- (3) Youth or amateur sport activities or facilities.

Before January 1, 1994 and January 1 of each odd-numbered year thereafter, DOL is to report to the Office of Financial Management and the fiscal committees of the Legislature. DOL, with the assistance of the Department of Revenue, is to provide an updated estimate of the amount of revenue attributable to the new taxes and to exempting rental cars from the MVET.

**Votes on Final Passage:**

House	57	38
Senate	35	14

**Effective:** June 1, 1992 (Sections 1 - 3)  
January 1, 1993 (Sections 4 - 13)

**SHB 2967**

C 80 L 92

Expanding federally authorized medicaid taxes and appropriations to IMR facilities.

By House Committee on Revenue (originally sponsored by Representatives Wang, Locke, Braddock and Paris).

## House Committee on Revenue

**Background:** State medicaid spending is financed with both state and federal dollars. Most of the state dollars come from the state's general tax system. Many states, including Washington, use health care provider specific taxes to help finance their medicaid programs.

Recently, federal law was changed to limit the use of health care provider specific taxes as sources of financing the state's share of medicaid payments. Under current federal law, health care provider specific taxes must meet certain standards, otherwise these state funds will not be matched with federal funds.

Under federal law, health care provider specific taxes may be applied to medical providers within defined classes. These classes include: inpatient hospital services; outpatient hospital services; nursing facility services; services of intermediate care facilities for the mentally retarded; physician's services; home health care services; outpatient prescription drugs; health maintenance organization services; and other classifications established by regulation.

A health care provider specific tax must be broad based. That is, the tax must be imposed on the entire class of providers and with limited exemptions. For example, no exemption is allowed for non-medicaid providers. However, the tax may exclude activities related to medicaid or medicare services.

**Summary:** A new business and occupation tax on intermediate care facilities for the mentally retarded is created. The tax is equal to 15 percent of the gross income from inpatient services.

The tax increase expires on the date federal matching funds become unavailable or are substantially reduced, or on the effective date of a permanent injunction, court order, or final court decision prohibiting the collection of the tax.

**Votes on Final Passage:**

House	67	30	
Senate	38	5	(Senate amended)
House	63	34	(House concurred)

**Effective:** April 1, 1992

**SHB 2983****PARTIAL VETO**

C 165 L 92

Providing job training or work experience for public assistance recipients.

By House Committee on Appropriations (originally sponsored by Representatives Locke, H. Sommers and D. Sommers).

## House Committee on Appropriations

**Background:** General Assistance - Unemployable Program: The General Assistance - Unemployable Program provides grant payments and medical assistance for those who are financially needy and incapable of gainful employment due to a mental or physical condition. Recipients continue to receive their benefits unless there is a clear showing of material improvement in their medical or mental condition. If the recipient's condition is expected to persist for longer than 12 months, he or she may receive GA-U benefits until eligible for the federal Supplemental Security Income Program (SSI).

Job Opportunities and Basic Skills (JOBS) Requirements: The JOBS program is the employment and training services provided to Aid to Families with Dependent Children (AFDC) recipients that was implemented in Washington in 1990. The current JOBS program is voluntary for AFDC participants as long as federal participation rate standards are achieved. The department is currently exceeding the federal standards by accepting participants strictly on a voluntary basis.

The JOBS program is affected by two participation rates: the basic AFDC rate and the AFDC-E (two-parent household) rate. The participation rate is the ratio of nonexempt AFDC recipients participating in JOBS to the number of all nonexempt recipients.

The primary conditions for participation exemptions are:

- (1) If the individual is a parent or other relative personally providing care for a child under age two years, or the parent is participating 20 hours per week and has a child under five years of age;
- (2) If the parent has an illness or injury that temporarily prevents him or her from training or employment; and
- (3) If the family lives more than two hours from the educational training site or job market.

There are two federal participation rate standards, the basic AFDC rate (single-parent families) and AFDC-E (two-parent families). To receive enhanced federal funding (55 percent federal match instead of a 50 percent federal match) the state must meet the following participation rate standards:

## Federal Participation Rate Standards:

- (1) FY 92: Basic rate 11 percent, AFDC-E rate 0 percent;
- (2) FY 93: Basic rate 11 percent, AFDC-E rate 0 percent;
- (3) FY 94: Basic rate 15 percent, AFDC-E rate 40 percent;
- (4) FY 95: Basic rate 20 percent, AFDC-E rate 50 percent;

## ESHB 2985

(5) FY 96: Basic rate 0 percent, AFDC-E rate 60 percent;

(6) FY 97: Basic rate 0 percent, AFDC-E rate 75 percent.

The state's September 1991 basic participation rate was 14.6 percent. There is no current information on the AFDC-E participation rate.

**Summary:** The bill incorporates work and training participation requirements for GA-U recipients and certain populations of AFDC recipients.

**GA-U Community Work Program:** The bill establishes a GA-U pilot Community Work Program and authorizes the department to sanction GA-U participants who are determined capable to participate in the work program and fail to comply. The Community Work Program will be established for GA-U recipients who are not expected to qualify for SSI and who are judged mentally and physically capable to participate. The work experience must be within the recipient's capabilities and not detrimental to his or her health or well-being. Recipients deemed not to be appropriate for participation in the work program as determined by the department are exempted.

The work program will be administered through the Department of Social and Health Services, which will contract with local agencies to place GA-U participants. The first priority of the program will be to serve recipients who do not appear to be eligible for the SSI program and have been on GA-U for 12 months or longer. Recipients determined appropriate for the Community Work Program will be required, as a condition of GA-U eligibility, to participate in the Community Work Program.

The goals of the Community Work Program are to provide GA-U participants opportunities for highly supervised noncompetitive employment and to develop the ability to perform gainful employment.

**AFDC JOBS Participation Requirement:** Currently, all AFDC recipients participate in the JOBS program on a voluntary basis. The bill requires two populations in the AFDC program to participate in the JOBS program as a condition of eligibility. The two AFDC populations required to participate are:

- (1) Nonexempt parents in single-family households who are under the age of 24; and
- (2) At least one parent in two-parent households.

The department must adopt sanctions to ensure compliance with the requirements of the policy.

**Null and Void If Not Funded in the Budget:** The bill is null and void unless funded in the supplemental operating budget.

### Votes on Final Passage:

House 96 0

Senate 46 1

**Effective:** June 11, 1992

**Partial Veto Summary:** The governor's veto eliminated the null and void section of the bill and the April 1, 1992 effective date. (See VETO MESSAGE)

## ESHB 2985

C 157 L 92

Allowing certain law enforcement officers and fire fighters pension credit for past service.

By House Committee on Appropriations (originally sponsored by Representatives Basich, Jones, Hargrove, Sheldon, Riley and Paris).

House Committee on Appropriations  
Senate Committee on Ways & Means

**Background:** When the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) was created in 1970, members' employment service under prior retirement systems was transferred to the LEOFF system. In addition, a five-year window, to March 1975, was created for members to restore contributions they had withdrawn from the prior retirement system so they could receive service credit for that prior service. A similar window was created for members who had been employed as police officers or fire fighters under a prior system, but were not yet members of the system when LEOFF was created and therefore never had the opportunity to receive credit for that service. There has never been an additional open window period to restore contributions in LEOFF.

**Summary:** Members of Plan I of the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) who cannot receive service credit for service under a pre-LEOFF retirement system because they withdrew their contributions under the pre-LEOFF system, have until June 30, 1993, to restore the contributions, with interest, and receive service credit under LEOFF I.

Members of LEOFF I whose pre-LEOFF service is not creditable because at the time of the service, the members were employed as law enforcement officers or fire fighters but were not yet members of the pre-LEOFF system, have until June 30, 1993, to pay the employer and employee contributions, with interest, for the prior service in order to receive service credit under LEOFF I.

Any member of the Public Employees' Retirement System (PERS) who: (a) has at least 10 years of previous service in the City of Seattle Police Relief and

Pension Fund System, (b) withdrew his or her contributions to the system prior to July 1, 1961, and (c) was never a member of the LEOFF system, is eligible for service credit under PERS for the previous service.

Such a member must declare intent by September 30, 1992, to restore the withdrawn contributions to the Seattle Police Relief and Pension Fund, and do so by December 31, 1992. The fund will transfer to the Department of Retirement Systems the full amount of the member's contributions, plus an equal amount to be considered employer contributions, plus compound interest, within 90 days of the member's declaration of intent.

**Votes on Final Passage:**

House	98	0	
Senate	47	1	(Senate amended)
House	92	0	(House concurred)

**Effective:** June 11, 1992  
 April 1, 1992 (Sections 3 and 4)

**ESHB 2990**

C 185 L 92

Modifying limitations and restrictions relating to purchase of state trust lands for park and outdoor recreation purposes.

By House Committee on Natural Resources & Parks (originally sponsored by Representatives H. Sommers, Brumsickle, Belcher, Beck, Sheldon and Rasmussen).

House Committee on Natural Resources & Parks

**Background:** The Diamond Point trust property on the Miller Peninsula is the subject of litigation involving a proposed land exchange. The history of the litigation is described as follows.

Study of Trust Lands Suitable for Transfer to State Parks: In 1985, the Legislature directed the Department of Natural Resources (DNR) and State Parks and Recreation Commission (State Parks) to conduct a comprehensive study of state trust lands to identify those suitable for addition to the state parks system. The agencies were directed to recommend to the 1987 Legislature a list of trust land parcels to be added to the parks system.

Through a process developed by DNR and State Parks, approximately 2,000 sites were identified initially. This list was subsequently reduced through further analysis, site visits, and public review, to a final list of 22 sites totaling 6,627 acres. Among these sites was the Diamond Point parcel.

In the final report issued by DNR and State Parks, each of the 22 properties is briefly described and accompanied by a topographical map showing the loca-

tion and boundaries of the property. The Diamond Point site contains 1,444 acres with access to more than two miles of publicly-owned tidelands on the Strait of Juan de Fuca. The waterfront is high bank in excess of 200 feet in most places.

The configuration of the Diamond Point parcel is an inverted U. The base of the U secures a land base suitable for park purposes adjacent to the saltwater waterfront. The legs of the U both allow access to the waterfront property from county roads.

Legislative Authorization to Acquire the Trust Lands for Park Purposes: Legislation enacted in 1987 and 1988 directed the Board of Natural Resources and State Parks to negotiate the sale to State Parks of the 22 parcels identified in the 1985 study.

Subsequent to this, DNR and State Parks entered into a real estate contract in 1989 for the purchase of the 22 sites. The acquisition is funded from the Trust Land Purchase Account which receives all monies generated from park concessions and user fees. In recent years, this account has been increasingly used to fund park operations. A proviso in the 1991-93 operating budget specifies that the current appropriation from this account may be used only for costs associated with administration, maintenance, and operations of state parks and parks programs.

Proposed Park Boundary Adjustment Negotiated by State Parks and Peninsula Partners: In 1988, the Department of Trade and Economic Development began working with Mitsubishi Corporation (now Peninsula Partners) on development of tourist facilities in rural Washington. After a statewide search, part of the DNR property on Diamond Point identified for transfer to State Parks was identified as suitable for a major resort. State Parks and Peninsula Partners entered into negotiations to determine what would be needed to develop the resort and a state park. Those negotiations resulted in State Parks releasing a proposal on December 7, 1990.

Under the proposal, State Parks will forego the opportunity to acquire 645 acres from DNR on the eastern side of the parcel. In return, Peninsula Partners will donate to State Parks 120 acres of private land adjacent to the proposed park. They will also construct an access road to the park, provide all utility connections to the park, and give State Parks \$1 million for park development.

1991-93 Capital Budget Appropriations for State Parks: The 1991-93 Capital Budget appropriated \$50 million from the state building and construction account to State Parks for acquisition of trust lands previously identified as appropriate for transfer to State Parks. The Diamond Point trust parcel is among the 14 parcels listed. The appropriation specifies that it is the

intent of the Legislature that the full parcels listed in the section be acquired; however, the boundaries of the Diamond Point property may vary from the boundaries of the parcel identified in the 1985 joint study, to the extent authorized by State Parks.

Legal Challenges to Diamond Point Land Exchanges: Following the action by State Parks in December 1990, which endorsed the Diamond Point land exchange, opponents of the exchange filed suit in superior court challenging the authority of State Parks and DNR to enter into the agreements with Peninsula Partners. The suit contended that the action of the state agencies was a violation of legislative intent, the State Environmental Policy Act, and due process. In April 1991, the court ruled in favor of the state agencies.

The opponents petitioned the Washington Supreme Court for direct review of the superior court decision. In September 1991, a motion to dismiss the appeal was rejected by the court on the grounds that the budget proviso did not amend the State Parks statute requiring the acquisition of the Diamond Point property. In February 1992, the Supreme Court refused the petition for direct review and transferred the case to the Court of Appeals. The Court of Appeals is expected to hear the case in 1993.

**Summary:** Nothing in the chapter creating the State Parks and Recreation Commission and its powers and duties restricts or modifies the Department of Natural Resources' management, control, or use of lands and timber identified for transfer to State Parks until the date the land and timber are paid for and transferred to State Parks.

The acreage and boundaries of the Diamond Point trust property acquired by State Parks may vary from the acreage and boundaries described in the 1985 joint study.

State Parks may not authorize acquisition of any portion of the Diamond Point trust property by a private party prior to the approval, by the Clallam County Board of Commissioners, of a Preliminary Master Site Plan for a resort development on the property.

**Votes on Final Passage:**

House 85 10  
Senate 39 9

**Effective:** April 1, 1992

SHB 2993

C 120 L 92

Creating the rural health access account.

By House Committee on Appropriations (originally sponsored by Representatives Orr, Locke, Inslee, Spanel, Rayburn, Roland and Rasmussen).

House Committee on Appropriations

**Background:** The Department of Health is responsible for a variety of rural health programs. Currently grants for these programs must be treated as unanticipated receipts or go through the appropriations process. Authority to expend grants lapses at the end of the biennium. A number of rural health organizations have expressed interest in augmenting state funding for rural health programs if a dedicated fund is established.

**Summary:** The Rural Health Access Account is established in the custody of the treasurer as a non-appropriated fund. Grants and gifts intended to improve rural health services may be deposited in the fund. Balances remaining in the fund at the end of the biennium will not revert to the general fund. Costs incurred by the Health Department to administer the account will be paid from the account.

**Votes on Final Passage:**

House 96 0  
Senate 44 1

**Effective:** June 11, 1992

SHJM 4033

Requesting Congress and the President to enact the Forests and Families Protection Act.

By House Committee on Natural Resources & Parks (originally sponsored by Representatives Hargrove, Basich, Riley, Beck, Sheldon, Jones, Bowman, Morton, Morris, Brumsickle, P. Johnson, Dorn, Rasmussen, J. Kohl, Kremen, Fuhrman, Wynne, Ogden, O'Brien, H. Myers and Paris).

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

**Background:** The northern spotted owl, which inhabits old-growth forests, was declared a threatened species by the U.S. Fish and Wildlife Service in June 1990. Since that time, to protect the owl, much of the old growth forest in the Pacific Northwest has been unavailable for harvest. At the same time, the demand for new home construction fell to the lowest level since World War II. In some areas of Washington, the reduced timber supply and the low demand for building

materials have been major contributors to high levels of unemployment.

The issues have generated a debate over the level of protection for the owl and the impact of that protection on timber workers and communities. Congress has considered numerous proposals that would balance spotted owl preservation with protection of jobs and communities. One of the proposals, the Forests and Families Protection Act is supported by northwest timber workers and the timber industry.

**Summary:** Congress and the president of the United States are asked to enact the Forests and Families Protection Act. Copies of the memorial are to be transmitted to the president of the United States, the president of the Senate, the speaker of the House of Representatives, and each member of Congress from the state of Washington.

**Votes on Final Passage:**

House	90	3
Senate	47	0

ESSB 5092

C 119 L 92

Continuing retirement system membership while on active duty in operation Desert Shield.

By Senate Committee on Ways & Means (originally sponsored by Senators Roach, Snyder, Stratton, Amondson, L. Kreidler, McCaslin, Erwin, Newhouse, Niemi, Sellar, Craswell, Gaspard, Hayner, Skratek, L. Smith, Talmadge, Oke, Bauer, Rasmussen, Thorsness, Johnson, Wojahn, Cantu and West)

Senate Committee on Ways & Means

House Committee on Appropriations

**Background:** Federal Law. Under the federal veterans' reemployment rights law, a person who leaves a job to enter active duty with the armed forces is entitled to be reemployed in a job with similar seniority, status, and pay. "Similar seniority" also means the employee is entitled to any benefits based on seniority, such as retirement credit, as though the employee had not left employment to be in the armed forces. The employee cannot be required to make employer contributions to earn the retirement credit.

The returning employee is eligible for these rights if the employee: (a) left the job for the purpose of going on active duty with the armed forces; (b) remains on active duty no longer than four years; (c) receives an honorable discharge; and (d) applies for reemployment with the same employer within 90 days of separation from active duty.

State Law. Plan I of the state's retirement systems already allows members who leave employment to receive up to five years of retirement service credit for military service without paying the employer contributions for that credit.

In Plan II, however, members can only receive two years of service credit for unpaid, authorized leave of absence over their working careers. The member must contribute both the employee and the employer contributions to earn the credit, and the member must have been drafted into the military in order to have military service considered an unpaid, authorized leave of absence.

**Summary:** In Plan II of the state's retirement systems, a member who leaves covered employment to enter the U.S. armed forces is entitled to retirement service credit for up to four years of military service. The member qualifies if the member: (a) has applied for reemployment with his or her previous employer within 90 days of the member's honorable discharge from the armed forces; and (b) makes the employee contributions required, plus interest as determined by the De-

partment of Retirement Systems, within five years of resumption of employment.

Once the department has received the member contributions, it will bill the employer for the employer contributions, plus interest, for the member's service. Contributions are based on the average of the member's salary at the time the member left employment to enter the armed forces and the time the member resumed employment.

Provisions of the act apply retroactively for military service begun on or after January 1, 1990.

**Votes on Final Passage:**

Senate	45	0	
House	96	0	(House amended)
Senate	47	0	(Senate concurred)

**Effective:** March 31, 1992

SB 5105

C 36 L 92

Revising collective bargaining provisions for superior court employees.

By Senators Rasmussen, Moore and West

Senate Committee on Commerce & Labor

House Committee on Commerce & Labor

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

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

In 1987, the Legislature passed a bill making agreements executed under the collective bargaining act applicable to all executive heads of bargaining units, including judges. The meaning of the term "public employer" was amended to include judges. The Governor vetoed the bill.

In 1989 a bill making the collective bargaining laws applicable to district courts passed. With respect to

wage matters, the employer is the county, while the judge is the employer with respect to nonwage matters. Each judge may exclude one personal assistant from the bargaining unit.

**Summary:** The Public Employees Collective Bargaining Act is made applicable to superior courts for all matters. The public employer of the court employees for collective bargaining over wage issues is the county legislative authority. The public employer for collective bargaining over non-wage issues is the judge or judge's designee. Each judge or court commissioner may exclude one personal assistant from the bargaining unit.

**Votes on Final Passage:**

Senate 44 3  
House 96 0

**Effective:** June 11, 1992

**SSB 5116**  
PARTIAL VETO  
C 39 L 92

Allowing school bus drivers to report violators.

By Senate Committee on Education (originally sponsored by Senators Murray, Bailey, Thorsness, Gaspard, A. Smith, Rinehart, Madsen, Talmadge, Bauer and Erwin; by request of Task Force on Student Transp. Safety)

Senate Committee on Education  
House Committee on Education

**Background:** The Task Force on Student Transportation Safety was established in 1989 to develop recommendations for reducing the dangers children face as they travel to and from school. One of its recommendations is to reduce violations of the school bus stop law.

At this time, school bus drivers file a report of a violation with a law enforcement agency if they observe a violation. School bus drivers have complained that the reports are often not pursued by the law enforcement agency. If they are pursued, often the law enforcement agency cannot prosecute because the school bus driver is unable to identify the driver. In those cases, the law enforcement agency sends a letter to the owner of the vehicle.

**Summary:** If school bus drivers decide to report a school bus stop law violation, they must make a report to a law enforcement agency within 72 hours after the violation occurred. The report must include the time and location at which the violation occurred, the vehicle license plate number, and a description of the vehicle involved in the violation. Within ten working days after receiving the report, law enforcement officers

must initiate an investigation of the reported school bus stop law violation by contacting the owner of the vehicle involved in the violation and asking the owner to identify the driver of the vehicle at the time of the violation. The owner is required to identify the driver unless the owner believes the information is self-incriminating. If the investigating officer is able to identify the driver and has reasonable cause to believe a violation has occurred, the law enforcement officer must issue a citation. Failure to investigate within the ten working day period does not prohibit further investigation or prosecution.

The Superintendent of Public Instruction shall conduct a pilot program to test the feasibility of using video cameras to identify motorists who illegally pass school buses during loading and unloading. The pilot program shall involve at least one school district. Findings shall be reported to the Legislature December 30, 1992.

A school bus may be equipped with a single hazard strobe lamp that meets State Patrol standards. The lamp may be used when the bus is occupied with children or when one of the following occurs: the bus is in motion in sight-obscuring conditions; the bus is stopping on, standing on, or starting onto a highway and visibility is a problem; or visibility is limited by geographic hazards.

**Votes on Final Passage:**

Senate 44 1  
House 98 0 (House amended)  
Senate 47 0 (Senate concurred)

**Effective:** June 11, 1992

**Partial Veto Summary:** The section expanding the use of hazard strobe lamps by school buses is removed. (See VETO MESSAGE)

**2ESSB 5121**  
C 118 L 92

Protecting whistleblowers.

By Senate Committee on Governmental Operations (originally sponsored by Senators Metcalf, Talmadge, McCaslin, Owen, Thorsness, Vognild, Rinehart, Sellar, L. Smith, Sutherland, Roach, Amondson, Hayner, Rasmussen, Bailey, Moore, Barr, Oke, Wojahn, Nelson, von Reichbauer, Bauer, Gaspard, L. Kreidler, Johnson, Stratton, Skratek and Erwin)

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

**Background:** The whistleblower program for state employees was originally enacted in 1982. The investiga-

tion of whistleblower complaints and retaliatory acts against whistleblowers was assigned to the State Auditor. In recent years, several bills have been introduced in attempts to resolve perceived problems with the process. Senate Resolution 1990-8752 directed the Committee on Governmental Operations to conduct a study of the program, and make recommendations for possible clarification or improvement. Among the issues which were identified during the study were:

- (1) Current terminology is confusing as to the distinction between a whistleblower and a retaliator. It is also unclear whether the program applies to a whistleblower who seeks reemployment with the state, or to persons who provide information in a whistleblower investigation.
- (2) The time period in which the State Auditor must acknowledge receipt of the complaint, complete the whistleblower investigation, and provide a final report is not specified. Similarly, there is no time limit by which an agency must respond when the Auditor refers a complaint which does not meet the whistleblower criteria.
- (3) If a whistleblower files a civil suit for retaliation, the court may award reasonable attorneys' fees, but not other costs incurred in the action. In addition, if a supervisor or manager is sued, defense by the state and award of attorney fees or costs are not authorized if the supervisor prevails.
- (4) Concern was expressed that some agency other than the State Auditor might have more of the specialized skills needed for discovering subtle acts of retaliation.
- (5) The activities defined as retaliation do not specifically include denial of reemployment for a whistleblower or creation of a hostile atmosphere by a whistleblower's superiors.
- (6) The current statute does not authorize any sanctions or penalties against a retaliator.
- (7) The whistleblower program is not explicitly specified among the enumerated powers or duties of the State Auditor.

**Summary:** "Whistleblower" is defined as a state employee who in good faith reports an alleged improper governmental action to the State Auditor. The term includes an employee who provides information to the State Auditor and one who is believed to be a whistleblower or who has provided information in an investigation.

Within five working days of receiving whistleblower information, the State Auditor must acknowledge receipt in writing. The State Auditor must complete investigation of the complaint within 90 days, unless written justification for the delay is furnished to the whistleblower. In any case, the State Auditor's report

must be sent to the whistleblower within one year of the initial filing of the complaint. If the Auditor forwards a complaint to an agency that does not meet the whistleblower criteria, the agency must investigate the action and report back no later than 30 days after receipt.

If a whistleblower who is subject to alleged retaliation files a civil action, the reviewing court may award costs as well as reasonable fees to the prevailing party. The provisions relating to civil actions against the state are specifically incorporated.

In cases of perceived retaliation, the whistleblower must file a complaint with the Human Rights Commission. The commission must investigate and act upon the complaint under its normal powers. The Human Rights Commission is given exclusive jurisdiction over retaliation cases for whistleblowers.

"Denial of employment" is added to the list of activities defined as "reprisal or retaliatory action," as is encouragement by a supervisor to the whistleblower's colleagues to behave in a hostile manner.

Retaliation by a state employer is added to the list of unfair practices within the powers of the Human Rights Commission. If the administrative law judge determines that retaliatory action has been taken against a whistleblower, the commission may fine the retaliator up to \$3,000 and issue an order to the appointing authority to suspend the retaliator for up to 30 days. Monetary penalties are credited to the general fund. At a minimum, the commission must require that a letter of reprimand be placed in the retaliator's personnel file.

Whistleblower investigations are added to the enumerated powers of the State Auditor.

**Appropriation:** \$15,000 from the general fund to the Human Rights Commission for implementing its new powers to investigate whistleblower retaliations.

**Votes on Final Passage:**

Senate	44	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House	96	0	(House receded)

**Effective:** April 1, 1992 (Section 8)  
June 11, 1992

**SSB 5305**

C 155 L 92

Conditioning the reduction of a student's suspension on the commencement of counseling.

By Senate Committee on Education (originally sponsored by Senators Owen and Craswell)

Senate Committee on Education  
House Committee on Education

**Background:** The State Board of Education has adopted rules regarding short-term and long-term suspension of students. These rules are to ensure due process for students. Local school district boards of directors also adopt codes of conduct for students.

**Summary:** A school district may reduce the length of a student's suspension if the student undergoes counseling or other treatment services. Current law regarding school district liability is not changed.

A school district is not obligated to pay for counseling or treatment services except those agreed to by the district.

School districts are encouraged to use community service as an alternative to student suspension. By February 1, 1993, the Superintendent of Public Instruction is required to provide information to school districts about community service programs and the issues involved in using community service as an alternative. The Superintendent shall develop guidelines and help clarify issues such as liability, supervision and transportation.

**Votes on Final Passage:**

Senate	44	0	
House	97	0	(House amended)
Senate	47	0	(Senate concurred)

**Effective:** June 11, 1992

## 2SSB 5318

C 210 L 92

Prescribing penalties for money laundering.

By Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Pelz, Owen, Johnson, Vognild, Moore, Rasmussen, McCaslin, Matson, Sellar and West)

Senate Committee on Financial Institutions & Insurance

House Committee on Judiciary

**Background:** Money laundering occurs when a person manipulates the proceeds of some form of unlawful activity in order to conceal their criminal origin and make the proceeds appear legitimate. The actual process of money laundering can take place in a wide variety of ways.

The federal government has adopted several measures designed to combat money laundering. In 1986, Congress made the act of "laundering of monetary instruments" a federal crime. Congress also has adopted the Bank Secrecy Act which, in part, requires financial

institutions to file a Currency Transaction Report (CTR) for cash transactions exceeding \$10,000 and to maintain certain records and procedures ensuring compliance with the act. In addition, the Internal Revenue Code requires certain businesses that accept over \$10,000 in a cash transaction to file a report.

Over 15 states have made money laundering a crime within their state criminal codes and some states have also adopted their own reporting requirements to enhance law enforcement efforts.

**Summary:** A new state crime of money laundering is created. A person is guilty of money laundering if that person conducts a financial transaction involving proceeds from certain felonious activity and that person: (1) knows the property is proceeds of felonious activity; (2) knows the transaction is designed to conceal the nature, location, source, ownership, or control of the proceeds, and acts recklessly as to whether the property is proceeds of felonious activity; or (3) knows the transaction is designed to avoid federal reporting requirements.

If an action is brought against an attorney who accepts a fee to represent a person in an actual criminal investigation or proceeding, an additional proof requirement is imposed. In addition to satisfying the above requirements, the prosecution must prove that the attorney intended to conceal the nature, source, or ownership of the proceeds. This additional proof requirement also is imposed for actions against employees of financial institutions.

Money laundering is a class B felony, which is punishable by imprisonment of up to ten years and/or a penalty of \$20,000. A violator of the money laundering crime is also subject to a civil penalty equal to twice the value of the proceeds involved plus costs and fees.

No liability is imposed upon state or local officers who are performing their lawful duties or upon any other person acting at the direction of such officers.

The Attorney General or county prosecuting attorney is authorized to file civil action for forfeiture of proceeds from a violation of the money laundering crime or of proceeds traceable to a felonious activity. Provisions are set forth governing the seizure of real and personal property, notice, and use of forfeited property.

Existing provisions regarding distribution of forfeited property in drug cases are replaced. Ten percent of the net proceeds derived from forfeited drug or money laundering property must be remitted to the state's drug enforcement and education account. Seizing agencies are required to make quarterly reports of property that has been forfeited.

## SSB 5342

### Votes on Final Passage:

Senate 48 0  
House 97 0 (House amended)  
Senate 48 0 (Senate concurred)

**Effective:** June 11, 1992

## SSB 5342

C 124 L 92

Authorizing payment by annuity by self-insured employers.

By Senate Committee on Commerce & Labor (originally sponsored by Senators Matson, Anderson, Owen, McCaslin and Oke)

Senate Committee on Commerce & Labor  
House Committee on Commerce & Labor

**Background:** Qualified employers are allowed to self-insure their workers' compensation programs. In the event of death or total permanent disability of a worker, the Department of Labor and Industries determines the amount of money that must be placed in reserve to guarantee payment of future pension benefits.

Under current law, the self-insurer is given a number of methods for guaranteeing the payment of benefits to the appropriate beneficiary. The self-insurer may pay into the state reserve fund the sum of money needed to cover the benefit payments. The Department of Labor and Industries then makes the payments to the beneficiary.

Alternatively, a self-insurer may post a bond or place securities and cash in an escrow account in the amount of the pension benefits. The Department of Labor and Industries makes the payments to the beneficiary and bills the self-insurer on a periodic basis. Under this payment plan, the self-insured employer is also required to pay to the department an amount equal to the first three months of pension payments.

**Summary:** Self-insurers are given an additional method for guaranteeing the payment of pension benefits to workers or survivors. Self-insured employers may purchase an annuity in an amount determined by the Department of Labor and Industries as sufficient to insure the full payment of the pension benefits. A self-insured employer may only purchase annuities from an institution that has a specified rating from the standard financial rating companies, has assets of at least \$10 billion, and holds assets of a specified quality.

Under this plan, the Department of Labor and Industries makes the payments to the appropriate individual and bills the self-insured company.

The department is authorized to establish rules governing the use of annuities for this purpose, including

rules ensuring that adequate funds will be available in the event of the failure of the institution authorized to provide annuities or of the self-insurer's business.

The department may require that the amount of the annuity be increased, based on periodic re-determinations made by the department on the outstanding annuity value.

### Votes on Final Passage:

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

**Effective:** June 11, 1992

## SSB 5425

C 46 L 92

Permitting old vehicles to have blue dot taillights.

By Senate Committee on Transportation (originally sponsored by Senator Owen)

Senate Committee on Transportation  
House Committee on Transportation

**Background:** Federal motor vehicle safety standards and state law require that all lighting devices and reflectors mounted on the rear of any vehicle be red, amber or yellow.

**Summary:** A vehicle 40 years or older may use a taillight that contains a blue or purple insert.

### Votes on Final Passage:

Senate 44 0  
House 95 1

**Effective:** June 11, 1992

## SSB 5465

C 40 L 92

Concerning the ratio of pharmacy assistants.

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators West, Moore, Conner, McDonald, Newhouse, Nelson, Bluechel, Johnson, Niemi, Wojahn and von Reichbauer)

Senate Committee on Health & Long-Term Care  
House Committee on Health Care

**Background:** Current law requires that level A pharmacy assistants be supervised by licensed pharmacists. Level A pharmacy assistants aid in the performance of manipulative and non-discretionary functions associated with the practice of pharmacy. The statutes specify the number of level A pharmacy assistants which one pharmacist may supervise. In retail settings, the ratio is set

at one level A pharmacy assistant to one pharmacist. For pharmacies located in licensed acute care hospitals, private hospitals and sanitariums for the treatment of the mentally ill, incompetent or alcoholic, or for pharmacies providing services to any of these facilities, the ratio is set at three level A pharmacy assistants to one pharmacist.

**Summary:** Pharmacies located in nursing homes or who provide services to patients in nursing homes are permitted to allow three level A pharmacy assistants to be under the supervision of one licensed pharmacist. Pharmacies providing services to patients of hospitals, private hospitals and nursing homes must be physically separated from any other pharmacies on the premise providing services to non-inpatient customers.

**Votes on Final Passage:**

Senate 44 0

House 95 1

**Effective:** June 11, 1992

## SB 5510

C 195 L 92

Allowing for restoration of withdrawn contributions in annual installments to the Washington public employees' retirement system.

By Senators Rasmussen, Moore, Nelson, Bauer, Saling and L. Smith

Senate Committee on Ways & Means

House Committee on Appropriations

**Background:** When a member of one of the state's retirement systems separates from service, the member may withdraw his or her retirement contributions. Withdrawal signifies termination of membership in the retirement system and waiver of any rights to a pension allowance.

If the member later resumes employment covered by the same retirement system, the member may receive credit for the previously covered service if the withdrawn contributions, with interest, are restored within five years of the member's resumption of employment.

In Plan I of the Teachers' Retirement System, members may restore the contributions in annual installments, as long as they begin the installments within five years of reemployment and complete them four years after the first installment.

For the other state retirement systems, there is no requirement in statute or rule that the restoration be paid in one lump sum, but the Department of Retirement Systems has required a lump sum payment because it is not currently able to administer a large number of individual accounts receivable for members.

**Summary:** Effective January 1, 1994, members of Plan I of the Public Employees' Retirement System have the option to restore withdrawn contributions in one lump sum or in annual installments. The Department of Retirement Systems will incorporate development of member accounts receivable into its information systems projects for the next two years, so that by January 1, 1994, members of other retirement systems have the option to restore withdrawn contributions in annual installments.

**Votes on Final Passage:**

Senate 43 0

House 96 0 (House amended)

Senate 47 0 (Senate concurred)

**Effective:** June 11, 1992

January 1, 1994 (Section 1)

## SSB 5557

### PARTIAL VETO

C 106 L 92

Modifying requirements for recording of surveys.

By Senate Committee on Governmental Operations (originally sponsored by Senators Nelson and Sutherland)

Senate Committee on Governmental Operations  
House Committee on Local Government

**Background:** In order to assure public access to current land survey information, the Survey Recording Act of 1973 mandates the recording of any survey which establishes or reestablishes a corner on the boundary of two or more ownerships or general land office corner. A record of survey is not required when (1) the survey is made by a public officer in his official capacity and the map is filed with the county engineer; (2) the survey is made by the U.S. Bureau of Land Management; (3) a survey is preliminary in nature; or (4) a map is in preparation for recording under any local subdivision or platting law or ordinance.

One interpretation of the act has been that surveys which retrace boundaries already shown on recorded maps or plats must be recorded even though they do not reflect any significant change.

**Summary:** A record of survey is not required when it is a retracement or resurvey of boundaries already depicted on a recorded, surveyed subdivision plat or short subdivision plat, provided that no discrepancy is found on other public survey records. If a discrepancy is found, it must be clearly shown on the face of the new required record.

## ESB 5675

"Discrepancy" is defined to include any of the following: (1) a nonexisting, displaced or replacement monument from which the parcel is defined, and such information has not previously been revealed in the public record; (2) a departure from proportionate measure solutions not previously revealed in the public record; (3) any physical evidence of encroachment or overlap by occupation or improvement; or (4) differences in measurement between all controlling monuments in excess of 0.50 feet when compared with all locations of public record (if the measurements agree within the stated tolerance, a discrepancy is not deemed to exist).

When the public interest is served, the Department of Natural Resources is directed to adopt rules limiting the exemptions from recording retracements or resurveys.

### Votes on Final Passage:

Senate 46 0  
House 87 8 (House amended)  
Senate 48 0 (Senate concurred)

**Effective:** June 11, 1992

**Partial Veto Summary:** The section requiring the Department of Natural Resources to adopt rules limiting the exemptions from recording retracements or resurveys was vetoed. (See VETO MESSAGE)

## ESB 5675

### PARTIAL VETO

C 88 L 92

Requiring a restoration plan for Skagit river salmon.

By Senators Metcalf, McMullen, Anderson and Bailey

Senate Committee on Environment & Natural Resources

House Committee on Fisheries & Wildlife

House Committee on Appropriations

**Background:** Skagit River salmon stocks are depressed far below historical levels of abundance; however, no formal recovery plan exists for the improvement of Skagit River salmon runs.

**Summary:** The Director of the Department of Fisheries shall present a Skagit River salmon recovery plan to the Legislature by December 31, 1992. The plan shall utilize both hatchery technology and natural salmon spawning in order to improve the salmon runs. Displaced timber workers shall be employed in salmon restoration tasks.

### Votes on Final Passage:

Senate 43 1  
House 97 0 (House amended)  
Senate (Senate refused to concur)  
House (House refused to recede)  
Senate (Senate refused to concur;  
asked for conference)  
House (House refused conference)  
Senate 48 0 (Senate concurred)

**Effective:** June 11, 1992

**Partial Veto Summary:** The due date for the recovery plan is vetoed along with the provision to include in the plan the funding requirements for salmon hatcheries and natural spawning programs. (See VETO MESSAGE)

## E2SSB 5724

C 201 L 92

Requiring the department of ecology to study impacts of regulating paper mill waste.

By Senate Committee on Ways & Means (originally sponsored by Senators Sutherland, Hayner and Owen)

Senate Committee on Environment & Natural Resources

Senate Committee on Ways & Means

House Committee on Environmental Affairs

**Background:** Chlorinated organic compounds are potentially harmful chemical effluents created at pulp and paper mills when chlorinated bleaching agents are used to whiten wood fibers. When pulp and paper are bleached in industrial processes, the carbon element of chlorinated organic compounds comes from wood and oil-based products used as defoamers; the chlorine component of these elements comes from chlorinated bleaching agents.

"Dioxin" is a term used to refer to a family of 210 chlorinated organic compounds that vary in their degree of toxicity. "TCDD" is considered to be the most toxic member of the dioxin family, and has been linked to malignancies, birth defects, and physical deterioration in laboratory animals.

Aside from dioxins, less than 10 percent of the chlorinated organic effluents from pulp and paper mills have been identified or tested for toxicity. Some of the known chlorinated organic compounds are carcinogenic to animals, bioaccumulate, and can be lethal to fish.

Federal law requires industrial and municipal dischargers to obtain a permit to discharge wastewater into any receiving waters. The U.S. Environmental Protection Agency (EPA) has delegated the authority to permit and regulate wastewater effluents to the Depart-

ment of Ecology. The EPA oversees the state program, and if for any reason the state is not able to issue permits as required by federal law, the EPA may step in to assure that dischargers are permitted as required in federal law.

The EPA is in the process of developing chlorinated organic effluent guidelines for the pulp and paper industry and expects to issue draft guidelines by 1993 and final guidelines by 1995. Washington and Oregon are the first states to propose technology based limits on chlorinated organic effluents, consistent with proposed federal standards, before the EPA has promulgated national guidelines.

**Summary:** The Department of Ecology may require each pulp mill and each paper mill to submit an engineering report on the costs of installing technology to control discharges of chlorinated organic compounds. At least 24 months from the effective date of the act is to be allowed for submission of the report.

The department may not issue permits with limits on the discharge of such compounds until at least nine months after receiving the report from a kraft mill and at least 15 months after receiving the report from a sulfite mill. Nothing in the act shall apply to dioxin compounds.

**Votes on Final Passage:**

Senate	38	6	
House	96	1	(House amended)
Senate			(Senate refused to concur)

Conference Committee

House	96	1
Senate	41	6

**Effective:** June 11, 1992

**ESSB 5727**

C 207 L 92

Altering interim zoning by permit-granting agencies.

By Senate Committee on Governmental Operations (originally sponsored by Senators Amondson, Vognild, Owen, Stratton, McCaslin, West and Johnson)

Senate Committee on Governmental Operations  
House Committee on Local Government

**Background:** Various state and local governmental agencies regulate the use of real estate through approval of subdivisions, issuance of building permits, enactment of zoning ordinances and adoption of land use regulations. A governmental agency may place a moratorium on the issuance of permits or the approval of subdivision plats, or enact interim zoning ordinances to: (1) avoid the overtaxing of existing infrastructure;

(2) avoid a rush of development in anticipation of more restrictive land use regulations; (3) allow time for the considered development of a master plan; or (4) prevent the despoliation of water or air.

It is felt that the use of moratoria on permits and approvals, and interim zoning ordinances may adversely and unfairly impact economic interests and other state policies. It is felt that their use should be subject to some specific limitations.

**Summary:** The governing body of a county, city, or town that adopts a moratorium or interim zoning control without holding a public hearing shall hold a public hearing on the matter within at least 60 days after it has adopted the moratorium or interim zoning control. If the governing body does not adopt findings of fact justifying its action before this hearing, it shall adopt findings of fact immediately after the public hearing.

A moratorium or interim zoning control may be effective for no longer than six months, but may be effective for up to one year if a work plan is developed providing for related studies that will take that long. A moratorium or interim zoning control may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

A local board of health is subject to the same procedural requirements and limitations when it establishes a moratorium that the governing body of a county, city, or town is under when it establishes a moratorium.

**Votes on Final Passage:**

Senate	31	9	
House	96	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate	45	2	(Senate concurred)

**Effective:** June 11, 1992

**ESSB 5728**

C 208 L 92

Requiring that threshold determination must be completed within fifteen to thirty days.

By Senate Committee on Environment & Natural Resources (originally sponsored by Senators Amondson, Vognild, Owen, Bauer, Stratton, McCaslin, West and Johnson)

Senate Committee on Environment & Natural Resources

House Committee on Environmental Affairs

**Background:** Under the State Environmental Policy Act (SEPA), a threshold determination must be made by the responsible public agency to determine if a pro-

posed action/project will have significant adverse environmental impacts. In making this determination, the agency reviews the environmental checklist and other available documents.

The threshold determination can result in a determination of significance (DS). This would require the preparation of a full environmental impact statement (EIS).

If the action/project has no significant adverse environmental impacts or these impacts can be mitigated, the threshold determination will be a determination of nonsignificance (DNS), in which case no environmental impact statement is required.

Under the SEPA regulations, the time to complete the threshold determination should not exceed 15 days.

The delay in issuance of the threshold determination has had adverse impacts upon some property owners. Plat approvals have been affected, resulting in project delays beyond statutory time limits.

**Summary:** Effective September 1, 1992, a threshold determination shall be made by a government entity on an application within 90 days after the application and supporting documentation are complete. The government entity shall adopt standards for determining when the application and documentation are complete.

The provisions shall not apply to a city, town or county that adopted ordinances and procedures prior to April 1, 1992 to integrate permit and land use decisions.

**Votes on Final Passage:**

Senate	42	5	
House	95	1	(House amended)
Senate	45	1	(Senate concurred)

**Effective:** June 11, 1992  
September 1, 1992 (Section 1)

**SSB 5953**

PARTIAL VETO

C 141 L 92

Improving the common school system.

By Senate Committee on Education (originally sponsored by Senator Bailey)

Senate Committee on Education

**Background:** Beginning in August 1992, school teachers will be required to have a master's degree prior to obtaining a continuing teaching certificate. This requirement was imposed to enhance teaching as a profession and to improve the state's educational system. Teachers and others have questioned whether the mas-

ter's requirement will, in fact, achieve these two objectives.

Currently, new teachers are subject to a one year probationary period. It is suggested that this is not enough time for new teachers to grow into the job or for their supervising administrators to make an adequate evaluation of their capabilities.

Throughout the state there are a number of local initiatives underway to improve the education of and educational experience for students. However, systemic educational restructuring will still take time. Toward that end, in mid-1991, the Governor appointed a Council on Education Reform and Funding. The Council will provide recommendations to the Governor and Legislature in December 1992.

In preparing the recommendations, the Council is developing student learning goals. These goals are intended to be the foundation for development of a comprehensive assessment and accountability framework that will determine what students need to know and to be able to do as they progress through the school system. To carry forward the findings and recommendations of the Council, it is suggested that a temporary commission be established to facilitate the development of a comprehensive assessment and accountability framework that will determine what students need to know and to be able to do.

Many think that current state-imposed requirements place too much emphasis on complying with requirements and not enough emphasis on what, and whether, students are learning. In their view, the state should dramatically reduce its current requirements, but hold school districts accountable for the educational achievement of their students. It is also proposed that the general powers of school boards should, consistent with law, be greater in latitude to give districts more flexibility in designing and redesigning educational programs for students.

**Summary:** PART I - Enhancing the Teaching Profession

The master's degree requirement for continuing teacher certification is repealed. The statutory limitation on the length of validity of initial certificates is repealed.

The period of nonrenewal of employment contract for teachers and other nonsupervisory certificated personnel is extended from one to two years. Persons who have completed at least two years of certificated employment in another district in Washington are subject to one year of probation when transferring to another district.

The State Board of Education, in conjunction with the Governor's Council on Education Reform and Funding, is directed to study current requirements for

the certification of teachers and administrators, and present to the Legislature by December 1, 1992, options for improving the current certification system.

#### PART II - Commission on Student Learning

A nine-member Commission on Student Learning is established. The current Governor appoints three members by July 1, 1992, the State Board of Education self-selects three members to serve on the Commission, and the next Governor appoints the remaining three members by February 1, 1993. Educators, business leaders, and parents are to be represented on the Commission.

The Commission begins its substantive work only after the 1993 Legislature takes action by July 1, 1993, to ratify the student learning goals recommended by the Governor's Council on Education Reform and Funding in its final report due December 1, 1992. If the Legislature does not so act, the Commission and the modification of basic education requirements in 1998 shall be null and void.

The Commission is required to coordinate its activities with the State Board of Education and the state Superintendent, seek advice broadly from the public, and report annually to the Legislature and the State Board of Education. The Commission terminates September 1, 1998.

The Commission must establish technical advisory committees to assist the Commission with its major responsibilities. The Commission undertakes the following responsibilities only if the Legislature adopts student learning goals by July 1, 1993:

1. Identify essential academic learning requirements for elementary and secondary students. At a minimum, these requirements shall include reading, writing, speaking, science, history, geography, mathematics, and critical thinking. In developing these essential learning requirements, the Commission shall incorporate the student learning goals identified by the Governor's Council on Education Reform and Funding.

2. Present to the State Board of Education (SBE) and the state Superintendent of Public Instruction (SPI) state-wide elementary and secondary academic assessment systems to determine if students are mastering the learning requirements. The elementary assessment system is presented to the SBE and SPI by December 1, 1995, and implemented beginning the 1996-97 school year unless delayed or prevented by the Legislature. Mastery of each component of the learning requirements is required before students can progress in subsequent components.

The secondary assessment is presented to the SBE and SPI by December 1, 1996, and implemented in the 1997-98 school year, unless the Legislature acts to delay or prevent implementation. The secondary assess-

ment shall lead to a certificate of mastery. The certificate of mastery is required for graduation.

3. By December 1, 1996, recommend to the Legislature, SBE and SPI a statewide accountability system to evaluate accurately and fairly the level of learning occurring in schools. The Commission shall also recommend to the Legislature steps that should be taken to assist districts and schools in which learning is significantly below expected levels of performance.

4. Develop strategies to assist educators in helping students master the essential learning requirements.

5. Establish a Quality Schools Center to plan, implement, and evaluate a professional development process. The center shall: have an advisory council; coordinate its activities with the SBE and SPI; employ and contract with individuals committed to quality reform; develop a six-year plan; and use best practices research regarding instruction, management, curriculum development, and assessment.

6. Develop recommendations on the time, support and resources needed by schools and districts to help students achieve the essential learning requirements, and estimate the expected cost of implementing the academic assessment systems during the 1995-97 biennium and beyond.

7. Develop recommendations for repeal or amendment of federal, state, and local laws and rules that inhibit schools.

8. Develop recommendations for the Higher Education Coordinating Board for entrance requirements that would assist schools in adopting strategies designed to help students achieve the essential learning requirements.

#### PART III - School Board Powers

School boards are given broad discretionary power to adopt policies (that are not in conflict with other laws) that provide for the development and implementation of programs and practices that benefit the education of citizens and promote the effective, efficient, or safe maintenance and operation of school district programs, activities, services, or practices. School boards must give prior notice before adopting policies and provide reasonable opportunity for public written or oral comment.

Any school or school district may receive a waiver from the statutory requirements pertaining to school building self-study, teacher classroom contact hours, and the basic education program hour requirements. To receive the waiver the school district must submit to the State Board of Education a plan for restructuring its educational program or the educational program of individual schools in the district. The plan must include specific standards for increased student learning the district expects to achieve, how the district plans to

achieve the higher standards and eliminate learning disparities based on gender and ethnicity, and how the district will determine if the standards are being met. The plan does not have to be approved by the State Board. Waivers shall be renewed every three years upon the SBE receiving a renewal request from the school district board of directors. If a district intends to waive the program hour offerings requirement, it must provide at least a district-wide annual average of 1,000 instructional hours for grades one through 12, and 450 instructional hours in kindergarten.

The student learning objectives law is repealed.

PART IV - Student Assessment and Learning Opportunities

If a student's scores on the state 4th, 8th, or 11th grade tests indicate the student needs help in identified areas, the district must adjust the curriculum in the identified areas. Districts shall notify parents of their child's performance on the state tests.

The statutory state minimum high school graduation requirements are repealed, and the State Board of Education again is directed to establish state high school graduation requirements in rule.

For a seventh or eighth grader to receive high school graduation credit for taking a high school class, the content of the class must exceed the requirements of a seventh or eighth grade class.

PART V - Basic Education Amendments, Effective 1998

Effective September 1, 1998:

1. The goal of the Basic Education Act is to provide students with an opportunity to master the essential learning requirements as identified by the Commission on Student Learning.

2. Basic education program hours offering requirements are amended to require a total instructional offering of 450 hours for students enrolled in kindergarten, and a district-wide annual average total instructional offering of 1,000 hours for students enrolled in grades one through 12. The instructional program shall include the essential learning requirements and such other subjects and activities the school district determines.

3. The requirements for school building self-study and teacher contact hours are repealed.

The amendments and repealers cited above shall become effective September 1, 1998, unless a law is enacted stating that a school accountability and assessment system is not in place.

**Votes on Final Passage:**

Senate	28	21	
House	96	0	(House amended)
Senate	33	14	(Senate concurred)

**Effective:** June 11, 1992

**Partial Veto Summary:** A December 1, 1992 deadline for the Council to submit its recommended student learning goals to the Legislature is vetoed since the Executive Order creating the Council includes the same deadline. Language making both the Commission on Student Learning and the 1998 Basic Education Act amendments null and void if the Legislature does not take action by July 1, 1993, to adopt the Council's recommended student learning goals is also vetoed. (See VETO MESSAGE)

**ESB 5961**

C 238 L 92

Relating to fiscal matters.

By Senator McDonald

Senate Committee on Ways & Means

**Background:** The agencies and institutions of state government operate on a fiscal biennium that begins on July 1 of each odd-numbered year. During the 1991 legislative session, the 1991-93 Omnibus Appropriations Act was adopted. The 1992 legislative session passed the 1992 supplemental budget (ESHB 2470) to amend the 1991-93 Omnibus Appropriations Act.

**Summary:** The supplemental budget is changed in two ways.

First, reductions in tuition waivers for higher education are decreased from 13 percent to 6.6 percent. The total GF-S savings are thus reduced from \$7.9 million, as projected in the conference report on the supplemental budget, to \$4 million. The percentage reduction applies to all four-year institutions and the community colleges (excluding the adult basic education program). The maximum reduction to any individual waiver program is no more than 13.2 percent for fiscal year 1993.

Second, the July 1, 1992 DSHS vendor rate for foster care, family support services, juvenile group homes, and developmental disabilities programs is increased from 2 percent to 3 percent. The January 1, 1993 vendor rate is increased from 3 percent to 3.2 percent for most vendors. Foster care, family support services and juvenile group homes, will continue to receive a 5 percent increase; developmental disabilities programs will continue to receive a 6 percent increase. This raises the total GF-S vendor rate increase appropriation by about \$2 million (from \$23.6 million to \$25.6 million).

**Appropriation:** \$1,986,000 is from general fund-state and \$1,594,000 is from federal funds.

**Votes on Final Passage:**

Senate 48 0

House 96 1

**Effective:** June 11, 1992**ESSB 5986**

C 38 L 92

Expanding the duties of tenants under the landlord-tenant act.

By Senate Committee on Law & Justice (originally sponsored by Senators Wojahn, Newhouse and Rasmussen)

Senate Committee on Law &amp; Justice

House Committee on Housing

**Background:** The Residential Landlord-Tenant Act lists the statutory obligations of a tenant. The act also allows a landlord to terminate a rental agreement and evict a tenant who violates any of the enumerated statutory obligations.

It is suggested that the list of statutory tenant duties be expanded to include a prohibition against engaging in gang activities which endanger the premises or any neighboring premises or persons.

**Summary:** A tenant can terminate a rental agreement, leave the premises, and remain eligible for recovering his or her damage deposit and last month's rent under the following circumstance: (1) a tenant has a valid protective order which has been violated by the person to be restrained since the tenant occupied the dwelling unit, the tenant has notified law enforcement officials about the violation, and a copy of the protective order is available to the landlord; or (2) a tenant, or another tenant who shares a particular dwelling unit, has been threatened by another tenant with a firearm or deadly weapon, which resulted in an arrest, and the landlord fails to file an unlawful detainer action against the tenant making the threats within seven days after receiving notice of the arrest; a tenant can also terminate the rental agreement if the landlord has threatened the tenant with a firearm or other deadly weapon.

Tenants are specifically prohibited from engaging in any activity at the rental premises that is imminently hazardous to the physical safety of other persons on the premises and which entails physical assaults on others or the unlawful use of a firearm or other deadly weapon.

A landlord is not required to evict a tenant who threatens other tenants. A landlord may, however, proceed directly to an unlawful detainer action against any tenant who is arrested for creating an imminent hazard to the physical safety of other persons on the premises.

A landlord may not be held liable for bringing an unlawful detainer action against a tenant for creating such an imminent hazard if the action is filed in good faith.

A law enforcement agency which arrests a tenant for threatening another tenant with a firearm or other deadly weapon, for unlawful use of a firearm, or for physically assaulting another person on the rental premises must make a reasonable attempt to identify and notify the landlord about the arrest in writing. The notification must be sent to the last address listed in the property tax records and at any other address known to the law enforcement agency.

A process is established for allowing a landlord to recover the costs of moving and storing a tenant's property that is left behind after an eviction.

The unlawful use of a firearm or other deadly weapon by a person in or adjacent to his or her dwelling and that imminently threatens the physical safety of others in the adjacent area is considered a nuisance and can be abated.

**Votes on Final Passage:**

Senate 45 0

House 96 0 (House amended)

Senate 47 0 (Senate concurred)

**Effective:** June 1, 1992**2ESB 6004**

C 172 L 92

Reviewing Indian gaming compacts.

By Senator Hayner

**Background:** In 1987, the United States Supreme Court decided the case of California v. Cabazon Band of Mission Indians. The court found that federal and tribal interests preempt application of state and county gambling laws on Indian reservations. The practical effect of the Cabazon case was to establish the tribes' right to conduct the same games on the reservation as are allowed by the state off the reservations, without the state and local laws that regulate the manner in which those games are conducted.

In response to the Cabazon case, Congress enacted the Indian Gaming Regulatory Act (IGRA). The IGRA provides a comprehensive scheme to govern gambling on Indian reservations. Congress declared the purposes of the IGRA to be: (1) to provide a statutory foundation for Indian gambling operations as a means of promoting economic development, self-sufficiency and strong tribal government; (2) to prevent the infiltration of organized crime and other corrupting influences; and (3) to establish federal regulatory authority, federal standards and a National Indian Gaming Commission.

Congress divided gambling on Indian lands into three categories. Class I gaming consists of "social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of or in connection with tribal ceremonies or celebrations." Class II gaming includes bingo, and if played at the same location as bingo, "pull-tabs, lotto, punchboards, tip jars, instant bingo and other games similar to bingo," provided that the state permits such gaming by anyone for any purpose. The act expressly excludes from the definition of class II gaming any banking card games, including blackjack, and electronic or electromechanical facsimiles of any game of chance or slot machines of any kind. Class III gaming is defined as "all forms of gaming that are not class I gaming or class II gaming."

Class III games are lawful on Indian lands only if the games are:

- (a) authorized by an ordinance or resolution that (1) is adopted by the governing body of the Indian tribe having jurisdiction over such lands; (2) meets the requirements of class II games; and (3) is approved by the Chairman of the National Indian Gaming Commission;
- (b) located in a state that permits such gaming for any purpose by any person, organization, or entity; and
- (c) conducted in conformance with a tribal-state compact entered into by the Indian tribe and the state.

Class III games may not be conducted unless a compact governing the specific form of gambling is in effect. A tribe that wants to conduct class III gaming must request the state to negotiate a compact. The state must negotiate with the tribe in good faith.

Each class of gaming is regulated separately. Tribes have exclusive jurisdiction over class I gaming. Class II gaming is regulated by the tribes but falls under the jurisdiction of the National Indian Gaming Commission. Class III gaming, to the extent it is permitted, is subject to state regulation under the terms of the compact.

After 180 days from the tribe's request to negotiate a compact, a tribe may file suit in Federal District Court alleging that the state has failed to negotiate with the tribe in good faith. In determining whether the state has negotiated in good faith, the federal court may consider "public interest, public safety, criminality, financial integrity and adverse economic impacts on existing gaming activities." If the court finds that the state has failed to negotiate in good faith, the court must order the parties to conclude a compact within 60 days. If a compact is not reached within 60 days, the state and the tribe must submit to a mediator their "last best offer for a compact." The mediator will select the offer that best comports with federal law.

Washington does allow class III gaming in a highly regulated environment. The state allows: on track and satellite betting on horse racing; charitable casino nights where the activities include banking games (e.g., blackjack, with a house dealer), roulette, and craps; and the state lottery. The only kinds of games that are not allowed in Washington are slot machines and electronic games of chance.

Washington also allows social, low stakes card games. These include nonbanking blackjack. Although nonbanking blackjack is not class III gaming, it is possible that the presence of these games would allow for banking card games conducted by the tribes. That result was reached in a case in Minnesota. In an unpublished opinion, a district court magistrate ruled that similar social card games in Minnesota satisfied the statutory threshold of "gambling for any person, for any purpose". Therefore, blackjack was proper subject matter for tribal-state negotiations. The district court has postponed review of the magistrate's decision while the state and the tribe try to reach agreement.

Negotiations of IGRA compacts have already begun between the state of Washington and several of this state's tribes.

A recent Attorney General's opinion indicates the Governor does not have authority to execute these compacts on behalf of the state without express authorization from the Legislature. Federal law does not specify which state official or agency should represent the state in these negotiations.

**Summary:** An addition is made to the list of statutory duties of the Governor giving authority to execute, on behalf of the state, compacts entered into with federally recognized Indian tribes as provided by federal law for conducting class III gambling on Indian lands.

The negotiation process for compacts with tribes is established. The Gambling Commission, through the director, is authorized to negotiate on behalf of the state. Tentative agreements are forwarded to the commission and designated standing committees of the Legislature. The designated standing committees are authorized to hold a hearing and forward comments to the commission. The commission may also hold hearings. The commission must vote within 45 days after receiving the proposed compact from the director, and may seek further negotiation or send it to the Governor for final execution. The commission is given enforcement power.

An emergency clause and a severability clause are included.

**Votes on Final Passage:**

Senate	33	14
House	94	3

**Effective:** April 1, 1992

**ESB 6008**

C 224 L 92

Repealing RCW 11.92.095.

By Senator Roach

House Committee on Judiciary

**Background:** In 1990 the Legislature made comprehensive revisions to the guardianship statute. The bill was passed with a one year delayed effective date to allow for a full review of the proposed changes. During the 1991 session the Legislature made many technical and substantive changes to the provisions of the 1990 legislation.

One change made in the 1991 legislation modified the procedures for preparing an inventory of assets of the incapacitated person. The new provisions require the guardian to prepare an inventory of assets held by financial institutions. The existing provisions requiring the institutions to prepare the inventory were not repealed.

**Summary:** Conflicting provisions in the asset inventory procedures are repealed.

**Votes on Final Passage:**

Senate	43	0	
House	96	0	(House amended)
Senate	48	0	(Senate concurred)

**Effective:** June 11, 1992

**SB 6010**

C 81 L 92

Exempting church day cares from the business and occupation tax.

By Senators Bauer, Johnson, Craswell, L. Smith and Oke

Senate Committee on Ways & Means

House Committee on Revenue

**Background:** Nonprofit churches of recognized religious denominations are exempt from property taxes. In addition, these churches are exempt from the business and occupation tax on amounts received from many of their activities, including amounts received from contributions, donations, charges for privately operated kindergartens, bazaars, and rummage sales.

Amounts received from child day-care programs are subject to the state business and occupation tax at a rate of 1.5 percent if the gross income from the activity exceeds \$1,000 per month.

Although the number of churches offering day-care programs is unknown, many churches are apparently

unaware of the tax liability with respect to day care. Presently no church pays any business and occupation tax.

**Summary:** The state business and occupation tax does not apply to amounts derived from the provision of care to children for periods of less than 24 hours by a church that is exempt from property tax.

**Votes on Final Passage:**

Senate	40	4
House	96	0

**Effective:** June 11, 1992

**ESB 6023**

C 121 L 92

Modifying the duties and delaying the sunset termination of the center for international trade in forest products.

By Senators Saling, Bauer, Oke, Gaspard, Conner, Thorsness and L. Smith; by request of Legislative Budget Committee

Senate Committee on Commerce & Labor

House Committee on Trade & Economic Development

**Background:** The Center for International Trade in Forest Products (CINTRAFOR) was established provisionally in 1984, and permanently in 1985. The center's statutory duties include: 1) conducting research for expansion of forest-based international trade in manufactured forest products; 2) developing industrial technology to meet international customers' needs; 3) coordinating and disseminating market and technical information; 4) providing graduate education; 5) cooperating with other state and federal agencies; and 6) seeking financial support from private industry and from federal and other government sources.

The Legislative Budget Committee approved a sunset report for CINTRAFOR on October 16, 1991. The sunset report presented the following eight recommendations: 1) the Department of Trade and Economic Development should take a more active role in administering its CINTRAFOR contract; 2) CINTRAFOR should continue to enhance its management and the effectiveness of its activities; 3) CINTRAFOR should support the College of Forest Resources in developing specific agreements for cooperation and coordination with other entities such as the Business School and the Northwest Policy Center; 4) CINTRAFOR should be continued, subject to adoption of modifications in its enabling statute; 5) the center's statutory mandate should focus on secondary manufactured products; 6) an executive policy board should be created for CINTRAFOR which includes representatives of small

and medium sized businesses; 7) working groups should be required for each area of research; and 8) the center should not be viewed as a comprehensive data source for business, media, and the public.

A recent federal report by the Special Cooperative State Research Service (CSRS) recommends that CINTRAFOR should narrowly define its mission to support research and report on trends significant to the Pacific Northwest, but to exclude routine provision of data to the media and public. CSRS staff expressed the opinion that CINTRAFOR should assist in policy formulation by providing background analysis, developing options, and assessing probable impacts of options, without acting as an advocate for any particular option.

**Summary:** The enabling statutes for CINTRAFOR are amended: 1) to place more emphasis on research and analysis for secondary forest products manufacturing; and 2) to coordinate, develop, and disseminate market and technical information to secondary manufacturers.

The computer databases managed by CINTRAFOR are required to focus on reporting worldwide trends significant to the Northwest forest products industry.

CINTRAFOR is directed to monitor the competitiveness of small and medium sized forest products manufacturers in international markets. Small and medium sized firms are defined as those with annual gross revenues below \$25 million.

CINTRAFOR is directed to cooperate with the Northwest Policy Center and the Graduate School of Public Administration at the University of Washington.

An executive policy board consisting of representatives of small and medium sized business is established. The board's duties shall include providing advice to the director on policies, program priorities, budget requests, on securing research funding, prioritizing and selecting research projects, and on disseminating research results to CINTRAFOR's constituency.

Advisory and technical committees are established for each research area. These committees are created to help insure that projects are relevant to industry needs and that the results of research are effectively disseminated.

A new sunset date for CINTRAFOR is set for June 30, 1994. The Legislative Budget Committee is required to complete a sunset review on the center for the 1994 Legislature.

**Votes on Final Passage:**

Senate 44 2  
House 97 0 (House amended)  
Senate 46 0 (Senate concurred)

**Effective:** June 11, 1992

**ESB 6027**

C 23 L 92

Funding horticultural nursery research.

By Senators Barr, Gaspard, Sellar, Bauer, Conner, Rasmussen, Bailey and Jesernig.

Senate Committee on Agriculture & Water Resources  
House Committee on Agriculture & Rural Development

**Background:** Research for the benefit of the horticultural nursery industry is currently conducted by Washington State University and is funded by general fund monies. At present, there is no mechanism in place to allow the horticultural nursery industry to collect funds from itself to augment research activities.

**Summary:** The Director of Agriculture, with advice from an advisory committee, may establish a surcharge of up to 20 percent onto the nursery dealer license fee. The surcharge will range between \$5 and \$20 per year depending upon the annual gross dollar volume of business of the nursery dealer. The revenue collected from the surcharge is to be deposited in the agricultural local fund, which will be used solely to support research projects that are a general benefit to the horticultural nursery industry and that are recommended by an advisory committee.

**Votes on Final Passage:**

Senate 47 1  
House 96 0

**Effective:** July 1, 1992

**ESB 6028**

C 25 L 92

Authorizing cities and towns to issue revenue bonds for financing water conservation programs.

By Senators Barr, Madsen, Williams and Erwin; by request of Jnt Sel Com on Water Resource Policy

Senate Committee on Agriculture & Water Resources  
House Committee on Local Government

**Background:** Through a constitutional amendment approved by voters in 1989, various municipal entities that supply water were granted the authority to use public funds for water conservation improvements in privately owned structures.

Legislation contingent on the approval of the constitutional amendment also passed, establishing specific parameters for the water conservation program for municipal corporations engaged in the sale or distribution of power. However, a specific grant of authority for cit-

ies to use bonded indebtedness to finance water conservation projects was not included.

**Summary:** Existing authority for cities to use bonded indebtedness to finance electrical energy conservation programs is expanded to include water conservation programs.

Authority is provided for counties to engage in water conservation programs for structures provided water service by the county. Also, counties are provided authority to issue revenue bonds and other forms of indebtedness to finance water conservation projects.

**Votes on Final Passage:**

Senate 41 1  
House 96 0

**Effective:** June 11, 1992

**SB 6032**

C 84 L 92

Repealing the termination provisions of the emergency medical services committee.

By Senators West and Johnson

Senate Committee on Health & Long-Term Care  
House Committee on Health Care

**Background:** In 1990 a legislative overhaul of trauma care laws enlarged, increased the duties of, and renamed the Emergency Medical Services Committee. Failure to repeal the sunset provisions in the amended statute and the termination of the newly renamed Emergency Medical Services Licensing and Certification Advisory Committee was an oversight in this process.

**Summary:** The termination of the Emergency Medical Services Licensing and Certification Advisory Committee and sunset provisions are repealed.

**Votes on Final Passage:**

Senate 45 0  
House 95 0

**Effective:** June 11, 1992

**ESB 6033**

C 128 L 92

Modifying certification provisions for emergency medical services personnel.

By Senators West and Johnson

Senate Committee on Health & Long-Term Care  
House Committee on Health Care

**Background:** Under current law some emergency medical service (EMS) personnel receive initial certifi-

cation and recertification for periods of two years. The two-year period applies to physician's trained intravenous therapy technicians, airway management technicians, and mobile intensive care paramedics. Other EMS personnel are certified or recertified for three years. EMS personnel have busy schedules that involve constant hands-on training. The certification procedures do not change much from year to year, but the recertification process does consume time and money.

Ambulance operators are currently licensed for three years, while ambulances are licensed for one year.

**Summary:** Certifications and recertifications of physician's trained intravenous therapy technicians, airway management technicians, and mobile intensive care paramedics are valid for three years.

Licenses issued to both ambulance drivers and ambulances are valid for two years each.

Emergency medical technicians, life support personnel and others credentialed pursuant to the chapter are included under the Uniform Disciplinary Act consistent with the responsibilities of the medical program directors. Those professions, as well as physician's trained intravenous therapy technicians, airway management technicians, and mobile intensive care paramedics, are subject to the disciplinary authority of the Secretary of the Department of Health.

**Votes on Final Passage:**

Senate 45 1  
House 96 0 (House amended)  
Senate 48 0 (Senate concurred)

**Effective:** June 11, 1992

**SSB 6042**

C 220 L 92

Revising the Washington condominium act.

By Senate Committee on Law & Justice (originally sponsored by Senators Nelson and Rasmussen)

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** In 1987, the Legislature created the Condominium Task Force, a statutory committee, to update the former statute governing the creation of condominiums (the Horizontal Property Regimes Act) in accordance with the Uniform Condominium Act. The task force was comprised of representatives of condominium associations, developers, mortgage bankers, title companies, realtors, consumers, attorneys, and county assessors. The Washington Condominium Act was drafted by the Condominium Task Force and enacted by the Legislature in 1989. The act went into effect on July 1, 1990.

Additional refinements to the Washington Condominium Act are proposed.

**Summary:** The definition of "declarant control" is amended to include the right to veto or approve proposed board action.

A procedure for reserving the exclusive right to use a particular condominium name is established.

The requirement that each possible development right reserved in the declaration be labeled on the survey map and plans is deleted. In addition, the survey map and plans need not show the thickness of walls, floors, and ceilings which constitute the vertical and horizontal boundaries of units.

Only the purchaser at a foreclosure sale, not the foreclosing party, may exercise the right reserved in the declaration to withdraw property from the condominium.

The use of subassociations is expressly authorized.

The public offering statement need only disclose material differences between a model unit and the unit being sold that involve furnishings, finishes, and equipment. The public offering statement must contain any independent engineering report and local government inspection report required by other provisions of the act.

If a unit in a conversion condominium is offered for sale at a more favorable price and better terms than the initial offer to sell, the residential tenant of that unit must be given an opportunity to purchase the unit at the more favorable price and better terms. A local housing code inspection is not required for a conversion condominium that is less than two years old. Additional and/or excessive fees may not be imposed for a routine inspection.

The implied warranty of a declarant or dealer is limited to those improvements made or contracted for by the declarant or dealer.

Technical changes in language are added for clarification purposes.

A condominium association cannot charge more than \$150 for the preparation of a resale certificate. The association may, however, charge a nominal fee for updating a certificate within six months of the unit owner's previous request.

It is clarified when the thickness of vertical boundaries need not be shown in a survey map and plans of a condominium.

**Votes on Final Passage:**

Senate	42	0	
House	96	0	(House amended)
Senate	46	1	(Senate concurred)

**Effective:** June 11, 1992

Modifying the chiropractic practice act.

By Senators L. Smith, Bauer, Johnson, Murray, von Reichbauer, Snyder, Metcalf, Conner, Thorsness, Vognild, Sutherland, Jesernig, M. Kreidler and Pelz

Senate Committee on Health & Long-Term Care

Senate Committee on Ways & Means

House Committee on Health Care

**Background:** Chiropractors are health care professionals directly accessible by the public who must be licensed by the state in order to practice their profession. The chiropractic scope of practice primarily involves the detection of neuronal disturbances due to spinal subluxations, and treatment of these disturbances by adjustment and manipulation of the spinal column and its immediate articulations. It does not include nonspinal procedures, such as manipulation of extremities.

Chiropractic care includes the normal regimen and rehabilitation of the patient, a physical examination, diagnostic x-rays and the other analytical instruments generally used in the practice of chiropractic. Chiropractors are prohibited from prescribing or dispensing any medicine or drug, practicing obstetrics or surgery, or using x-rays for therapeutic purposes. They are permitted to render dietary advice.

Health care professionals licensed by the state who are not also licensed as chiropractors may not perform procedures which include the adjustment by hand of any articulation of the spine.

**Summary:** The act is intended to expand the chiropractic scope of practice only with regard to adjustment of extremities in connection with a spinal adjustment.

Chiropractic scope of practice is expanded to include the diagnosis or analysis and care or treatment of articular dysfunction and musculoskeletal disorders as well as subluxations. These terms are defined. Chiropractic adjustment for these disorders includes manual or mechanical adjustment of any vertebral articulation and contiguous articulations beyond the normal passive physiological range of motion.

Chiropractic treatment or care is expanded to include nonspinal procedures, including extremity manipulation complementary and preparatory to a chiropractic spinal adjustment. Heat, cold, water, exercise, massage, trigger point therapy, dietary advice and recommendation of nutritional supplementation (with the exception of medicines of herbal, animal or botanical origin), first aid and counseling on hygiene, sanitation and preventive measures, and physiological therapeutic procedures such as traction and light are also included. Procedures

involving the application of sound, diathermy or electricity are not included.

Chiropractors are prohibited from prescribing or dispensing any medicines or drugs, practicing obstetrics or surgery, using radiation for therapeutic purposes, colonic irrigation, or any form of venipuncture.

Chiropractic differential diagnosis must include a physical examination and may include diagnostic x-rays. The Chiropractic Disciplinary Board must define by rule the type of diagnostic and analytical devices and procedures consistent with chiropractic practice.

Extremity manipulation cannot be billed separately from or in addition to a spinal adjustment.

All state health care purchasers are given the authority to set service and fee limitations on chiropractic costs. The Health Care Authority is required to establish pilot projects in defined geographic regions of the state to contract with organizations of chiropractors for a prepaid capitated amount.

**Votes on Final Passage:**

Senate	35	12	
House	91	5	(House amended)
Senate	35	11	(Senate concurred)

**Effective:** June 11, 1992

**Partial Veto Summary:** The emergency clause, requiring that the act take effect immediately, is removed. (See VETO MESSAGE)

## SSB 6055

C 129 L 92

Providing for the use as evidence the reports by or testimony from forensic scientists of the state's crime laboratory.

By Senate Committee on Law & Justice (originally sponsored by Senators Nelson, Madsen and Newhouse)

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** The forensic scientists employed by the State Patrol's Crime Laboratory spend an excessive amount of their time testifying in court on cases involving the analysis of controlled substances. There is no law which requires a court to accept a signed analytical report as evidence in a case. The forensic scientist who performs the analysis can be required to appear in court in order to present the evidence contained in the report. This results in less time spent by the forensic scientist in the laboratory, resulting in a backlog of work. Legislation is recommended which would help reduce the amount of time a forensic scientist spends in court testifying with regard to cases involving controlled substances.

**Summary:** The results of a controlled substance analysis performed by the Crime Laboratory system of the State Patrol may be presented as prima facie evidence in a prosecution by means of a certified copy of the report signed by the supervisor of the State Patrol's Crime Laboratory or the forensic scientist conducting the analysis.

The defendant or a prosecutor may subpoena the forensic scientist who conducted the analysis to testify at the preliminary hearing and trial at no cost to the defendant, if the subpoena is issued at least 10 days prior to the trial date.

A State Patrol Crime Laboratory analysis fee of \$100 is charged to adults convicted of a crime or minors adjudicated as juvenile offenders in those cases in which an analysis is performed. The court may suspend payment of all or part of the fee if it finds that the person is unable to pay.

The fee is collected by the clerk of the court and forwarded to the state general fund, to be used only for crime laboratories. The clerk may retain \$5 to defray the costs of collection.

**Votes on Final Passage:**

Senate	38	3	
House	96	0	(House amended)
Senate	47	0	(Senate concurred)

**Effective:** June 11, 1992

## ESSB 6069

C 109 L 92

Creating a bone marrow donor program.

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Snyder, Conner, Wojahn, West, L. Smith, M. Kreidler, Talmadge, Rasmussen, Johnson, Gaspard and Skratek)

Senate Committee on Health & Long-Term Care  
House Committee on Health Care  
House Committee on Appropriations

**Background:** For many of the estimated 16,000 Americans diagnosed each year with leukemia, aplastic anemia and other fatal blood diseases, a bone marrow transplant can be a lifesaving procedure. For the transplant to be successful, it is important that the patient's genetic markers (HLA antigens) closely match those of the donor. Less than 40 percent of patients who need marrow transplants have a suitably matched related donor able to donate marrow. To expand the donor pool, transplants using bone marrow from an unrelated donor were begun in the 1970s. Despite the success of this technological advance, the chances of any two unre-

lated individuals having matching HLA antigens range between 1:100 to less than 1:1,000,000.

Donor registries have been established for facilitating searches for suitably matched volunteer donors. The National Marrow Donor Program (NMDP) was established in 1986 through a contract with the federal government and maintains a computerized registry listing more than 450,000 potential donors. In addition to its clinical activities, NMDP educates the public about bone marrow transplantation and recruits new volunteers for the national registry through its educational campaigns.

**Summary:** The intent of the Legislature is to establish a statewide bone marrow donor education and recruitment program in order to increase the number of Washington residents who become bone marrow donors, and to increase the chance that patients in need of bone marrow transplants will find a suitable bone marrow match.

The Department of Health (DOH) is required to establish a bone marrow donor recruitment and education program to educate state residents about the need for bone marrow donors, the procedures required to become registered as a potential bone marrow donor, and the procedures a donor must undergo to donate bone marrow or other sources of blood stem cells.

DOH must make special efforts to educate and recruit minorities to volunteer as potential bone marrow donors. Means of communication may include use of press, radio, and television, and placement of educational materials in appropriate health care facilities, blood banks, and state and local agencies.

DOH, in conjunction with the Department of Licensing, must make educational materials available at all places where driver licenses are issued or renewed.

DOH must make special efforts to educate and recruit state employees to volunteer as potential bone marrow donors. These efforts must include, but not be limited to, conducting a bone marrow donor drive. The drive must include educational materials furnished by the National Marrow Donor Program.

DOH must make special efforts to encourage community and private sector businesses and associations to initiate independent bone marrow donor education and recruitment programs.

Specific funding for the purposes of the act must be provided by June 30, 1992 or the act shall be null and void.

**Votes on Final Passage:**

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

**Effective:** June 11, 1992

Authorizing alternative supervisors for physician's assistants.

By Senators Amondson and Snyder

Senate Committee on Health & Long-Term Care  
House Committee on Health Care

**Background:** Under current law an osteopathic physician's assistant is limited in practice to performing services for which he or she has been trained and only under the supervision and control of an osteopathic physician licensed in this state. Although the supervision and control must be exercised by one osteopathic physician, the supervisor does not have to be personally present where the assistant is providing services.

A physician's assistant is limited in the same way and must be supervised by one physician licensed in this state who does not necessarily have to be physically present when services are provided.

There is no authorization of alternative supervisors for physicians' or osteopathic physicians' assistants.

**Summary:** The Board of Osteopathic Medicine and Surgery may authorize for osteopathic physicians' assistants the use of alternative supervisors who are licensed either as osteopathic physicians or as physicians.

The Board of Medical Examiners may authorize for physicians' assistants the use of alternative supervisors who are licensed either as osteopathic physicians or as physicians.

**Votes on Final Passage:**

Senate 46 0  
House 97 0

**Effective:** June 11, 1992

Providing additional unemployment insurance benefits.

By Senators Conner, Owen, Sutherland, Snyder, Amondson, Anderson, Bauer, McMullen and Erwin

Senate Committee on Commerce & Labor  
Senate Committee on Ways & Means  
House Committee on Commerce & Labor

**Background:** In 1991, the Legislature extended unemployment compensation for unemployed forest products workers. Unemployed workers in timber impact counties and unemployed forest products workers in all counties are eligible for the program. Workers must

participate in approved training. Persons who meet the eligibility requirements and have exhausted their regular unemployment benefits on or after July 27, 1991 may receive a total of 52 weeks of benefits including regular state unemployment benefits and extended timber benefits.

**Summary:** Extended timber unemployment compensation benefits are available to eligible workers who have a benefit year beginning after January 1, 1989.

**Votes on Final Passage:**

Senate 48 0

House 96 0

**Effective:** March 26, 1992

## SSB 6076

C 27 L 92

Modifying rural health facility certificate of need provisions.

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators West, M. Kreidler, Amondson and Barr; by request of Department of Health)

Senate Committee on Health & Long-Term Care  
House Committee on Health Care

**Background:** In 1989 the Legislature created the rural health care facility licensure law. A major objective of the law was to provide a less stringent licensing option for rural hospitals desiring to restructure and provide more limited acute and emergency medical care. In some cases the restructuring is seen as essential to preserve health care services in the rural community and to avoid total closure of the rural hospital.

The law also allows for cooperative arrangements among rural health providers which is seen as essential to assure the preservation of a rural health care delivery system. Concerns have been raised that cooperative service delivery arrangements may be viewed as anti-competitive behavior. State oversight of these arrangements may be a solution to this concern.

Since 1989 the federal government has enacted a program to provide financial support to essential access community hospitals and rural primary care hospitals by offering higher levels of Medicare reimbursement. This was done to encourage regionalization of rural health care delivery through a system of major regional hospitals and smaller satellite facilities. The satellite facilities include rural hospitals that have been "down-sized." Rural hospitals can reduce the level of acute and emergency care to become a rural primary care hospital and be eligible to receive more enhanced reimbursement. Rural health care facilities are believed to

already be eligible for designation as a rural primary care hospital. Rural hospitals and rural health care facilities must request participation in the program from an appropriate state agency that has authority to prepare a state plan to establish regional rural health networks. The Legislature granted this authority to the Department of Health in 1990.

These state and federal activities have made rural health facility licenses more appealing to rural communities, but some are concerned that they may find rural health care facility licensure too restrictive and want to later reconvert their facilities back to a hospital. In addition, rural communities that reduce the number of beds in their rural hospitals may desire to restore beds if restructuring is not working. Such action would currently require applying for a new certificate of need review, a process which is costly and time consuming. It may also require meeting new hospital construction requirements for plant and equipment, which also could be very costly.

**Summary:** The certificate of need law is amended to allow rural health care facilities to reapply for hospital licensure without undergoing certificate of need review if done so within three years after the effective date of the rural health care facility license. A rural hospital that reduces the number of beds to become a rural primary care hospital may restore those beds without certificate of need review if done no later than three years after the reduction of beds occurred. In addition, compliance with new construction requirements is waived if the rural health care facility or rural hospital was deemed in compliance with hospital rules concerning equipment and plant at the time it converted from a rural hospital or reduced the number of licensed beds.

Other provisions of certificate of need still apply with regard to establishing tertiary services; sale, lease or construction of new hospital beds; or conversion of acute beds to nursing home beds in excess of a six month period.

The Department of Health (DOH) may monitor cooperative arrangements among rural health care providers as part of its responsibilities to prepare a state rural regional health network plan. DOH may also provide consultative advice to rural health care facilities about construction projects.

**Votes on Final Passage:**

Senate 43 0

House 96 0

**Effective:** June 11, 1992

**SB 6078**

C 26 L 92

Removing SR 901 from the state highway system.

By Senators Skratek, Patterson and Vognild

Senate Committee on Transportation  
House Committee on Transportation

**Background:** In 1991, certain additions, deletions and revisions were made to the state highway system. One change was to redesignate SR 901 from West Lake Sammamish Parkway to East Lake Sammamish Parkway. The redesignation is scheduled to take place April 1, 1992.

In April of 1991, the Transportation Improvement Board (TIB) was directed to review this proposed jurisdictional transfer of SR 901 and to report their recommendation to the Legislative Transportation Committee.

After holding a public meeting, taking testimony and reviewing state highway designation criteria, the TIB recommended that neither West nor East Lake Sammamish Parkways be designated as SR 901, and that both roadways be managed by the appropriate local jurisdiction.

**Summary:** State Route 901 and East Lake Sammamish Parkway are removed from the state highway system.

SR 901 is also removed as a scenic highway. East-bound Interstate 90, which is designated a scenic highway beginning at SR 901, remains a scenic highway beginning at or near West Lake Sammamish Parkway in the vicinity of Issaquah.

**Votes on Final Passage:**

Senate 49 0  
House 96 0

**Effective:** June 11, 1992

**SSB 6085**

C 162 L 92

Providing for waiver of review of water and sewer extensions by boundary review board.

By Senate Committee on Governmental Operations (originally sponsored by Senators Bauer, McCaslin, Sutherland, Sellar, Madsen and Vognild)

Senate Committee on Governmental Operations  
House Committee on Local Government

**Background:** Boundary review boards may review the extension of permanent water or sewer service by a city, town, or special purpose district outside of its existing boundaries. Such a review may be initiated: (1) by the request of three of five members of the board

where the water mains involved are greater than six inches in diameter or the sewer mains involved are greater than eight inches in diameter (five members must make such a request in King County), (2) by the request of any affected governmental unit, or (3) by a petition of the voters or property owners affected.

**Summary:** The members of a boundary review board may not initiate a review of the extension of permanent water or sewer service by a city, town, or special purpose district outside of its existing boundaries if: (1) the affected area is in a county which is planning under the Growth Management Act, and (2) the legislative authority of such county has, by majority vote, waived the authority to the board to initiate such reviews.

Decisions of a boundary review board in a county planning under the Growth Management Act must be consistent with the goals, policies and comprehensive plan adopted by the county pursuant to the GMA.

**Votes on Final Passage:**

Senate 44 2  
House 96 0 (House amended)  
Senate (Senate refused to concur)  
House (House refused to recede)  
Senate 43 2 (Senate concurred)

**Effective:** June 11, 1992

**SSB 6086**

C 35 L 92

Changing provisions relating to the veterans affairs advisory committee.

By Senate Committee on Governmental Operations (originally sponsored by Senators McCaslin, M. Kridler, Oke and Bauer; by request of Department of Veterans Affairs)

Senate Committee on Governmental Operations  
House Committee on State Government

**Background:** The statute creating the State Veterans Affairs Advisory Committee requires that several types of veterans be represented among its members. Most of them are members of federally recognized veterans' organizations, which are named in the law.

Almost every session, another eligible veterans' organization requests a seat on the advisory committee. Through the interim, all of the active veterans' organizations were consulted about a mechanism whereby the statute would not require frequent amendment, but the representation could rotate to allow broad participation in the committee's business.

**Summary:** Membership on the Veterans Affairs Advisory Committee is increased from 15 to 17. The Sol-

diers' Home and Colony at Orting and the Veterans' Home at Retsil each have a representative (up to three may be nominated by the respective residents' councils). Each of the three congressionally chartered veterans' organizations with the largest number of active veteran members have one representative (up to three nominations are made by the respective state commanders). Two at-large members are also appointed; nominations may come from individuals or organizations.

Ten members are chosen to represent the other congressionally chartered veterans' organizations which have at least one active chapter in the state, under a similar nomination procedure. No organization may have more than one official representative on the committee at any one time. In making appointments, geographical balance, minority viewpoints and issues of concern to women veterans must be considered. The Governor may ask for additional recommendations beyond the first three in each group. All nominations must be forwarded by the Director of Veterans Affairs.

All members serve four-year terms, any one individual may serve only two terms, and vacancies can only be filled for an unexpired term. Current members may serve until the expiration of their terms and may be eligible under the new qualifications for reappointment.

The committee must adopt an order of business for conducting its meetings.

**Votes on Final Passage:**

Senate	45	1	
House	96	0	(House amended)
Senate	47	0	(Senate concurred)

**Effective:** June 11, 1992

**ESB 6093**

C 176 L 92

Providing pesticide-sensitive individuals notification of urban pesticide applications.

By Senators Barr, Murray, Anderson and Bauer

Senate Committee on Agriculture & Water Resources  
House Committee on Commerce & Labor

**Background:** The Washington State Department of Agriculture is charged with regulating the sale and use of pesticides within the state. The department requires all users of restricted-use pesticides to be licensed.

Interest has been expressed in establishing a notification and posting process for urban pesticide applications, especially for persons with medical conditions which cause them to be sensitive to pesticide exposure. Currently, only pesticide applications made to labor-intensive agricultural crops need to be posted.

**Summary: Pesticide Sensitive Registry.** The Department of Agriculture is to develop a list of pesticide-sensitive individuals. Individuals to be included on the list must have a documented pesticide sensitivity and must complete a form developed by the department. The form shall include the addresses of each property owner abutting the applicant's principal place of residence. These properties are the pesticide notification area for that pesticide-sensitive person. The Department of Agriculture is required to distribute application forms for the pesticide sensitive list prior to expiration of the list. The department is to distribute the list by February 15 and June 15 of each year to applicators likely to make landscape applications.

Any applicator making a landscape application or a right of way application to the pesticide notification area of a person on the pesticide-sensitive list shall notify the listed person at least two hours prior to the scheduled application, or in the case of an immediate service call at the time of the application.

A landscape application is defined as an application made to any exterior landscape plants by any certified applicator except certified private applicators or commercial pesticide applicators making structural applications.

Residential property is property less than one acre in size and zoned as residential. It specifically excludes agricultural land and agricultural homesites.

**Application Vehicle Marking.** Certified applicators making landscape applications must display the name and telephone number of the applicator or applicator's employer on any power application apparatus, and the applicator is to carry the material safety data sheet for the pesticide(s) being applied. For right of way applications, the applicator must also display the words "VEGETATION MANAGEMENT APPLICATION" on the apparatus.

If a written request for information on a spray application is received by an applicator, the applicator must provide the requestor with the name of the pesticide applied and either a copy of the material safety data sheet or a pesticide fact sheet developed by the Department of Agriculture.

**Urban Posting.** An applicator making a landscape application to residential property, schools, or parks must place a marker at the usual point of entry to the property. If a residential application is made to a small, isolated spot, then a marker need only be placed at the application site. If the application is made in a fenced backyard, no marker is required.

For applications made to golf courses, the applicator must place a marker at the first and tenth tee or notice must be posted in a conspicuous location such as a central message board.

Markers are to be at least four inches by five inches and are to include the words "THIS LANDSCAPE HAS BEEN TREATED BY," the name and telephone number of the applicator's company, and the words "FOR MORE INFORMATION PLEASE CALL."

**Exemptions.** State and local health departments, and mosquito control districts are exempt from all the provisions of the act.

**Votes on Final Passage:**

Senate	45	0	
House	93	3	(House amended)
Senate	47	0	(Senate concurred)

**Effective:** June 11, 1992

**ESB 6103**

C 86 L 92

Allowing electronic monitoring as a condition of release or condition of probation.

By Senators Nelson, Rasmussen, Thorsness, M. Kreidler, Sutherland and Erwin

Senate Committee on Law & Justice  
House Committee on Human Services

**Background:** Electronic monitoring programs are now available for use in many jurisdictions in Washington. These devices can be used to monitor a defendant's presence at a particular location. Electronic monitoring has been used most often as a sanction imposed at the time of sentencing, but can also be useful as a condition of release from custody while charges are impending.

Current statutes do not specifically address the use of electronic monitoring for misdemeanor level crimes or the court's authority to require a defendant to pay the costs of the monitoring. Further, it has been suggested that the court's authority to require electronic monitoring should be clarified in relation to cases involving domestic violence charges and restraining orders.

**Summary:** In an order granting probation for a misdemeanor or gross misdemeanor, after consideration of the defendant's ability to pay, the court may order the defendant to pay for the costs of electronic monitoring imposed as a condition of probation and for the costs of monitoring previously imposed as a condition of release for that crime.

At the time of arraignment on a domestic violence charge, the court may include in a no-contact order a condition that the defendant submit to electronic monitoring. If the defendant is subsequently convicted of the offense, the court may require reimbursement of the costs of the pre-trial monitoring as a condition of the

sentence. Electronic monitoring may also be imposed as a sanction for the offense. The court must specify the terms under which the monitoring is to be performed and may require the defendant pay for the costs of the monitoring. The court must consider the ability of the defendant to pay monitoring costs before ordering payment.

At the time of the hearing on a petition for a domestic violence order for protection, the court may include in any relief granted a condition that the respondent submit to electronic monitoring. The order may also include a requirement that the respondent pay the costs of monitoring. If convicted of a misdemeanor level violation of the order for protection, the penalty may include submission to electronic monitoring and payment of the costs of the monitoring. The court must consider ability to pay monitoring costs before ordering payment.

**Votes on Final Passage:**

Senate	38	8
House	97	0

**Effective:** June 11, 1992

**ESSB 6104**

C 145 L 92

Creating the crime of assault on a child.

By Senate Committee on Law & Justice (originally sponsored by Senators Nelson, Rasmussen, Thorsness, Hayner, Sellar, A. Smith and Erwin)

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** Under current sentencing guidelines provisions, a person convicted of second degree assault is subject to a jail sentence of three to nine months (assuming that the person does not have any prior convictions). Although present law draws distinctions between children and adults with respect to the crimes of rape and homicide, the statutes do not differentiate between assault of an adult and assault of a child. Given the particular vulnerability of young victims, it has been suggested that a child assault statute be created which enhances penalties and addresses concerns arising from a perpetrator's ongoing abuse of a child.

**Summary:** A new crime of assault of a child is created. This crime applies to assaults when the victim is under 13 years of age and the perpetrator is 18 years of age or older.

A person is guilty of assault of a child in the first degree if he or she intentionally assaults the child and either: 1) recklessly inflicts great bodily harm; or 2) causes substantial bodily harm after previously engaging in a pattern or practice of either (a) assaulting the

child which results in bodily harm greater than transient physical pain or minor temporary marks, or (b) causing the child physical pain or agony equivalent to that produced by torture.

A person is guilty of assault of a child in the second degree if he or she intentionally assaults a child causing bodily harm that is greater than transient pain or minor temporary marks, after previously engaging in a pattern or practice of either (1) assaulting the child which results in bodily harm greater than transient pain or minor temporary marks, or (2) causing the child physical pain or agony equivalent to that produced by torture.

A person is guilty of assault of a child in the third degree if he or she commits third degree assault against the child under current law. The prosecutor is also allowed the discretion to file charges for child assault under the existing first and second degree assault statutes.

Assault of a child in the first degree is a class A felony, assault of a child in the second degree is a class B felony, and assault of a child in the third degree is a class C felony. In addition, the Sentencing Grid is amended to reflect the seriousness levels for the crime of assault of a child. Assault of a child in the first degree is seriousness level XII, which carries a penalty of 93-123 months in prison for a first offense; assault of a child in the second degree is placed at seriousness level IX, which carries a penalty of 31-41 months in prison for a first offense; and assault of a child in the third degree is seriousness level III, which carries a penalty of 1-3 months in the county jail for the first offense.

Other criminal statutes are amended to include assault of a child where appropriate.

#### Votes on Final Passage:

Senate	46	0	
House	95	0	(House amended)
Senate	47	0	(Senate concurred)

**Effective:** June 11, 1992

## SSB 6111

C 214 L 92

Providing family preservation services.

By Senate Committee on Children & Family Services (originally sponsored by Senators Craswell, Wojahn, Rasmussen, Roach, Stratton, Owen and Oke)

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

**Background:** Family preservation services are brief, comprehensive, and highly intensive services which are designed to: 1) avoid foster care placements for children; 2) return children to home from foster care; 3) improve overall family functioning; and 4) promote the

children's health, safety, and welfare. The services are provided by specially trained caseworkers who offer services 24 hours a day, seven days a week.

In 1974, the first family preservation services, known as Homebuilders, were delivered in Pierce County through a grant from the National Institute of Mental Health. The state began funding for family preservation services in King County in 1979. The Legislature has now funded programs in 11 counties (Pierce, King, Spokane, Snohomish, Kitsap, Whitman, Yakima, Thurston, Skagit, Jefferson, and Clark). Due to the success at preventing out-of-home placements, at least 31 states have initiated pilot family preservation programs.

It has been suggested that the Department of Social and Health Services should develop a plan for the statewide implementation of family preservation services.

**Summary:** A statutory program of family preservation services is established. The Department of Social and Health Services is granted the authority to plan and implement a phased-in program on a statewide basis.

The characteristics of the services are specified and include: 1) training requirements; 2) caseload limitations; 3) authority for expending funds; 4) referrals made on a 24-hour intake basis; 5) availability of services within 24 hours of referral; 6) service availability 24 hours a day, seven days a week; 7) services provided within the home; 8) services provided by one caseworker for each family; 9) duration of services; and 10) service strategies. Eligibility requirements for family preservation services are also specified.

The department may provide family reconciliation services. The department's provision of services shall not be used to supplant existing contracts.

The department shall, in consultation with recognized experts, develop and conduct a family preservation services study in at least one region within the state. The study shall include service needs, budget implications, and long-range planning. A report on the study findings is due to the Legislature by January 1, 1993.

The act's implementation provisions are subject to the availability of funds. The department may solicit and use any available federal or private resources available for family preservation services, including funds, in-kind resources, or volunteer services. The department may also use any available state in-kind resources or volunteer services.

The Secretary of the Department of Social and Health Services may transfer funds from foster care to family preservation services after July 1, 1993. The secretary shall notify the Legislature of any transfers of funds and shall provide other related information.

## SSB 6120

The Juvenile Issues Task Force (JITF) shall review the advisability of transferring funds from foster care to family preservation services. The JITF shall also identify ways to improve the foster care system and to expand family preservation services.

### Votes on Final Passage:

Senate	45	0	
House	98	0	(House amended)
Senate	46	1	(Senate concurred)

**Effective:** June 11, 1992

## SSB 6120

C 177 L 92

Regulating the relationship between a sales representative and the representative's principal.

By Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators A. Smith and von Reichbauer)

Senate Committee on Financial Institutions & Insurance

House Committee on Commerce & Labor

**Background:** Some sales representatives solicit wholesale orders for manufacturers, producers, importers, or distributors, who are known as the principals. Many of these sales representatives are not employees of the principal and are not covered under current labor laws regulating the manner employees are to be compensated by their employers. Numerous sales representatives are paid on commission.

Reports indicate that principals are hesitant to enter into contracts outlining the methods for computing and paying commissions to sales representatives.

Sales representatives claim that they are often not paid the commission due to them in a timely fashion and sometimes are not ever paid the commission due. In such cases, a sales representative may bring a civil suit against the principal for breach of contract.

**Summary:** Requirements for the payment of wages and commissions to sales representatives are provided.

A contract established between a principal and a sales representative working on full or partial commission must be put in writing. The contract must contain a description of the methods by which the representative's commission is to be computed and paid. The sales representative must be given a copy of the contract. In the event a written contract is not established, any agreement between a sales representative and a principal is judged to incorporate the requirements.

A sales representative must be paid in accordance with the provisions of the contract but no later than 30

days after the principal receives payment for the goods sold by the sales representative.

In the event that a sales representative is terminated by the principal, all earned commissions must be paid within 30 days after the principal receives payment for the goods. Commissions not due at the time the contract is terminated must also be paid within this time period.

A sales representative must be paid at a usual place of payment, unless a specific request is made to have the wages and commissions sent through registered mail.

A principal who is not a resident of this state who enters into a contract with a sales representative is considered to be doing business in this state and is subject to court action in this state.

The new requirements may not be waived by express waiver or by attempting to establish a contract or agreement subject to the laws of another state.

### Votes on Final Passage:

Senate	43	0	
House	96	0	(House amended)
Senate	46	0	(Senate concurred)

**Effective:** June 11, 1992

## ESB 6128

C 105 L 92

Regarding erosion of shoreline uplands used for residential purposes.

By Senators Owen and Amondson

Senate Committee on Environment & Natural Resources

House Committee on Environmental Affairs

**Background:** The state Shorelines Management Act ensures that the valuable and fragile shorelines are wisely utilized, managed and protected. Voters approved the unique and landmark local-state agency management partnership program in a statewide initiative in 1971.

Major responsibilities such as changes to the local shoreline master programs and issuance of substantial development permits (shoreline permits) are initiated by local governments and are subject to review by the state to ensure conformity.

Local governments can exercise some flexibility in the issuance of shoreline permits to protect residences and associated uplands due to differences in their affected local shorelines.

**Summary:** Uniformity is established in the procedures for the installation of bulkheads or other structures to

protect residences and appurtenant structures against shoreline erosion.

The priority for single family residences to make alterations to the natural shorelines is extended to include their appurtenant structures.

Local master programs shall contain standards for the protection of single family residences and appurtenant structures from damage or loss due to shoreline erosion.

The standards shall include provisions for issuing permits to protect the shorelines by constructing bulkheads or by using nonstructural methods of protection.

Permit applications shall be expedited by the issuing authority to protect residences and appurtenant structures. The timelines for limited utility extensions are applicable to bulkheads and other structures.

**Votes on Final Passage:**

Senate	41	5	
House	95	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

**Conference Committee**

House	97	0
Senate	47	0

**Effective:** June 11, 1992

**ESSB 6132**

C 100 L 92

Modifying shellfish protection.

By Senate Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, Owen, Oke, M. Kreidler, Snyder and Conner; by request of Puget Sound Water Quality Authority)

Senate Committee on Environment & Natural Resources

House Committee on Natural Resources & Parks

**Background:** Washington State's coastal and estuarine waters support one of the most productive oyster and clam growing areas in the world. The 1989 shellfish harvest was estimated at a wholesale value of \$52 million. Commercial shellfish growing and processing account for one in 12 jobs in Pacific County; shellfish production is the number two industry in Mason County. Additionally, it is estimated that more than 1.3 million recreational shellfish harvesting trips are taken each year in Puget Sound alone.

Shellfish feed by pumping large amounts of water through their systems. In so doing, they retain harmful bacteria and viruses, which are concentrated at levels estimated tenfold that of the water column. This sensitivity to pollutants makes shellfish an excellent indica-

tor species for the overall health of marine waters. Most shellfish reproduce and grow only in estuaries, where rivers empty to the sea and where wastes from upstream sources ultimately arrive.

Increasing growth and development in upland areas has increased levels of pollutants in shellfish growing waters, resulting in a significant rise in shellfish contamination in the past ten years. A 1991 report indicated that since 1981 the state Department of Health has downgraded the classification of 16,113 acres of commercial shellfish beds, restricting or prohibiting harvest from these areas. More than 40 percent of Puget Sound's commercial shellfish acreage is now closed or restricted, compared to 17 percent in 1980. Fifty-seven of Puget Sound's 146 recreational shellfish beds are closed to harvest, while 35 more are threatened with near-term closure.

Since 1980, failing on-site sewage systems and poor animal keeping practices have been identified as the primary cause of commercial harvest restrictions. Other sources of pollutants include storm water runoff, outfall from sewage treatment plants, marine mammals, and boat waste.

In 1985 the Legislature authorized local governments to create shellfish protection districts to fund programs to reduce pollutants in shellfish tidelands. However, there has not been a single such special district created under this authority. Additionally, state and local governments administer a variety of programs to address sources of pollutants to the state's waters, including shellfish growing areas. The Puget Sound Water Quality Management Plan contains several initiatives for shellfish protection, such as improved data on shellfish bed conditions, enhanced public education, increased testing on toxicity, and development of a strategy to respond to existing closures of growing areas.

**Summary:** Existing laws authorizing the creation of shellfish protection districts are revised. Duplicative provisions of existing law are repealed. The county legislative authority may create the district on its own motion or refer the question to the voters. A district formed on the motion of the county legislative authority is subject to a referendum procedure by the voters within the district. Deadlines are established for filing the petition, for securing signatures of at least 25 percent of the registered voters residing within the district, and for conducting the special election.

The legislative authority shall constitute the governing body of the district and may appoint a local advisory council to assist in developing the implementation of the district's programs. Counties are directed to cooperate with incorporated areas in establishing the districts. Where a portion of a proposed district lies within an incorporated area, the county shall allow the city or

## SB 6133

town to participate in the boundary determination and in administration of the district's program. If the growing areas are located in more than one county, these counties must coordinate the establishment of the districts.

The county legislative authority has full jurisdiction to fix, alter and control the fees, charges or rates provided under the programs. Funding for district programs may be derived through county tax revenues, fees for services performed, charges or rates, and federal, state or private grants.

Fees, rates or charges for district programs shall not be imposed on properties upon which charges are imposed for other storm water runoff programs. Fees, rates or charges shall not be imposed by districts on the following: (1) confined animal feeding operations subject to the National Pollutant Discharge Elimination System (NPDES); (2) other facilities permitted and assessed fees under the NPDES system; and (3) timberlands classified under state timber and open space tax laws.

Counties forming districts are to receive high priority for state water quality grants and loans for shellfish protection programs. They are encouraged within available funding to contract with conservation districts to draft plans addressing animal waste pollution. A shellfish protection district must be formed within 180 days after the state Department of Health has closed or downgraded a shellfish growing area because of water quality degradation due to nonpoint pollution.

The state Parks and Recreation Commission is directed to seek the most cost efficient and accessible facilities for boat waste pumpout.

### Votes on Final Passage:

Senate 42 6  
House 95 0

**Effective:** June 11, 1992

## SB 6133

C 56 L 92

Changing the membership and terms of the state board of education.

By Senators Bailey, Rinehart, Erwin, Murray, Oke, Pelz and Gaspard; by request of Board of Education

Senate Committee on Education  
House Committee on Education

**Background:** The State Board of Education was established in 1877. Since 1947, the board has been comprised of two representatives from each congressional district, one representative from private education, and the Superintendent of Public Instruction. Members

serve six-year terms on a staggered basis. The state board has recommended changing the size of the membership and the length of the members' terms.

**Summary:** The State Board of Education is comprised of one member from each congressional district, one member representing private schools, and the Superintendent of Public Instruction. Each member shall be elected for four-year terms.

Measures are provided for a three-year transitional period.

### Votes on Final Passage:

Senate 47 0  
House 95 1

**Effective:** June 11, 1992

## SB 6134

C 29 L 92

Requiring seals for district courts.

By Senators Nelson, A. Smith, Erwin and Madsen

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** In 1991 the Legislature gave the district courts jurisdiction over petitions requesting a change in a person's legal name. The federal government and some out-of-state agencies have refused to accept and honor orders lawfully issued by district court judges because there is no seal to authenticate the order. District court judges are requesting statutory authorization to have a state seal to authenticate all of their orders.

**Summary:** District courts are authorized to have a state seal for use in authenticating the orders of such courts.

### Votes on Final Passage:

Senate 47 0  
House 96 0

**Effective:** June 11, 1992

## SSB 6135

C 30 L 92

Requiring permanent retention of name change orders.

By Senate Committee on Law & Justice (originally sponsored by Senators Nelson, A. Smith, Erwin and Madsen)

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** In 1991 the Legislature authorized name change petitions to be heard in district court. Current

law requires district courts to retain records of its proceedings for ten years.

However, records relating to name change orders need to be established on a permanent basis because such orders may be used indefinitely to establish the legal name of a person.

**Summary:** County auditors are required to maintain a permanent record of all name change orders. The district court is to collect the appropriate filing and recording fee and transmit the order and the fee to the auditor's office.

**Votes on Final Passage:**

Senate	47	0
House	96	0

**Effective:** June 11, 1992

## SSB 6138

C 31 L 92

Deleting obsolete references regarding district courts.

By Senate Committee on Law & Justice (originally sponsored by Senators Nelson, A. Smith, Erwin and Madsen)

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** Judges are able to put a person in jail based on a belief that the person has made threats against the property or person of another and might in fact commit a crime. The person can avoid going to jail by posting a peace bond as security. If the person fails to post the peace bond, he or she can be held in jail for a period of up to one year. There is concern that this process is unconstitutional.

**Summary:** District court judges do not have the authority to send a person to jail or require a person to post a peace bond on the basis of the judges' belief that the person might commit a crime.

The weighted caseload system is the method by which the number of district court judges is determined for each county.

**Votes on Final Passage:**

Senate	46	0
House	96	0

**Effective:** March 20, 1992

## SB 6140

C 32 L 92

Recodifying the penalty for failure to comply with a written promise to appear after a traffic infraction.

By Senators Nelson, A. Smith, Erwin and Madsen

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** RCW 46.64.020 establishes a misdemeanor violation whenever a person fails to appear or respond to a notice of a traffic infraction. The statute also establishes a gross misdemeanor violation whenever a person drives and has two or more notices of failure to appear or respond on his or her driving record.

It is confusing for the courts, defendants and attorneys when a person is cited for violating the statute because it is unclear whether the person is being charged with a misdemeanor or gross misdemeanor violation.

It is suggested that provisions of the statute relating to gross misdemeanor violations be re-enacted into a separate RCW section to give better notice to courts, defendants and attorneys on what criminal charge is alleged.

**Summary:** The provisions of RCW 46.64.020 which create a misdemeanor crime for driving with two or more notices of failure to appear or respond are re-enacted into a separate RCW section.

There are no substantive changes made to the statutes by this re-enactment.

**Votes on Final Passage:**

Senate	47	0
House	96	0

**Effective:** June 11, 1992

## SSB 6141

C 127 L 92

Allowing an antiharassment action to be brought in the appropriate judicial district.

By Senate Committee on Law & Justice (originally sponsored by Senators Erwin, A. Smith, Madsen and Gaspard)

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** An antiharassment petition may be filed in any county in which the alleged acts of unlawful harassment occurred or in any county where the respondent resides or may be served.

King County has more than one judicial district within its county boundaries. Some people in King County have filed antiharassment petitions in a judicial district in which none of the parties involved lived and in which the alleged acts of harassment did not occur. There is concern that in such instances people have

## SSB 6146

used the option of filing an antiharassment petition anywhere in a county to essentially harass the others involved by requiring them to commute long distances to court.

**Summary:** An antiharassment action may be brought in the judicial district of the county in which the alleged acts of harassment occurred or in the judicial district of the county in which the respondent resides. An antiharassment action may also be brought in the judicial district of the county in which a respondent may be served if it is the same county or judicial district where a respondent resides.

### Votes on Final Passage:

Senate 47 0  
House 96 0

**Effective:** June 11, 1992

## SSB 6146

### FULL VETO

Allocating moneys for public works projects recommended by the public works board.

By Senate Committee on Ways & Means (originally sponsored by Senators McDonald, Gaspard, Craswell and Niemi; by request of Department of Community Development)

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

**Background:** The Public Works Trust Fund was created by the Legislature in 1985 to assist local governments with infrastructure development. The program is administered by the Public Works Board within the Department of Community Development. Projects eligible for loans include construction, rehabilitation and renovation of essential public works systems such as bridges, roads, water systems, and sanitary and storm sewers. The program is funded by dedicated revenues, including 7.7 percent of the real estate excise tax, and taxes levied on water, sewage and refuse collection.

Each year the Public Works Board submits a prioritized list of recommended projects to the Legislature for approval. The Legislature may delete projects from the list but may not add projects or alter the prioritized ordering. The 1991-93 capital budget included a biennial appropriation for lists presented during the 1992 and 1993 sessions.

**Summary:** Forty-six project loans recommended by the Public Works Board are authorized. The total cost of these loans is \$43,678,008.

### Votes on Final Passage:

Senate 47 0  
House 96 0

FULL VETO (See VETO MESSAGE)

## SB 6155

C 58 L 92

Clarifying milk marketing order regulations.

By Senators Bailey, Gaspard, Anderson, Conner, Newhouse and Barr

Senate Committee on Agriculture & Water Resources  
House Committee on Agriculture & Rural  
Development

**Background:** In 1991 the state milk marketing regulations were amended to authorize the creation of a milk pooling and pricing program for the state.

Questions have been raised regarding the application of the pooling and pricing statute to milk dealers.

**Summary:** For purposes of the Milk Pooling and Pricing Act, the definition of milk is limited to milk from cows.

The definition of milk dealer includes only those plants which process milk from cows, receive unprocessed milk from dairy farms, and process the milk into milk or milk products.

Producer-dealers must be notified by the Department of Agriculture at least 60 days prior to a referendum for a market area or pooling plan with quotas. Producer-dealers are authorized to vote as both producers and as dealers in the referendum to establish or terminate a pooling plan. Producer-dealers who choose to vote on a referendum will be fully regulated under the pooling plan. Participating producer-dealers must be granted a quota of not less than their production prior to the establishment of a quota.

Producer-dealers not choosing to vote in a referendum are exempt from the provisions of a pooling plan. Exempt producer-dealers may increase their annual sales of milk in any year by no more than 50 percent of their sales during any of the previous five years, or they will become regulated under the pooling plan. Producer-dealers who begin operation after a milk marketing order is established are subject to regulation under the order.

The Department of Agriculture is authorized to hire an exempt employee to administer the milk pooling program.

**Votes on Final Passage:**

Senate	44	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

**Conference Committee**

House	97	0
Senate	38	8

**Effective:** June 11, 1992

**ESB 6161**

C 167 L 92

Allowing the nonpermanent disposition of public lands.

By Senators Oke and Sutherland; by request of Department of Natural Resources

Senate Committee on Environment & Natural Resources

House Committee on Natural Resources & Parks

**Background:** The Department of Natural Resources (DNR) may sell, lease, or exchange public lands. Statutory procedures provide that these land sales must be accomplished through public auction at no less than the appraised value. Leases may be accomplished through public auction for new leases or by negotiation for existing leases and leases related to commercial, industrial, or residential uses. Generally, land exchanges can occur only after public notice and hearing in the county in which the land is located.

In addition to the general procedures for the sale, lease, and exchange of public lands, DNR may purchase and sell land through the state land bank. DNR may acquire land of greater income generating potential and place it in the land bank for subsequent replacement of less desirable land. Thus, the total amount of publicly owned land base remains the same. A few problems exist in the land bank's facilitation of land replacement. The total acreage held in the land bank may not exceed 1,500 acres, thereby limiting the size of land transactions. In addition, when urban land is exchanged for land bank properties, government agencies are afforded preferential rights to acquire the urban land; however, other provisions of the land bank statute may preclude such exchanges without public auction, thereby complicating or negating a public agency's preferential rights.

The Legislature has occasionally budgeted appropriations to the Department of Natural Resources to allow the transfer or sale of state lands for particular public purposes. Lands are to be replaced so that the state land base will not be reduced. The department

does not have an account to hold funds during the sale and alternate land transaction process.

**Summary:** The Department of Natural Resources is given an accounting mechanism to account for funds from the Legislature or land transfer or land disposition funds.

With the approval of the Board of Natural Resources, DNR may transfer or dispose of real property without public auction when transferring in lieu of condemnations, transferring to public agencies, or transferring to resolve trespass and property ownership disputes, if such transfer or disposition is nonpermanent. Transfers or dispositions can be made only after appraisal and must obtain fair market value. The consideration paid for such transfer or disposition must be used for replacement property.

Funds received for real property transfers and dispositions are to be deposited to the real property replacement account which is created as a new separate account in the State Treasurer's office.

**Votes on Final Passage:**

Senate	47	0	
House	96	0	(House amended)
Senate	45	0	(Senate concurred)

**Effective:** April 1, 1992

**ESSB 6174**

C 203 L 92

Providing for counseling of family members of homicide victims.

By Senate Committee on Law & Justice (originally sponsored by Senators Nelson, Rasmussen, Thorsness, Erwin, Bailey and Jesernig)

Senate Committee on Law & Justice  
House Committee on Appropriations

**Background:** Under the Crime Victims' Compensation Program, sexual assault victims are entitled to receive appropriate counseling. Fees for such counseling are determined by Department of Labor and Industries provisions. Counseling services may include, if determined appropriate by the department, counseling for members of the victim's immediate family, other than the perpetrator of the assault.

It is recommended that similar counseling services be afforded the families of homicide victims.

**Summary:** In addition to other benefits provided under the Crime Victims' Compensation Program, immediate family members of a homicide victim may receive counseling to deal with the immediate, near-term consequences of the related effects of the homicide.

## ESSB 6180

Fees for counseling are to be determined by Department of Labor and Industries provisions relating to medical care and treatment. Payment of counseling benefits may not be provided to the perpetrator of the homicide.

The benefits may be provided only with respect to homicides committed on or after July 1, 1992.

### Votes on Final Passage:

Senate	44	5
House	96	0

**Effective:** June 11, 1992

## ESSB 6180

C 196 L 92

Protecting education programs.

By Senate Committee on Education (originally sponsored by Senators Bailey, Erwin, Oke, Barr, Nelson and Skratek)

Senate Committee on Education

**Background:** The Legislature initiated budgetary support for the Fair Start program beginning in the 1990-91 school year and increased the funding level for the program with passage of the 1991-93 operating budget. It is suggested that establishing this program in statute will provide greater stability to school districts in providing coordinated planning and delivery of prevention and early intervention services to young children.

**Summary:** The Fair Start program is established in statute but is not part of the state's basic education obligation. The Superintendent of Public Instruction establishes the program to assist school districts in providing prevention and early intervention programs and services for children in preschool through grade six.

Funds are distributed on the basis of a district's student enrollment in grades K-6. Districts are required to provide services to children on a priority basis determined by need as defined locally.

Districts may use Fair Start funds to implement or enhance an elementary grades' prevention and intervention program using child intervention specialists or community-based public or private human service providers, defined as including but not limited to: licensed mental health professionals, child psychiatrists, health care providers, social service caseworkers or social workers, school counselors, school psychologists, school nurses, and school social workers.

Districts must submit to the SPI certain information, including: the district's goals and plan for providing prevention and early intervention services to students; and how grant funds will be used for related in-service

purposes. Districts must document that community-based public or private human service providers, district and building level staff, and parents participated in the development of the district's goals and plan.

School and educational service districts accepting Fair Start funds must enter into written interagency agreements with community-based public or private human service providers to assure delivery of appropriate services to students. To the greatest extent possible, delivery of services shall not be duplicative, shall emphasize the most efficient and cost-effective use of Fair Start funds, and shall be provided on a 12-month basis. Use of Fair Start funds with regard to health care is limited to services and information regarding nutrition and poor health.

### Votes on Final Passage:

Senate	37	12	
House	97	0	(House amended)
Senate	25	20	(Senate concurred)

**Effective:** June 11, 1992

## ESB 6184

### PARTIAL VETO

C 92 L 92

Revising provisions for the regulation of real estate brokers and salespersons.

By Senators Newhouse, Bauer, Anderson, Gaspard, Snyder, West, Johnson and L. Smith

Senate Committee on Commerce & Labor  
House Committee on Commerce & Labor

**Background:** The Department of Licensing currently provides an education program for the benefit of real estate licensees. The program is funded through fines charged to real estate licensees and through 25 percent of the earnings from the brokers' trust fund account. These funds are placed into the real estate commission account and require legislative appropriation before being used by the department for education programs.

**Summary:** The Director of Licensing is required to institute a program of real estate education that includes the establishment of minimum levels of ongoing education for licensees and the development and implementation of curricula courses, educational materials, and approaches to continuing real estate education.

The director is authorized to enter into contracts to assist in the development or implementation of the real estate educational program.

The real estate education account is established at the treasury. All moneys from fines and 25 percent of

the earnings from the brokers' trust fund account are deposited into this account.

The Director of Licensing is to authorize disbursements from the real estate account for real estate education programs for licensees. The director's authority to spend money from the education account is limited to developing an overall program of real estate education. All expenses and costs relating to the program, as well as fees and charges paid for outside contracts, may be paid from the account. No appropriation is necessary for expenditures and payment of obligations from the real estate education account.

**Votes on Final Passage:**

Senate	47	1
House	96	0

**Effective:** July 1, 1993

**Partial Veto Summary:** The nonappropriated real estate education account is removed. (See VETO MESSAGE)

## SSB 6186

C 3 L 92

Authorizing service credit for periods of unpaid leaves of absence for elected officials of a Washington education association.

By Senate Committee on Ways & Means (originally sponsored by Senators Nelson, Johnson, Niemi, Craswell, Rasmussen, Moore, Snyder, Oke, Bauer, Gaspard, Saling and Bailey; by request of Joint Committee on Pension Policy)

Senate Committee on Ways & Means  
House Committee on Appropriations

**Background:** Education associations in Washington State are not part of the public employees' retirement systems. A member of Teachers' Retirement System (TRS) Plan II who leaves a job with a school district or community and technical college district to serve as an elected official in an education association is considered to be on unpaid leave of absence and can earn up to two years of service credit by paying the employee and the employer contributions for such periods. A member of TRS Plan I who leaves a job with a district to serve as an elected official of an education association cannot earn retirement service credit for such periods.

Until recently, the practice has been for districts to continue to report earnable compensation to the Department of Retirement Systems (DRS) for employees who leave their jobs with a district in order to become elected officials of an education association. The education associations have reimbursed the districts for the

pension contributions. The Department of Retirement Systems ruled in the fall of 1990 that this practice was not consistent with current law.

**Summary:** A member of TRS Plan I or II who, prior to June 30, 1992, left a job with a school district or community and technical college district in order to serve as an elected official in an education association can receive retirement service credit for the period he or she was with the education association if the district reported earnable compensation to DRS for the period of authorized leave. Members for whom employee or employer contributions have not yet been made for the 1990-91 or 1991-92 school years have until January 1, 1993 to make the contributions with interest.

After June 30, 1992, a member of TRS Plan I can earn up to four years of service credit for periods spent on unpaid authorized leaves of absence from a school district or a community and technical college district to work as an elected official of an education association. The member must make both the employer and the employee contributions within five years of returning to his or her job with the district.

**Votes on Final Passage:**

Senate	47	0
House	96	0

**Effective:** June 11, 1992

## SSB 6193

C 226 L 92

Providing for stop loss insurance.

By Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer and Pelz)

Senate Committee on Financial Institutions & Insurance

House Committee on Financial Institutions & Insurance

**Background:** Excess loss or "stop loss" insurance provides coverage for excess losses incurred by an employer that self-funds its employee health benefit plan. Thus, under this type of policy, the employer is responsible for funding a certain amount of every loss before the insurer covers losses over an agreed amount.

Until recently, both health and casualty insurance companies were able to offer stop loss insurance. However, pursuant to a recent bulletin, the Insurance Commissioner announced that stop loss policies could only be issued by casualty insurers, not health insurers. The commissioner reasoned that stop loss policies do not satisfy the statutory definition of disability insurance but do fall within the definition of casualty insurance.

## SB 6199

While stop loss coverage protects the employer against large dollar losses, the coverage also relates to losses sustained under health insurance plans. As such, interest has been expressed in allowing health insurance companies to continue to provide stop loss coverage.

**Summary:** The definition of disability insurance is modified to include stop loss insurance sold to cover self-funded employee health benefit plans.

The definition of stop loss insurance distinguishes between individual and group stop loss insurance. No minimum coverage is specified for individual stop loss policies.

To satisfy the definition of group stop loss insurance, four provisions must be met. The stop loss policy must be issued to the sponsor of the plan and paid for by the plan's sponsor. The policy must specify a point at which coverage is provided for aggregate plan losses, and this point must be at least 120 percent of expected claims. The policy may provide a similar attaching point for individual claims. However, the attaching point for these individual claims may not be less than 5 percent of expected claims or \$100,000, whichever is less.

Group stop loss insurance is exempt from the provisions related to the state health insurance pool and Washington's Life and Disability Insurance Guaranty Association.

The provisions of this act apply to policies issued or renewed on or after July 1, 1992.

**Votes on Final Passage:**

Senate 49 0  
House 88 0

**Effective:** June 11, 1992

## SB 6199

C 33 L 92

Adopting the Boating Offense Compact.

By Senators Sutherland and Snyder

Senate Committee on Environment & Natural Resources

House Committee on Natural Resources & Parks

**Background:** An interstate compact between Oregon and Washington would eliminate confusion in enforcing boating laws on the Columbia River.

In 1991, the Oregon State Legislature approved a compact asking that the states of Idaho, Washington and Oregon work together on boating safety enforcement. The compact would give enforcement officers of each state the authority to appear in court and to enforce another state's laws. The compact states could

also work to achieve more uniformity in the boating safety laws.

**Summary:** The compact provides that safety on waters is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of boats. It is the policy of each state to promote compliance with laws, ordinances and rules relating to recreational boating safety.

The concurrent jurisdiction created provides that if conduct is prohibited by two adjoining states, law enforcement officers in either state may arrest offenders. A law officer of one state can arrest a boat operator of another state for an offense under laws of the operator's state.

**Votes on Final Passage:**

Senate 41 0  
House 92 0

**Effective:** June 11, 1992

## SB 6212

C 87 L 92

Authorizing the fruit commission to change assessments for fruits and classifications.

By Senators Anderson, Bailey, Barr, Gaspard, Newhouse, Sellar, Jesernig and Bauer

Senate Committee on Agriculture & Water Resources  
House Committee on Agriculture & Rural Development

**Background:** The Tree Fruit Commission is empowered to establish classifications of soft tree fruits, conduct scientific research on the value of such fruits, promote the soft tree fruit industry, increase the production of soft tree fruits, and develop and expand the markets of the soft tree fruit industry. Soft tree fruits include: Bartlett pears, cherries, apricots, prunes, plums, peaches, and nectarines.

**Summary:** The cap on the assessment that may be levied by the Tree Fruit Commission on producers of soft tree fruit is increased from \$12 to \$18 per 2,000 pounds of fruit except for cherries and pears. The cap for cherries is increased from \$20 to \$30 per 2,000 pounds of fruit, and the cap for pears is increased from \$14 to \$18 per 2,000 pounds of fruit.

**Votes on Final Passage:**

Senate 45 1  
House 93 0

**Effective:** June 11, 1992

**ESB 6213**

C 37 L 92

Setting certain special election dates.

By Senator Roach

Senate Committee on Governmental Operations  
House Committee on State Government

**Background:** In emergency circumstances, local governments are authorized to conduct special elections to avoid the need of waiting for the next scheduled general election. The dates on which special elections may occur are specified by statute and include the fourth Tuesday of May. In most years, this day immediately follows the Memorial Day holiday.

The Secretary of State has been authorized to schedule and conduct a presidential preference primary in presidential election years. Although this date may be changed by the Secretary of State, it is currently set for the third Tuesday in May, 1992.

**Summary:** The designated day for a special election in the month of May is the third Tuesday. In a presidential election year, if a presidential preference primary is scheduled in February, March, April or May, any special election called during the month of that primary shall occur on the same date as the primary.

**Votes on Final Passage:**

Senate	46	0
House	95	0

**Effective:** March 26, 1992

**SB 6220**

C 112 L 92

Changing provisions in the schools for the twenty-first century program.

By Senators Oke, Bailey, Rinehart, Craswell, Erwin, Pelz, Murray and Conner

Senate Committee on Education  
House Committee on Education

**Background:** The Schools for the Twenty-First Century program was created by 1987 legislation. Staff participating in the projects are required to have ten extra days for staff planning and training related to the project. Loosening this requirement would provide the projects with flexibility in determining a lesser or greater number of extra days for selected staff.

**Summary:** The requirement that participating staff have ten extra days of planning and development time is amended to require a minimum of an average of ten additional days for all participating employees. All cer-

tificated school staff, including certificated administrative staff, and classified school employees may be considered participating employees.

The State Board of Education shall report to the Legislature by January 15, 1995 on the Schools for the Twenty-First Century program. The report shall include information on the improvements in student performance, the relationship between improvements in student performance and increasing local decision-making authority, and identification of restructuring that occurred with and without state waivers.

**Votes on Final Passage:**

Senate	43	1	
House	94	1	(House amended)
Senate	46	1	(Senate concurred)

**Effective:** June 11, 1992

**SB 6221**

C 41 L 92

Regulating the harvest of western Washington pheasants.

By Senators Oke, Snyder, Bailey, Erwin and Bauer

Senate Committee on Environment & Natural Resources

House Committee on Fisheries & Wildlife

**Background:** The western Washington pheasant hunter is currently required to obtain a \$35 permit in order to hunt pheasants. A hunter may hunt the entire season with one pheasant permit, regardless of the number of pheasants taken.

If hunters were required to purchase an additional pheasant permit for every ten pheasants taken, more revenue would be generated to offset program costs.

**Summary:** A full season western Washington pheasant permit is valid for a maximum of ten pheasants. A juvenile pheasant permit is valid for a maximum of five pheasants. A two-day permit is valid for a maximum of four pheasants. Additional pheasant permits may be purchased. Numbered spaces are provided on the permits and hunters are required to record pheasants as they are harvested.

Early season permits and late season permits are repealed.

**Votes on Final Passage:**

Senate	45	3	
House	92	3	(House amended)
Senate	47	2	(Senate concurred)

**Effective:** January 1, 1993

**SB 6226**

C 89 L 92

Changing the standards for the investment of the moneys of the firemen's pension fund.

By Senators McCaslin, Madsen and Conner

Senate Committee on Governmental Operations  
House Committee on State Government

**Background:** Approximately 40 cities in the state of Washington have Municipal Firemen's Pension Boards. These were established in municipalities which had paid fire departments prior to the establishment of the Law Enforcement Officers and Fire Fighters (LEOFF) retirement system in 1969.

These boards oversee the collection of contributions, investment, and disbursement of pensions and benefits to participating firefighters and their surviving spouses. Funds collected may only be invested in the types of securities specifically described in the enabling statute. This list of authorized types of securities is more restrictive than what is permitted for the investment of funds held by the state and other local governmental entities.

Specifically, the authority to invest in corporate bonds or to invest more than 25 percent of a fund in "open-end" securities has been questioned.

**Summary:** The Municipal Firemen's Pension Board is authorized to invest funds held by it in any type of security in which cities, towns, counties and other specified state and local governmental units are authorized to invest.

**Votes on Final Passage:**

Senate	43	0
House	95	0

**Effective:** June 11, 1992

**SSB 6241**

C 51 L 92

Allowing certain tax-exempt organizations to insure the life of a person.

By Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Moore and Newhouse)

Senate Committee on Financial Institutions & Insurance

House Committee on Financial Institutions & Insurance

**Background:** Many citizens fund their long-term personal interests through life insurance proceeds. All life insurance policies must include an "insurable interest"

as a provision of their contractual terms. The definition of insurable interest has been interpreted narrowly.

There is interest on the part of many citizens to make a testamentary gift funded through life insurance proceeds to nonprofit charities of their selection. Currently charities may not own such policies, and an opportunity for the nonprofit community to benefit is therefore foreclosed. This type of gift is employed extensively in other states by university systems and larger charitable organizations as part of their fundraising/endowment process.

Allowing a life insurance contract to be fully funded during the lifetime of the insured would benefit charitable organizations and limit legal challenges under wills.

**Summary:** The definition of a life insurance contract insurable interest is extended to certain qualifying nonprofit organizations.

The Insurance Commissioner is granted rule-making authority to exempt 501 C-3 corporations existing less than five years.

**Votes on Final Passage:**

Senate	46	0
House	95	0

**Effective:** June 11, 1992

**ESB 6261**

C 178 L 92

Changing defenses to prosecutions for sexual exploitation of children.

By Senators Roach, Stratton, L. Smith, Murray, Cantu, Jesernig, Hayner, Thorsness, Amondson and Erwin

Senate Committee on Children & Family Services  
House Committee on Judiciary

**Background:** Currently defendants in cases dealing with the sexual exploitation of minors must prove they did not possess any facts indicating the age of the minor. In some cases, the defendant must prove they believed the minor to be at least 18 years old based on declarations from the minor.

Treatment in a recognized medical facility or by a psychiatrist or psychologist is exempt from all statutes concerning the sexual exploitation of children.

**Summary:** Defendants in cases dealing with sexual exploitation of a minor or communicating with a minor for immoral purposes must prove they made a reasonable bona fide attempt to find the true age of the minor.

"Bona fide attempt" to establish the true age of a minor means asking for a driver's license, marriage license, birth certificate, or other identification card.

Medical facilities, psychiatrists and psychologists may continue using pictures for treatment purposes in a limited fashion.

**Votes on Final Passage:**

Senate	49	0	
House	98	0	(House amended)
Senate	48	0	(Senate concurred)

**Effective:** June 11, 1992

**SB 6270**  
FULL VETO

Modifying municipal criminal justice account distribution.

By Senators Newhouse, Niemi, Anderson, McMullen and Thorsness; by request of Task Force on City/County Finances

Senate Committee on Ways & Means  
House Committee on Local Government

**Background:** Cities that have a crime rate over 125 percent of the statewide average receive a distribution of motor vehicle excise taxes if certain conditions are met. Thirty percent of the funds are available for cities with crime rates over 200 percent of the statewide average crime rate, but no city may receive more than 50 percent of these funds. Remaining funds are then distributed to high crime cities with crime rates over 125 percent of the statewide average crime rate.

Because of the 50 percent limitation, the city of Seattle's funding is capped. The cap results in excess funds in the 200 percent category which have been distributed to cities in the 125 percent category.

An Attorney General's opinion in August 1991 stated that the excess funds should be distributed to the other cities in the 200 percent category rather than to the cities in the 125 percent category. The result is a significant increase in funding for two high crime cities in the 200 percent category, Pasco and Yakima, at the expense of 32 cities in the 125 percent category.

Additionally, due to improved crime rates, the cities of Wapato and Tacoma are no longer eligible for distributions from the funding provided for the 200 percent category.

**Summary:** The current statute is made consistent with the current distribution methods used by the State Treasurer for high crime cities.

Moneys not distributed under the 200 percent category because of the cap are distributed to cities in the 125 percent category.

In addition, the criteria of 200 percent of the statewide average crime rate is reduced to 175 percent. Ten cities will receive funding under this category. The five

cities of Pasco, Seattle, Tacoma, Wapato, and Yakima will continue to receive funds under the 175 percent category, and the five cities of Elma, Moses Lake, Stanwood, Sunnyside, and Toppenish will begin to receive funds under the 175 percent category.

**Votes on Final Passage:**

Senate	42	0
House	95	0

FULL VETO (See VETO MESSAGE)

**ESB 6273**  
FULL VETO

Clarifying the department of agriculture's authority.

By Senators Patterson, Snyder and Barr

Senate Committee on Agriculture & Water Resources  
House Committee on Agriculture & Rural Development

**Background:** In 1991 the United States Supreme Court handed down its decision in Wisconsin v. Mortier. In this decision the court found that the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) does not preclude local governments from regulating pesticides. The court also determined that a state may preempt local authorities from regulating pesticides by showing a specific intent to fill the field of law regarding pesticide regulation.

Many pesticide users have expressed concern as to the ability of local governments to regulate pesticide use because the court failed to clearly outline the extent of the rights of local government in this area.

**Summary:** Cities, towns, or counties may regulate pesticide use on agricultural lands, forest lands, or right of way/easement property for a state highway or public utility, only when implementing rules developed by the State Board of Health or the Department of Health to protect drinking water or when complying with water quality standards established by the Department of Ecology.

Prior to proposing pesticide regulating ordinances, the local government must consult with the Departments of Agriculture, Ecology, and Health.

Special purpose districts may only restrict pesticide use on property leased or owned by the special purpose districts.

The restrictions on pesticide regulation outlined in the act expire July 1, 1994.

## SB 6276

### Votes on Final Passage:

Senate 36 13  
House 58 38 (House amended)  
Senate 36 12 (Senate concurred)  
FULL VETO (See VETO MESSAGE)

## SB 6276

C 76 L 92

Providing compensation limits for district judges vacating office.

By Senators Snyder and Nelson

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** Upon election, district court judges are entitled by statute to sick leave in the same manner as other county employees. This language has been used as the basis for claiming application of accrued sick leave toward a judge's retirement benefits. Because of the resulting uncertainty in the cost of retirement benefits to counties, it has been suggested that this language should be clarified.

**Summary:** When vacating office, a district judge may receive remuneration for unused leave at a rate equal to one day's pay for each full day of accrued leave. Unused sick leave is compensated at a rate of one day's pay for each four full days of accrued sick leave. The total remuneration for leave and sick leave may not exceed the equivalent of 30 days' compensation.

### Votes on Final Passage:

Senate 46 0  
House 96 0

**Effective:** June 11, 1992

## ESB 6284

C 236 L 92

Transferring money from the budget stabilization account.

By Senators McDonald and Niemi; by request of Governor Gardner

**Background:** The budget stabilization account was created by the Legislature in 1981 to provide a resource for the stable financing of essential state services during periods of revenue shortfall. Currently, the budget stabilization account has a balance of \$260 million.

**Summary:** The Legislature finds that state revenues have fallen below previous projections. A total of \$160 million from the budget stabilization account is appro-

priated to the general fund to provide for the continuation of agency programs.

### Votes on Final Passage:

Senate 44 4  
House 59 37

**Effective:** April 2, 1992

## ESB 6285

C 231 L 92

Making higher education tuition and fee waivers permissive.

By Senators McDonald and Niemi; by request of Governor Gardner

Senate Committee on Higher Education

**Background:** There are over 30 separate tuition waiver or exemption programs in operation under state law. A majority of these programs are permissive, allowing but not requiring institutions to provide the waiver or exemption. However, 14 of these waiver or exemption programs are mandatory, specifically requiring an institution to provide such a waiver or exemption to the type of student set forth in the statute.

The amount of foregone revenue from the various tuition waiver programs in fiscal year 1993 is over \$74 million. The Higher Education Coordinating Board has recommended that the number of tuition waivers be reduced.

**Summary:** All tuition waiver and exemption programs are made permissive and variable. Institutions are allowed the option of granting waivers under any particular statutory waiver program and are allowed to grant partial tuition waivers in the statutory tuition waiver programs.

Unless otherwise expressly provided in the omnibus state appropriations act, the total amount of operating fee revenue waived, exempt or reduced by each state institution of higher education and the community and technical college system as a whole is limited to a specific amount of total net operating fee revenue as set forth in the act. These limitations apply to all tuition waiver programs adopted before or after the effective date of this act.

Until June 30, 1995, each institution and the community and technical college system as whole may reduce any particular tuition waiver program by no more than twice the overall waiver percentage reduction contained in the omnibus state appropriations act.

Recipients of the Washington Scholars Award and the Washington Award for Vocational Excellence who received their award prior to June 30, 1992 will continue to receive a mandatory tuition and services and

activities fees waiver for as long as they are eligible for the waiver. These tuition waiver programs become permissive and variable for individuals who receive these awards after June 30, 1992.

An estimate of the operating fee revenue forecast will be included in the Governor's official revenue forecasts.

Individual institutional accounts for operating fee revenue are established within the state treasury. The accounts shall consist of all operating fees collected by each respective institution, except for the amount dedicated to the institutional long-term loan fund. Beginning July 1, 1992 all operating fee revenue transferred by the institutions to the State Treasurer are to be credited to the appropriate higher education operating fees account.

Washington State University is specifically included in the WAMI (Washington, Alaska, Montana, Idaho) medical tuition waiver program.

**Votes on Final Passage:**

Senate	26	23	
House	55	41	(House amended)
House	52	45	(House reconsidered)

**Effective:** July 1, 1992

**ESSB 6286**

C 239 L 92

Adjusting pension contribution rates.

By Senate Committee on Ways & Means (originally sponsored by Senators McDonald and Niemi; by request of Governor Gardner)

Senate Committee on Ways & Means

**Background:** In 1989, the Legislature passed a pension reform package requiring state and other public employer contribution rates to be set at a level allowing the unfunded liability in the Plan I pension systems to be paid off by the year 2024. Pension rates are set in statute by the Legislature based on actuarial assumptions recommended by the State Actuary and adopted by the Forecast Council. Every six years, the actuarial assumptions are to be reviewed by the Forecast Council and the contribution rates adjusted in statute as necessary.

Current rates were adopted by the Legislature in June 1990 and became effective September 1991. They are based on 1988 data. Under current law, these rates will be reviewed in 1997.

If contribution rates were based on the latest actuarial valuations, which use 1990 data, the rates for the Public Employees' Retirement System (PERS), the Teachers' Retirement System (TRS) and the Law En-

forcement Officers' and Fire Fighters' Retirement System (LEOFF) would be lower than current rates, while the rate for the Washington State Patrol Retirement System (WSP) would be higher than the current rate.

**Summary:** From September 1, 1992, through June 30, 1993, the employer contribution rates for PERS, TRS and LEOFF are lowered, and the WSP contribution rate is raised.

The employer contribution rate for PERS is lowered from 7.47 percent to 7.27 percent; the rate for TRS is lowered from 12.6 percent to 12.08 percent; the rate for LEOFF is lowered from 16.44 percent to 12.99 percent; and the rate for WSP is raised from 15.53 percent to 17.16 percent.

After June 30, 1993, the statutory rates in effect prior to September 1, 1992, become effective once again.

The appropriations in the 1992 supplemental budget for state contributions to retirement systems for state employees, school district and educational district employees, and LEOFF employees are adjusted to reflect the amounts necessary to fund the new rates.

**Votes on Final Passage:**

Senate	18	28	(Failed)
Senate	27	21	(Reconsidered)
House	56	41	

**Effective:** September 1, 1992

**SB 6289**

C 57 L 92

Requiring agencies to accept fax and phone comments at rule-making hearings.

By Senators Bauer, Sellar, Gaspard, Newhouse, Sutherland, Snyder, Owen, Madsen, McMullen, Vognild and Rasmussen

Senate Committee on Governmental Operations  
House Committee on State Government

**Background:** There is no specific provision in the Administrative Procedure Act for transmitting comments by electronic media for a rule-making hearing.

**Summary:** An agency may include in its rule adoption notice the fact that interested parties may comment on proposed rules by telefacsimile or recorded telephonic communications if appropriate equipment is available.

The notice must contain instructions for such comments, including appropriate telephone numbers, the time by which comments must be received, methods for verifying receipt and authenticity of the comments, and any limitation on the number of pages allowed. If

## ESB 6292

the comments conform to the agency's instructions, they may be included in the official record.

### Votes on Final Passage:

Senate 45 0  
House 95 0 (House amended)  
Senate 46 0 (Senate concurred)

**Effective:** June 11, 1992

## ESB 6292

C 78 L 92

Expanding the sales opportunities of licensed brewers and domestic wineries.

By Senators Bauer, Newhouse, Thorsness, Moore and Vognild

Senate Committee on Commerce & Labor  
House Committee on Commerce & Labor

**Background:** Under current law, breweries are licensed to sell beer of their own production for on or off-premise consumption. For the purpose of conducting such activity, an establishment holding a brewer's license is considered to have wholesaling and retailing privileges for products of their own production. However, a brewery desiring to sell wine or beer produced by another brewery for consumption on premises is required to hold a class H restaurant license and must provide full meal services.

In like manner, domestic wineries are licensed to sell wine of their own production for on or off-premise consumption. For the purposes of conducting such activity, an establishment holding a domestic winery license is also considered to have wholesaling and retailing privileges for products of their own production. However, a winery desiring to sell beer or wine produced by another winery for consumption on premises is required to obtain a class H restaurant license and must provide full meal service.

The range of license fees for applicable retail liquor licenses are as follows: A - beer license, \$205-\$355; B - beer tavern, \$205-\$355; C - wine, \$150-\$300; H - beer/wine/ spirits, \$1,200-\$2,000.

**Summary:** Licensed brewers and domestic wineries are authorized to obtain a beer or wine retailer's license for on-premise consumption at the brewery or domestic winery. The alcoholic beverages that are not produced by the brewery or domestic winery are required to be purchased from a licensed beer or wine wholesaler.

### Votes on Final Passage:

Senate 44 2  
House 95 0 (House amended)  
Senate 40 8 (Senate concurred)

**Effective:** June 11, 1992

## SB 6295

C 64 L 92

Enabling a court to sentence a person convicted of driving under the influence to attend a panel of victims of similar crimes.

By Senators Erwin, A. Smith, M. Kreidler, Newhouse, Nelson, Rasmussen, McCaslin and von Reichbauer

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** The first DWI victims impact panel in the United States was implemented in the early 1980s by Judge Admire of Redmond's King County Northeast District Court. There are now at least six operating DWI victims impact panel programs in Washington and several others are being developed.

A DWI offender, as part of his or her sentence, may be required to attend a DWI victims impact panel and be brought face to face with people who have suffered personal tragedies as a result of drunk driving. Currently, however, there is no statutory authority enabling judges to make attendance at a DWI victims impact panel a condition of the sentence.

**Summary:** A court may require a person who is convicted of a DWI or who enters a deferred prosecution program to attend a DWI victims impact panel. The victims impact panel is an educational program focusing on the emotional, physical, and financial suffering of victims who were injured by persons convicted of driving while under the influence of intoxicants.

### Votes on Final Passage:

Senate 45 0  
House 95 0

**Effective:** June 11, 1992

## SB 6296

C 179 L 92

Authorizing infant mortality reviews.

By Senators West, Niemi, Amondson, Stratton, Newhouse, M. Kreidler, Wojahn, Gaspard and Pelz

Senate Committee on Health & Long-Term Care  
House Committee on Health Care

**Background:** It is felt that the rate of infant mortality is unacceptably high in Washington. Infant mortality reviews may help identify preventable causes of infant mortality so that the causes may be addressed. Legal protections for the family of the infant, local health department officials and employees, and health care professionals participating in the reviews are likely to encourage the performance of such reviews.

**Summary:** All medical records, reports, statements, documents or summaries or analyses of such information used for the purpose of infant mortality reviews authorized by local health departments are confidential as to the identity of the infant and the infant's adoptive or natural parents. The information cannot be discovered or subpoenaed from the local health department in any administrative, civil or criminal proceeding related to the death of the infant, but it can be discovered or subpoenaed from a health care provider. No local health department official or employee may be examined as to the existence of the documents assembled for an infant mortality review. This information is also protected from statutory public disclosure requirements. However, nothing in the act is to be construed to prohibit or restrict existing child abuse and neglect reporting requirements.

The local health department may publish statistical compilations and reports of infant mortality reviews if the reports do not identify the infants or parents. These compilations and reports are subject to public disclosure requirements.

**Votes on Final Passage:**

Senate	45	0	
House	95	0	(House amended)
Senate	47	0	(Senate concurred)

**Effective:** April 1, 1992

## SSB 6306

C 82 L 92

Funding the Puget Island ferry.

By Senate Committee on Transportation (originally sponsored by Senator Snyder)

Senate Committee on Transportation  
House Committee on Transportation

**Background:** The Department of Transportation is authorized to pay Wahkiakum County up to a maximum of \$1,000 per month for the operation and maintenance of the Puget Island ferry. In addition, at the end of each fiscal year, the department is authorized to reimburse Wahkiakum County for 80 percent of the total deficit incurred during the previous fiscal year less the \$1,000 monthly receipts.

At the 80 percent reimbursement rate, the 1991 deficit has ranged from a low of \$8,000 to a high of \$34,000 per month. The county must carry the deficit until the end of the year because of the \$1,000 per month reimbursement limit.

**Summary:** The reimbursement limit of \$1,000 per month is eliminated, thereby allowing the county to receive 80 percent of the operating deficit each month.

**Votes on Final Passage:**

Senate	45	0
House	95	0

**Effective:** June 11, 1992

## ESB 6319

### PARTIAL VETO

C 230 L 92

Modifying placement responsibilities for persons in the state mental health system.

By Senators Niemi, West, Wojahn and Bailey

Senate Committee on Health & Long-Term Care  
House Committee on Human Services  
House Committee on Appropriations

**Background:** In the field of developmental disabilities, the term "dual diagnosis" has come to mean individuals who are both developmentally disabled and mentally ill. It is estimated that 28 percent of the adult clients of the Division of Developmental Disabilities (DDD) have diagnosed psychiatric conditions and/or major behavior problems. Such dually diagnosed individuals pose particular challenges to the state's social service system, which places services and policy development for the mentally ill and the developmentally disabled in distinct divisions within the Department of Social and Health Services (DSHS).

In response to growing concerns on the part of legislators, legislative staff, program officials and consumer advocates that some persons with developmental disabilities were unnecessarily and inappropriately being sent to state psychiatric hospitals, both the Senate Human Services and Corrections Committee and DSHS studied the problem. A 1989 DSHS report found that 40 to 60 percent of psychiatric hospital admissions of dually diagnosed persons were unnecessary or inappropriate. Hospitalization often resulted from recurring severe behavior problems which over time had exhausted community supports or tolerance, with just over half being involuntary. The report found communities unable to provide necessary support for these individuals, such as adequately supervised residences, outpatient mental health services, and specialized day programs.

The lack of such services and the current freeze on new admissions to the state's institutions for the developmentally disabled have exacerbated the use of state psychiatric hospitals for the care of the dually diagnosed. Currently, there are approximately 57 developmentally disabled inpatients at Western State Hospital and 43 such persons at Eastern State Hospital. Some of these people are not mentally ill and may have been involuntarily admitted as dangerous to self or others or as gravely disabled due to their developmental disability. Others have a mental illness that is stabilized, but they are unable to leave the hospital because supported living arrangements are lacking. In the 1991-1993 biennial budget, the Legislature appropriated \$3.15 million for specialized community based services to developmentally disabled clients either currently in a state hospital or at risk of being placed in a state hospital. Between July 1, 1991 and December 31, 1991, 43 dually diagnosed persons were discharged from Western State Hospital, including five using funds from this budget proviso. The 1991-1993 biennial budget also appropriated \$650,000 to the Division of Mental Health for additional staffing at Western State Hospital for a 30-bed unit for dually diagnosed residents.

**Summary:** Eastern and Western State Hospitals are intended to become clinical centers for handling the most complicated long-term care needs of patients with a primary diagnosis of mental illness. Over time, their involvement in providing short-term acute care and less complicated long-term care shall be diminished in accordance with the revised responsibilities for mental health care enacted by the Legislature in 1989.

Funds appropriated for mental health programs, including funds for regional support networks (RSNs) and the state hospitals, are intended to be used for persons with primary diagnosis of mental disorder.

The Secretary of DSHS must develop a system to discourage the inappropriate placement of the developmentally disabled, those with head injury or AIDS, and those suffering the effects of substance abuse at the state hospitals, whether or not there is an associated mental disorder. The system must encourage the care of such persons in community settings or on state hospital or residential habilitation center grounds. Under the system, state, local, or community agencies must be given financial or other incentives to develop appropriate community care alternatives. DSHS must report to the appropriate legislative committees by December 1, 1992 with a plan to implement and fund the system.

The Secretary of DSHS is authorized to establish specialized care programs for persons with developmental disabilities, AIDS or substance abuse. These programs may operate according to professional stand-

ards that do not conform to existing federal or private hospital accreditation standards.

The state's institutes for the study and treatment of mental disorders are intended to conduct training, research and clinical program development activities that will directly benefit mentally ill persons receiving treatment in Washington State. The institutes' recruitment and retention, education and training activities must involve community mental health programs as well as the state hospitals. The institutes are also authorized to establish a student loan forgiveness and conditional scholarship program to retain qualified professionals at the state hospitals and community mental health providers when shortages are identified by the Secretary of DSHS.

All relevant state and federal plans, contracts or agreements are required to be consistent with mental health reform.

RSNs are rewarded financially for reducing their use of hospital or evaluation and treatment facility bed days and are required to begin taking responsibility for the return to the community of long-term state hospital patients who no longer need such care.

DSHS is required to report to the Legislature on options and recommendations for using Medicaid funds to support regionally managed mental health care, and to seek federal waivers which will maximize federal Medicaid matching funds.

Statutes that are no longer relevant are repealed.

**Votes on Final Passage:**

Senate	45	1	
House	97	0	(House amended)
Senate	47	0	(Senate concurred)

**Effective:** July 1, 1992

**Partial Veto Summary:** The requirement that DSHS administer a fund to enhance contracts with RSNs that agree to provide periods of stable community living is removed. DSHS authority to include a factor beginning July 1, 1993, related to the use of state hospitals in the funding formula for RSNS is removed. The requirement that RSNs retain any savings achieved through reduction in the use of state or local hospital bed days or free standing evaluation and treatment facility bed days is removed. The requirement that DSHS seek federal waivers to facilitate RSN retention of savings and report to appropriate legislative committees is also removed. The requirement that RSN contracts include progress toward taking responsibility for crises response systems and the return to the community of long-term state hospital patients is removed. The requirement that DSHS report to appropriate legislative committees on using allowable Medicaid payment systems to support regionally managed mental health care is removed. Language repealing existing law which di-

rects DSHS to cooperate with other departments of state government regarding mental health issues is removed. (See VETO MESSAGE)

## SSB 6321

C 44 L 92

Regulating local government whistleblower programs.

By Senate Committee on Governmental Operations (originally sponsored by Senators Skratek, Metcalf, Gaspard and von Reichbauer)

Senate Committee on Governmental Operations  
House Committee on Local Government

**Background:** Local government employees do not have any established procedure for reporting wrongdoing within their agencies. When employees do attempt to report wrongdoing within their agencies, there is no specific protection from retaliatory actions by their superiors nor are there any specific procedures for adjudicating claims of retaliatory action.

**Summary:** The terms "improper governmental action," "local government," "retaliatory action," and "emergency" are defined.

Every local government employee has the right to report information concerning improper governmental actions. Local governments must adopt and publish policies for reporting such information indicating persons within and without the governmental unit to whom employees may report. The local government may require that, except in the case of an emergency, the employee make a written report to the employer before reporting to another public body. An employee must make a good faith attempt to comply with any whistleblower policies published by the employer to receive the protection of this act.

Retaliation against employees reporting improper governmental actions is prohibited. To seek relief from retaliation, an employee shall provide a written notice to the governing body of the local government within 30 days of the occurrence of the action specifying the alleged retaliatory action and the relief requested. If the matter is not resolved within 30 days, the employee may request a hearing which shall be conducted by an administrative law judge assigned by the State Office of Administrative Hearings. The judge must conduct a hearing and render a final decision within 45 days of assignment unless the time is extended at the request of a party or on the judge's own motion.

The judge may order reinstatement of the employee, payment of back pay, and such injunctive relief as may be necessary to return the employee to his or her position before retaliation occurred and to prevent any re-

currence of retaliatory action. Costs and attorneys fees may be awarded to the prevailing party. A person found to have retaliated against an employee may be fined up to \$3,000.

Fines against retaliators together with a surcharge on audit charges collected by the State Auditor from local governments are placed in a separate account in the office of the State Treasurer from which charges for the first 24 hours of services by the Office of Administrative Hearings on any one matter are paid. The surcharge on audit charges shall be 10 cents per hour until June 30, 1995, after which time the rate may be adjusted by the State Auditor.

The costs of hearings which exceed 24 hours shall be allocated among the parties by the administrative law judge. The additional costs are paid to the Office of Administrative Hearings by the local government with any portion allocated to the complaining employee to be collected from the employee by the local government.

Local governments that have established their own internal whistleblower procedures that meet the intent of this act are exempt from the provisions of this act.

### Votes on Final Passage:

Senate	44	0	
House	95	0	(House amended)
Senate	47	0	(Senate concurred)

**Effective:** July 1, 1992 (Section 11)  
January 1, 1993 (Sections 1-10)

## ESSB 6326

C 83 L 92

Changing the Washington award for excellence.

By Senate Committee on Education (originally sponsored by Senators Gaspard, Bailey, Rinehart and Bauer)

Senate Committee on Education  
House Committee on Education

**Background:** Under the Washington Award for Excellence in Education Program, teachers, principals or administrators, classified staff, superintendents and school boards are recognized for their leadership, contributions, and commitment to education.

Teachers and principals or administrators may elect to receive an academic grant not to exceed the current full-time equivalent resident graduate tuition for courses taken at one of the state's public, four-year institutions of higher education. Clarification of the statutory language regarding this award option would make it easier to administrate.

**Summary:** Recipients selecting the academic grant shall be reimbursed for tuition and fees of up to 45 quarter and 30 semester credits. A single rate of reimbursement per credit hour is established and shall not exceed the resident, graduate, part-time cost per credit hour at the University of Washington in the year the recipient takes the credits.

Existing language setting the dollar value of the academic grant at a level not to exceed the full-time resident graduate tuition at the research or regional universities and college is repealed.

The change in determining the value of the academic grant applies to all recipients regardless of the year in which they received their award.

A stipend not to exceed \$1,000 is reinstated to accompany the academic grant for reimbursement of costs incurred in taking courses covered by the academic grant. Reinstatement of the stipend of up to \$1,000 to accompany the academic grant shall apply only to recipients for 1992 and beyond, and only if the stipends are funded in the budget.

The provision which grants 30 clock hours credit toward the State Board of Education's 150 clock hours continuing education requirement, for recipients who use the academic grant to take courses related to their responsibilities or assignments, is repealed.

**Votes on Final Passage:**

Senate	44	0	
House	88	0	(House amended)
Senate	46	0	(Senate concurred)

**Effective:** April 30, 1992

**SSB 6327**

PARTIAL VETO

C 50 L 92

Providing awards for excellence in education for classified employees.

By Senate Committee on Education (originally sponsored by Senators Gaspard, Bailey, Johnson, Jesernig, Murray, Pelz, Anderson, von Reichbauer, Skratek, McMullen, Bauer, Erwin, Rinehart and Roach)

Senate Committee on Education  
House Committee on Education

**Background:** The Washington Award for Excellence in Education Program was created in 1986 to recognize teachers, principals, superintendents and school boards for their leadership, contributions, and commitment to education. In 1990 classified employees were included for recognition. Only teachers, principals, administrators and superintendents are eligible for the fiscal portion of the awards.

**Summary:** Classified employees are made eligible to select the academic grant, recognition stipend, or educational grant under the Washington Award for Excellence in Education program.

The act has a delayed effective date of June 30, 1993 and is subject to appropriation in the 1993 budget.

**Votes on Final Passage:**

Senate	44	0
House	95	0

**Effective:** June 30, 1993

**Partial Veto Summary:** The measure is not subject to appropriation in the 1993 budget. (See VETO MESSAGE)

**SSB 6328**

C 85 L 92

Changing bid procedures for public institutions of higher education.

By Senate Committee on Higher Education (originally sponsored by Senators Rinehart and Saling)

Senate Committee on Higher Education  
House Committee on Higher Education

**Background:** Insofar as practicable, the purchase of goods and services by the state must be based on competitive bids in a formal sealed bid procedure. The exceptions to this requirement include purchases not exceeding \$5,000. Purchases over \$400 and under \$5,001 may be made without utilizing the sealed bid process, but the buyer must obtain quotations by telephone or in writing to assure a competitive price. Purchases up to \$400 may be made directly without any competitive bids. To adjust for inflation, the \$400 limit may be raised, in increments, up to a maximum of \$800 on approval of ten of the 12 members of the State Supply Management Advisory Board.

The \$5,000 limit may be adjusted by the Office of Financial Management and must be adjusted for inflation on July 1 of each odd-numbered year. The last mandatory adjustment was July 1, 1991, effectively raising the actual bid limit for the sealed bid process to \$6,000.

The sealed bid process requires giving notice to an approved list of suppliers with appropriate response time. It is believed that this process is not always cost effective for purchasers making frequent buys in the \$6,000 to \$15,000 range, especially institutions of higher education which use grant and contract funds for a significant amount of these purchases.

It is also believed that raising the limit on direct buys without any competitive solicitations from \$800 to \$2,500 for those institutions of higher education using

nonstate funds for the purchases would increase cost effectiveness.

**Summary:** Formal sealed bidding is not necessary for purchases not exceeding \$15,000 by state institutions of higher education if the funding for the purchases is from research grant or contract funds, or other nonstate appropriated funds.

Competitive bids need not be obtained for purchases up to \$2,500 by state institutions of higher education if the funding for the purchases is from research grant or contract funds, or other nonstate appropriated funds.

A record of competition for all such purchases made between the amounts of \$2,500 and \$15,000 are to be documented for audit purposes on a standard state form approved by the forms management center.

**Votes on Final Passage:**

Senate	45	0
House	96	0

**Effective:** June 11, 1992

## SB 6329

C 91 L 92

Repealing obsolete sections in the Revised Code of Washington.

By Senators Nelson and Rasmussen

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** The Law Revision Commission recently implemented a project to determine whether the statutes of the Revised Code of Washington which have been declared unconstitutional by a Washington or United States court have been repealed or corrected. Pursuant to that review, it is recommended that RCW 19.62, which authorizes escrow practice by nonlawyers, be repealed.

**Summary:** Chapter 19.62 RCW is repealed.

**Votes on Final Passage:**

Senate	45	0
House	95	0

**Effective:** June 11, 1992

## SSB 6330

C 130 L 92

Concerning the operation of a motor vehicle while license is suspended or revoked.

By Senate Committee on Law & Justice (originally sponsored by Senators Nelson, Madsen, Bauer, McCaslin, Oke and Roach)

Senate Committee on Law & Justice  
House Committee on Judiciary

**Background:** In 1991, upon the recommendation of a task force composed of judges, prosecutors, attorneys, the State Patrol, and the Department of Licensing, the Legislature enacted a statute that restructured the various crimes of driving with a suspended or revoked license into three categories of severity.

The first degree crime is a gross misdemeanor with mandatory minimum penalties that escalate with repeat offenses. The second degree crime is also a gross misdemeanor but without the mandatory minimum penalties. This crime involves driving with a suspended license and not being eligible for reinstatement. The third degree crime is a misdemeanor and involves driving with a suspended license because of failure to get alcohol and drug treatment or furnish financial responsibility.

It was intended, but not specifically set forth, that the third degree crime would also include a person who was driving with a suspended license but while the person was actually eligible to be reinstated.

It is suggested that the statute be clarified on the classification of the crime of driving with a suspended license while eligible for license reinstatement.

**Summary:** The statute which sets forth the penalties for driving with a suspended or revoked license is clarified for crimes in the third degree. A person who drives with a suspended or revoked license, but who is eligible for reinstatement, is guilty of the crime of driving while license suspended or revoked in the third degree, a misdemeanor.

**Votes on Final Passage:**

Senate	45	0
House	97	0

**Effective:** March 31, 1992

## SB 6339

C 42 L 92

Eliminating the county size requirement for class F wine retailer's licenses.

By Senator Hayner

Senate Committee on Commerce & Labor  
House Committee on Commerce & Labor

**Background:** Currently the Liquor Control Board is authorized to issue a class F wine retailer's license to wine shops, grocery stores, taverns, and certain restaurants to sell wine by the bottle for off-premise consumption.

In addition, the board was authorized in 1987 to issue a class F restricted wine retailer's license which prohibits a licensee from selling fortified wine. Fortified wine is defined as wine containing 14 percent of alcohol or more by volume.

A class F restricted wine retailer's license may only be issued in counties with populations over 300,000; these include the counties of King, Pierce, Snohomish and Spokane.

**Summary:** The Liquor Control Board's statutory prohibition on issuing class F restricted wine retailer's license in counties with populations of less than 300,000 is removed.

A class F restricted wine retailer's license may be issued in all counties of the state.

**Votes on Final Passage:**

Senate 43 1  
House 93 0

**Effective:** June 11, 1992

**E2SSB 6347**  
**PARTIAL VETO**  
C 111 L 92

Making changes to the domestic violence statute.

By Senate Committee on Ways & Means (originally sponsored by Senators Nelson, A. Smith, Erwin, Madsen, Rinehart, Thorsness and von Reichbauer)

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

**Background:** The Domestic Violence Task Force created by the Legislature in 1990 issued its final report in June 1991. The report included recommendations that the Legislature mandate the use of simplified form protection orders, provide additional training for professionals who deal frequently with domestic violence, and require centralized statewide collection of domestic violence incidents. The task force also recommended that mutual protection orders be prohibited absent proper legal process.

The King County Human Services Roundtable along with members of the task force and other domestic violence groups have worked together to formulate a domestic violence bill addressing some of the task force recommendations. In addition, concern has been expressed about the high rates of violence in juvenile dating relationships and the need to make protection orders available in these circumstances.

**Summary:** The Legislature finds that domestic violence is a problem of immense proportions and is at the core of other major social problems. Domestic violence costs the state millions of dollars annually, and the crisis is growing.

By January 1, 1993, the Administrator for the Courts, in consultation with interested persons, is required to prepare standard petition and order forms to be used by all courts. After April 15, 1993, these forms must be used for all petitions and orders. The Administrator shall also prepare instructions and informational brochures describing the protection order process and listing community resources. The instructions and informational brochures must be translated into five specified languages.

Orders for protection may not be granted except upon filing of a petition, notice to the other party, and a scheduled hearing on the petition. For purposes of the domestic violence statutes, "family or household members" include persons 16 years of age or older with whom a respondent 16 years of age or older has had a dating relationship and persons who have a biological or legal parent-child relationship. A juvenile who is 16 years of age or older may seek a protection order on his or her own behalf, but the court may appoint a guardian ad litem if it deems necessary.

Beginning January 1, 1993, all law enforcement agencies must submit records of incidents of domestic violence to the Washington Association of Sheriffs and Police Chiefs. A compilation of this data is required to be included in the annual report of crime produced by the association.

The Department of Social and Health Services, along with other agencies, is required to review and report on the current level of domestic violence education available to professions that deal with domestic violence. The analysis must include suggestions for achieving any needed additional education. The department is required to report its findings and recommendations to the House Judiciary Committee and the Senate Law and Justice Committee by September 1, 1992.

The sections of the act requiring standard forms and compilation of domestic violence incidents are contingent on funding being provided in the budget act.

**Votes on Final Passage:**

Senate 49 0  
House 98 0

**Effective:** June 11, 1992

**Partial Veto Summary:** The veto strikes the requirement that the Administrator for the Courts prepare standard domestic violence petition and order forms. The section requiring compilation of domestic violence incidents was also stricken. In addition, the null and

void clause relating to these sections was vetoed. (See VETO MESSAGE)

## SB 6351

C 90 L 92

Repealing obsolete sections in the Revised Code of Washington.

By Senators Nelson and Rasmussen

Senate Committee on Law & Justice

House Committee on Judiciary

**Background:** The Law Revision Commission implemented a project three years ago to review the Revised Code of Washington for double amendments. Pursuant to that review, it is recommended that RCW 37.16.020 and RCW 37.16.130, which authorize counties to acquire lands for permanent military installations, be repealed.

**Summary:** RCW 37.16.020 and RCW 37.16.130 are repealed.

### Votes on Final Passage:

Senate 44 0

House 93 0

**Effective:** June 11, 1992

## SSB 6354

C 215 L 92

Providing an exception to the nursing home prospective cost-related reimbursement system dual certification requirement.

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Craswell, Barr, Pelz, Murray, Moore, West, Hayner, Newhouse, Williams, Metcalf, A. Smith, Vogtild, McDonald, Stratton, Bauer, Oke and Roach)

Senate Committee on Health & Long-Term Care

House Committee on Appropriations

**Background:** In 1991 the Legislature enacted provisions requiring that the state's Medicaid certified nursing homes also meet Medicare certification requirements and obtain Medicare certification. The law requires that at least 15 percent of a nursing home's beds be Medicare certified. Medicare certification qualifies the nursing home to care for Medicare eligible patients. This action was taken to expand the number of nursing home beds available to Medicare eligible patients and to reduce some Medicaid costs by taking advantage of alternative Medicare reimbursement. The Medicare program is entirely federally

funded, whereas the Medicaid program requires a state general fund match. The Medicaid program is administered by DSHS.

Medicare eligible patients are those who have recently been discharged from an acute care facility and have recuperative medical care needs that are generally short-term in nature. Medicaid patients tend to have more chronic care needs and require longer term institutional care. Often a patient will initially be Medicare eligible and then later become Medicaid eligible. Medicare reimburses at a higher level than Medicaid because of the specialized care needs required for eligible patients.

Currently, there are no exemptions from the law for nursing homes. Some have argued that the requirement is not practical or reasonable due to factors such as the size or location of the nursing home.

**Summary:** Nursing homes are required to have a portion of their beds Medicare certified. Until June 1, 1993, DSHS is authorized to grant exemptions from the Medicare certification requirement if the nursing home facility is making a good faith effort to obtain Medicare certification.

### Votes on Final Passage:

Senate 46 0

House 96 0

**Effective:** June 11, 1992

## SB 6357

C 131 L 92

Making technical changes to statutes concerning solid waste and recycling.

By Senator Metcalf

Senate Committee on Environment & Natural Resources

House Committee on Environmental Affairs

**Background:** In 1989, legislation was enacted to provide local governments greater flexibility to procure solid waste facilities and services. The legislation included a limitation on the use of the alternative selection process when local government selects contractors for construction of certain solid waste handling facilities. That limitation, however, was incorrectly added to provisions of the laws relating to the establishment of systems of solid waste handling rather than to the laws regulating local government selection of vendors for construction of solid waste facilities.

In 1991, comprehensive legislation addressing recycling and the development of markets for recyclable materials was enacted. Several technical revisions to the legislation have been recommended.

## SSB 6377

**Summary:** Provisions relating to a limitation on local government selection of solid waste facility vendors are moved to the correct sections of law addressing this subject. Grammatical changes are made to provisions of the 1991 recycling legislation. A correction to the legislation on reduction of heavy metals in product packaging is made to clarify that the limitations do not apply to the products within the packaging.

**Votes on Final Passage:**

Senate 46 0  
House 96 0

**Effective:** June 11, 1992

## SSB 6377

C 144 L 92

Modifying provisions for the awarding of TDD distribution and maintenance contracts.

By Senate Committee on Energy & Utilities (originally sponsored by Senator Thorsness)

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

**Background:** In 1987 the Legislature enacted a program to distribute state-owned devices to the hearing-impaired community that allow these citizens to communicate through the telecommunications network. These devices are referred to as "Telecommunications Devices for the Deaf" or "TDDs," and include a range of equipment such as simple amplifiers, machines with keyboards that also provide text readout known as "text telephones" (TTs), and machines for citizens who are both deaf and blind.

This program also authorized a statewide relay system for hearing-impaired to communicate with the hearing community through a group of third-party interpreters. This system became operational in November, 1989.

The Legislature reauthorized this program in 1990 and extended it to the speech-impaired. Later in 1990, Congress enacted and the President signed the Americans with Disabilities Act (ADA), a measure that required all states to eventually develop relay services similar to the Washington program.

Federal requirements for these relay systems, both in the ADA and in directives from the Federal Communications Commission, affect the future of the established relay system in Washington. In response to this uncertainty, in 1991 the Legislature created a task force to provide recommendations on the future of the relay service. The task force reported to the Legislature in December, 1991, with nine specific recommendations on the future of the relay system.

**Summary:** The Office of Deaf Services within the Department of Social and Health Services shall seek certification by the Federal Communications Commission of the statewide relay service for the hearing-impaired and speech-impaired. The service will be known as the Telecommunications Relay Service (TRS). The Office of Deaf Services (the office) shall award contracts for the operation and maintenance of the TRS for service commencing July 26, 1993. Any entity awarded the contract must be registered as telecommunications company by the Utilities and Transportation Commission prior to final contract approval.

When considering contracts for equipment used for hearing-impaired and speech-impaired communications, the office may consider the quality of equipment and award contracts on a basis other than cost.

The Utilities and Transportation Commission shall provide specific data to the office on the number of access lines in the state for the use of the office in determining the rate of the TRS excise tax.

The TRS program advisory committee shall report at least four times per year to the administrators and operators of the statewide relay service on the effectiveness of the program.

Each telecommunications company providing intrastate interexchange voice transmission service shall offer discounts for service used in conjunction with the relay service.

**Votes on Final Passage:**

Senate 43 0  
House 98 0 (House amended)  
Senate 46 0 (Senate concurred)

**Effective:** June 11, 1992

## SSB 6386

C 132 L 92

Providing for radon testing in residences.

By Senate Committee on Energy & Utilities (originally sponsored by Senators Roach, McMullen, Anderson and Bauer)

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

**Background:** In 1990 the Legislature directed the State Building Code Council (SBCC) to adopt ventilation standards for new residential buildings. The SBCC was directed to adopt interim standards including measures for pollutant source control. The rules adopted by the SBCC require construction measures to reduce the entry of radon into new residential buildings.

The builder of a residential building is not liable for damages for injury caused by indoor air quality if the

builder complied with product standards, the use of appropriate building materials, and the ventilation requirements adopted by the SBCC.

The Environmental Protection Agency (EPA) tests radon measurement devices submitted by manufacturers for effectiveness and accuracy. Devices which meet the proficiency standards of the EPA are placed on a list of devices that have been determined to meet these standards.

**Summary:** Beginning July 1, 1992, at the time of final inspection of all new single family and ground floor units in multifamily residential buildings, the local government building inspector shall provide a radon measurement device. The device must be one that has been placed on the Environmental Protection Agency (EPA) proficiency list. The requirements for placing these devices are to expire on June 30, 1995.

Not later than June 15, 1992, the State Building Code Council (SBCC), in consultation with the Department of Health and the Washington State Association of Building Officials, shall develop instructions on the proper means of installation, maintenance, and removal of the device. These instructions shall be distributed by the SBCC to all local governments. The owner of the residence has the obligation of returning the device to the testing laboratory. The instructions that are included with the device must be placed in a conspicuous place in a single family residence and given to the owner of a multifamily residence.

Building inspectors shall also be provided with the current EPA list and with known sources for the devices. The approval of the final inspection by the building inspector shall be prima facie evidence that a device was left in a residence. The inspector and the city or county are not liable for injuries caused by the failure of the occupant or owner of a new residential building to properly install, monitor or send the device to the laboratory or from radon entering a residence.

The builder of a residential building is not liable for damages caused by radon gas if the builder has complied with the radon resistive construction standards established by the SBCC.

**Votes on Final Passage:**

Senate 32 14  
House 81 17

**Effective:** March 31, 1992

**SSB 6393**

C 160 L 92

Instituting fees on dairy handlers and food processors to support WSDA food safety inspection program.

By Senate Committee on Agriculture & Water Resources (originally sponsored by Senator Bailey; by request of Department of Agriculture)

Senate Committee on Agriculture & Water Resources  
Senate Committee on Ways & Means  
House Committee on Agriculture & Rural Development  
House Committee on Appropriations

**Background:** Currently, the dairy and food inspection program is funded primarily through appropriations from the state general fund. The current fee for obtaining a food processor's license is \$25 per year.

The frequency of inspections is largely dependent upon the amount of funds available to the program. There is concern that the amount of general funds available to the program does not provide a sufficient frequency of inspection to assure that only quality food products are provided to consumers.

**Summary:** A fee is established for dairy processors of up to one half cent per hundredweight to be set by rule by the Department of Agriculture. This provision takes effect on July 1, 1992 and terminates on June 30, 1994.

A dairy inspection program advisory committee composed of four producers, four handlers and a producer-handler is created. The committee is to provide the Director of Agriculture with recommendations that are consistent with the pasteurized milk ordinance. The committee is to review and evaluate various aspects of the program, including the efficiency of administration, the adequacy of inspection staff, and the ratio of inspectors to management employees. The committee is also to consider alternatives to the state program such as privatization of various elements of the inspection program. The committee recommendations are to be reported to the agriculture committees of the House and Senate by December 1, 1992.

The license fee for food processing plants is increased. The fee schedule is based on the gross annual sales for the preceding year. The fees range from a minimum of \$50 for smaller processors to \$750 for large processors.

Monies collected from dairy fees and food processing fees are deposited into the agricultural local fund.

**Votes on Final Passage:**

Senate 43 3  
House 60 38 (House amended)  
Senate (Senate refused to concur)  
House (House refused to recede)  
Senate 44 1 (Senate concurred)

**Effective:** June 11, 1992

**SB 6396**

C 149 L 92

Making certain unauthorized insurance brokers personally liable for contracts of insurance.

By Senators von Reichbauer, Pelz, Erwin, Moore, Vognild and Conner

Senate Committee on Financial Institutions & Insurance

House Committee on Financial Institutions & Insurance

**Background:** Consumers are reportedly being subjected to losses as a result of dealing with unlicensed surplus line companies. In many cases, these companies are not only unlicensed but do not represent any legitimate form of insurance carrier.

In collaboration with the Insurance Commissioner, surplus line brokers have investigated remedies for dealing with this situation. Legislation used in southern states has provided a model for this proposal. The creation of a Title 48 remedy will, in addition to the existing contract remedy, make it possible to seize assets before illusory companies cease operation and/or depart the state.

**Summary:** Any individual transacting business in the name of an unlicensed company is personally liable for resulting losses.

**Votes on Final Passage:**

Senate	47	0
House	96	0

**Effective:** June 11, 1992

**ESB 6401**

C 227 L 92

Regulating the designation of corridors.

By Senators Barr, Bauer, Hayner and Snyder

Senate Committee on Agriculture & Water Resources  
House Committee on Local Government

**Background:** Cities and counties who choose to prepare a comprehensive plan under the Growth Management Act are required to identify open space corridors within and between urban growth areas. They are to include lands useful for recreation, wildlife habitat, trails and connection of critical areas. Authority was provided for counties or cities to seek to acquire by purchase the fee simple or lesser interests in these open space corridors.

In 1991, amendments were made to the Growth Management Act. One section of that legislation was subsequently vetoed. The veto message indicated that

the vetoed language was so ambiguous that it would give rise to numerous legal interpretations and invite litigation. The message further stated that additional work was needed to develop clear and effective open space protection.

**Summary:** Identification of an open space corridor by a city or county is not to restrict the use or management of lands within the corridor for agricultural or forest purposes. A city or county may impose restrictions on the use or management of the identified land solely to maintain or enhance its value as a corridor only if there is sufficient interest in preventing the development or controlling the resource development of the lands.

The requirement for acquisition of sufficient interest does not apply to abandoned railroad corridors regulated by the Interstate Commerce Commission.

**Votes on Final Passage:**

Senate	39	9	
House	98	0	(House amended)
Senate	39	8	(Senate concurred)

**Effective:** June 11, 1992

**ESB 6407**

C 171 L 92

Providing for awards in construction contract actions.

By Senators Madsen, Anderson, Matson and Vognild

Senate Committee on Commerce & Labor  
House Committee on Commerce & Labor

**Background:** In Washington, attorneys' fees are not awarded to the prevailing party in a lawsuit unless the award is specifically authorized by statute or contract or is awarded on equitable grounds. The "equitable grounds" exception is narrowly applied by the courts.

Washington statutes generally permit the award of the costs of a lawsuit and limited statutory attorneys' fees to the prevailing party. In addition, various statutes throughout the code authorize the award of reasonable attorneys' fees in specific kinds of cases, including cases involving claims for damages of \$10,000 or less and cases that are found to be frivolous and advanced without reasonable cause. Other than these general statutes, there are no statutory provisions authorizing the award of attorneys' fees in lawsuits arising out of public works contracts.

**Summary:** The statutory procedures for awarding attorneys' fees to the prevailing party in actions for damages of \$10,000 or less are made applicable to an action arising out of a public works contract in which a public body is a party. In using these provisions, the

maximum amount of the claim is \$250,000, rather than \$10,000, and the parties are required to serve offers of settlement not less than 30 days and not more than 120 days after serving and filing the complaint, rather than at least 10 days before trial. The plaintiff is the prevailing party if awarded as much or more than their settlement offer. The defendant is the prevailing party if the plaintiff's eventual recovery does not exceed the defendant's settlement offer.

The parties may not waive these rights, but the waiver prohibition is not to be construed as prohibiting the parties from mutually agreeing to a contract clause that requires submission of a dispute to arbitration.

**Votes on Final Passage:**

Senate	47	2	
House	98	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)

Conference Committee

House	97	0
Senate	47	0

**Effective:** June 11, 1992

**ESB 6408**

C 221 L 92

Financing capital projects.

By Senators Matson, Vognild, Hayner, Sutherland, Madsen, McCaslin and Roach

Senate Committee on Governmental Operations  
House Committee on Local Government

**Background:** In 1982, the governing body of any county, city, or town was authorized to impose an excise tax on each sale of real property at a rate not exceeding one-quarter of 1 percent of the selling price. The proceeds from the tax are placed in a capital improvement fund to be used for local improvements, including those improvements listed under the city local improvement district authorization (LIDs). The 1990 Growth Management Act (GMA) restricted the use of these proceeds in counties, cities, and towns required or choosing to plan under the GMA primarily for: (1) financing capital projects specified in a capital facilities plan element of a comprehensive plan, and (2) housing relocation assistance. Exceptions were made for proceeds previously pledged to debt retirement.

The 1990 Growth Management Act also authorized the governing body of any county, city, or town that plans under the GMA to impose an additional excise tax on the sale of real property at a rate not exceeding one-quarter of 1 percent of the selling price. Any county choosing to plan under the GMA and any city

or town within that county may only impose this additional excise tax after voter approval. The proceeds from this additional real estate tax are used solely for financing capital projects specified in a capital facilities plan element of a comprehensive plan.

Questions have arisen as to the appropriateness of some of the expenditures of the proceeds generated by these two real estate excise taxes.

**Summary: 1982 Real Estate Excise Tax.** The legislative authority of any county or city shall identify in the adopted budget the capital projects funded from the real estate excise tax and shall indicate that such tax is intended to be in addition to other funds available for such projects.

Counties or cities with populations in excess of 5,000 and which are required or have opted to plan under the Growth Management Act shall use these tax proceeds solely for financing capital projects specified in a capital facilities plan element of the comprehensive plan or for housing relocation assistance. Revenues pledged to debt retirement or committed to a project prior to April 30, 1992 may be used for those purposes until the original debt for which such revenues were pledged is retired or the project is completed.

The term "capital project" is defined to include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, bridges, domestic water systems, storm and sanitary sewer systems, parks, recreational facilities, law enforcement facilities, fire protection facilities, trails, libraries, administrative and/or judicial facilities, or river and/or waterway flood control projects.

Counties are authorized to obtain 1 percent of the tax to defray collection costs.

1990 Growth Management Act/Real Estate Excise Tax. The provisions adopted for 1982 real estate excise taxes, which are summarized above, also apply to the 1990 taxes, except that (1) there is no 5,000 population threshold with respect to new limitations on the use of proceeds after April 30, 1992; and (2) the definition of "capital project" does not include recreational facilities, law enforcement facilities, fire protection facilities, trails, libraries, administrative and/or judicial facilities, or river and/or waterway flood control projects.

**Votes on Final Passage:**

Senate	39	10	
House	97	0	(House amended)
Senate	39	9	(Senate concurred)

**Effective:** June 11, 1992

**ESB 6427**

C 43 L 92

Declaring when goods mailed without authority become gifts.

By Senators Murray and Skratek

Senate Committee on Commerce & Labor  
House Committee on Commerce & Labor

**Background:** "Negative option" selling refers to the practice of providing and charging someone for a product when that person has failed to return a card or to take some other action refusing such delivery.

It is suggested that this type of selling misleads consumers into paying for products they do not want and is inherently unfair and deceptive.

Current state law provides that unless otherwise agreed, when unsolicited goods are mailed to a person, the person may keep the goods without paying for them. "Unsolicited," however, is not specifically defined to include goods received under a negative option plan. The law does not cover unsolicited services.

**Summary:** If unsolicited goods or services are provided to a person, the person may accept the goods or services as gifts. Goods or services are considered unsolicited unless the person specifically requested, in an affirmative manner, receipt under the terms offered. Goods or services are not considered to have been requested if the person failed to respond to an invitation to purchase them. A violation of the act is a violation of the Consumer Protection Act.

**Votes on Final Passage:**

Senate 46 0  
House 97 0

**Effective:** June 11, 1992

**SSB 6428**

PARTIAL VETO

C 198 L 92

Improving the responsiveness of services for at-risk children and families.

By Senate Committee on Children & Family Services (originally sponsored by Senators Roach, Stratton and Oke; by request of Dept. of Social and Health Services, Department of Health, Superintendent of Public Instruction, Department of Community Development and Employment Security Department)

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

**Background:** State agencies and programs have a difficult time serving children and families needing assistance from more than one service provider. Problems faced by children and families typically involve several bureaucracies which each address a distinct, categorical problem.

Children and families which face multiple problems involving schools, alcohol or drug abuse, criminal activity, abuse, neglect or family dysfunction, mental illness, developmental disability, poverty, or health problems pose a dilemma for organizations which administer categorical funds and organize around specific services instead of service populations.

**Summary:** A family policy council is created. The council is composed of: (1) the Superintendent of Public Instruction; (2) the Secretary of the Department of Social and Health Services (DSHS); (3) the Secretary of the Department of Health; (4) the Commissioner of Employment Security; (5) the Director of the Department of Community Development; (6) four legislators; and (7) a representative of the Governor.

The council shall solicit funding proposals from local consortia to address the needs of children and families whose needs are not met by the programs of a single department. The council may submit a prioritized list of projects recommended for funding in the Governor's budget. Funds for consortium projects will be identified by agencies represented on the family policy council from budget requests or existing appropriations for services to children and families.

The Joint Select Committee on Juvenile Issues shall prepare a study on: (1) the establishment of a network of local consortia authorized to receive a transfer of authority and program funds for enumerated programs; (2) requiring local consortia to develop two-year plans; (3) ways in which the local consortia could improve assistance that will strengthen the family; and (4) determining the need for an institute on children and family services.

The Governor may take whatever action is necessary to avoid the duplication of these efforts by any other councils, commissions, or committees.

The Birth-to-Six Interagency Coordinating Council is created to ensure the coordination and collaboration of state agencies providing early intervention services to infants and toddlers with disabilities. The Governor will appoint the council members. Agencies providing early intervention services may not use funds received for early intervention services to replace funds from other sources.

Participating state and local agencies will have formal interagency agreements defining their relationships and financial responsibilities for services in each county. The agreements will include procedures for re-

solving disputes, provisions establishing maintenance of effort requirements, and any additional components to ensure collaboration and coordination.

The council will work with county early childhood interagency coordinating councils to coordinate and enhance existing services for infants and toddlers with disabilities.

**Votes on Final Passage:**

Senate	45	3	
House	96	0	(House amended)
Senate			(Ruled beyond scope)

**Conference Committee**

House	96	0
Senate	43	0

**Effective:** June 11, 1992 (Sections 14-17)  
 July 1, 1992 (Sections 1-13)

**Partial Veto Summary:** The provision requiring the joint select committee to undertake certain studies is stricken. The requirement that implementation provisions be included in federal and state plans affecting the state's children is eliminated. (See VETO MESSAGE)

**ESB 6441**

C 126 L 92

Establishing construction lien rights.

By Senators McMullen and Matson

Senate Committee on Commerce & Labor  
 House Committee on Commerce & Labor

**Background:** A comprehensive overhaul of the construction lien law was enacted in 1991 with an effective date of April 1, 1992. The purpose of the delayed effective date was to allow those involved with the application of the act an additional period of time to become familiar with its provisions and identify technical problems that could be corrected prior to its effective date.

**Summary:** Terms with legal significance are made more accurate and consistent throughout the act. Certain key time periods are described with more precision. Additional instruction is provided regarding the content of certain forms, the method for providing certain notices, and the minimum requirements of some legal procedures.

**Section 1.** The definition of "owner" is removed.

**Section 2 (1).** The word "also" is added in line 13, page 4, making it clear that notice must be given to both the owner and the prime contractor, as designated. The phrase "as described in this subsection" is added, providing guidance as to how the notice is to be given to the prime contractor. Additions to subsection (b) of

subsection (1) make it clear that notice may be delivered informally or served by a process server in the usual manner.

**Section 2 (2).** Those persons who need not provide a notice of a right to claim a lien are listed. Subsection (c) is changed, clarifying that subcontractors who contract directly with a prime contractor still need to give notice to the owner as provided in subsection (3)(b) if they are working on an owner-occupied residential repair or remodel.

Where the term "owner" is used in subsections (a) and (b) of subsection (3), the phrase "or their common law agent" is added to make the phrases consistent throughout the section. The changes on page 6, lines 7 and 8, make the language consistent throughout the chapter. The chapter interchanges the terms of "liens," "claim of lien," "lien claims," and "notice of lien claims." Many of the changes attempt to use the most accurate term and to use terms as consistently as possible. The same is true of the phrase "furnishing professional services, materials, or equipment." The act attempts to always list these in the same order, so that no significance could be attached to listing them differently.

Changes are made in subsection (3)(b) of section 2 to provide more precision as to when notice to the owner of an existing residence occurs.

Several changes for the purpose of clarity and consistency are made to the suggested notice form following subsection (4) of section 2.

**Section 2 (5).** The phrase "if the mortgagee or purchaser" is added, making it clear that both must act in good faith, not just the subsequent purchaser.

A suggested notice form for providers of professional services is added.

**Section 3.** A substantive change is made, protecting subcontractors from intimidation and coercion.

**Section 4.** "Chapter" is substituted for the word "section," as a more accurate designation.

**Section 5.** It is clarified that the interest in land referred to is that of the owner who orders the work done, as opposed to some other owner.

**Section 6.** The phrase "notice of claim of lien" appears frequently throughout the chapter. Because a "claim" includes a notice, the words "notice of" are removed throughout the act. The words "notice of" are superfluous and possibly misleading.

The phrase "lender or lien claimant" is added in the first sentence, recognizing that lenders and other lien claimants may have a legitimate need to challenge frivolous or clearly excessive lien claims.

Language is added in lines 22 through 26 of page 11 to make it clear that a motion to obtain the prompt release of a frivolous lien claim must include a statement

as to why the lien is believed to be frivolous or clearly excessive. This language is taken from Rule 60 of the Rules of Civil Procedure which describes how to file a motion to vacate a default judgment. Without this language, a motion could be vague or conclusory, and the lien claimant would be put in the position of proving a negative, or disproving all possible reasons why the lien claim is not frivolous.

The term "release" is substituted for "dismiss" in subsections (2) and (4) because that is the traditional word used to describe the elimination of a lien. Subsections (2) and (4) are clarified and made consistent.

Section 7. The phrase "file for recording" is substituted for the word "record." This designates the day the lien claimant files for recording, not the actual day of recording, which maybe later in some counties. A new lien claim form is supplied.

The remaining changes to section 6 on page 14 have been described earlier.

Section 8. The words "notice of" are removed from the phrase "notice of claim of lien."

Section 9. This section addresses offsets which an owner is entitled to take against amounts to be paid in the future on a construction contract when a lien claim on that project leads to a judgment against the owner. Current language indicating that the offset is against amounts due to the "lien claimant" is incorrect because payment flows from the owner to the prime contractor; the term "lien claimant" is therefore changed to "prime contractor."

Section 10. "Lenders and other lien claimants" is added on page 17 to the list of those who are entitled to post a bond in the event of a lien claim, thus obtaining a prompt release of the property from the lien.

Section 11. The section providing that lien claimants whose lien is recorded at the time of the commencement of the foreclosure action must be joined as a party is broadened to include those people who have a recorded interest in the same property. Anyone with an interest such as a long-term lease, an option, or a lien claim would have to be joined as a party or their interest in the property could not be affected by the lien claim.

Section 12. The words "notice of" are removed from the phrase "notice of claim of lien." (See comments to Section 5.)

Section 13. The phrase "who shall affirmatively state under penalty of perjury,..." in subsection (2) is eliminated, making this subsection consistent with current law. This requirement and sanction is not appropriate because other penalties are in place for specious stop notices. Changes are made in subsection (3) to reflect the fact that notices are not "filed" with a lender but are simply "given" to the lender. The instructions on

how to give notice in subsections (a) and (b) of subsection (3) parallel the methods of giving notice in other portions of the act.

In subsection (9), lenders and lien claimants are given the right to challenge stop notices to lenders as frivolous.

Other minor grammatical and technical changes are made.

The effective date of 1991 lien law amendments is moved from April 1, 1992 to June 1, 1992.

**Votes on Final Passage:**

Senate	44	0	
House	97	0	(House amended)
Senate	48	0	(Senate concurred)

**Effective:** June 1, 1992

**SB 6444**

C 150 L 92

Regarding membership on boards for television reception improvement districts.

By Senators Madsen and Sellar

Senate Committee on Energy & Utilities

House Committee on Energy & Utilities

**Background:** Legislation granting the authority to create television reception improvement districts was enacted in 1971. These districts may be formed to serve the public interest for constructing, maintaining, and operating television and FM radio translator stations in areas where the local terrain blocks reception.

The districts are governed by a board; if the district boundaries conform with those of a county, the county commissioners serve as the members of the board. If the district has boundaries that do not conform with those of the county, the district is governed by a board of three, five, seven or nine members, all appointed by the board of county commissioners for a three-year term.

In some cases there has been difficulty finding citizens interested in serving on the boards of these districts.

**Summary:** In television reception improvement districts with boundaries that do not conform with the boundary of the county, there is no limit in the number of terms that may be served by a member of a television reception improvement district board.

**Votes on Final Passage:**

Senate	43	2	
House	96	0	

**Effective:** June 11, 1992

**SSB 6451**

C 115 L 92

Limiting surety liability.

By Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Vognild and Rasmussen)

Senate Committee on Financial Institutions & Insurance

House Committee on Financial Institutions & Insurance

**Background:** Surety bonds are issued by a surety to guarantee the contract performance of a principal. As such, they do not indemnify the principal for tortious acts that may be committed in the course and scope of the principal's business activity.

Regardless, there have been attempts by certain trial courts to treat surety bonds as insurance for negligent acts. It is therefore the desire of the surety industry to clarify the statutory language in the interest of eliminating frivolous legal actions.

**Summary:** Additional statutory notice is provided to clarify that a surety bond is not a contract for tort liability insurance.

**Votes on Final Passage:**

Senate 44 0  
House 95 0

**Effective:** June 11, 1992

**SB 6452**

C 202 L 92

Expanding the uses of the proceeds from the county or city special excise tax on lodging to include special event promotional infrastructures.

By Senators Snyder and Conner

Senate Committee on Governmental Operations  
House Committee on Revenue

**Background:** The statute providing for a special local hotel/motel tax to support cultural and tourism attractions was amended last year to apply to Pacific County and Long Beach. It has been suggested that other types of facilities should be added to those already authorized.

**Summary:** The general hotel/motel tax may be applied for funding special events or festivals and promotional infrastructures (including but not limited to an ocean beach boardwalk) in any city bordering on the Pacific Ocean with a population of not less than 1,000, and in the county in which that city is located.

**Votes on Final Passage:**

Senate 45 0  
House 95 0 (House amended)  
Senate 46 1 (Senate concurred)

**Effective:** June 11, 1992

**SB 6457**

C 4 L 92

Refunding construction obligations for the state convention and trade center.

By Senator Cantu

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

**Background:** In 1982, a public/private partnership was created by the Legislature to construct the State Convention and Trade Center (Center). The partnership consisted of the Center (a non-profit corporation), the CHG Company, and CHG's lender, Westside Federal Savings and Loan. The public corporation was responsible for constructing the upper levels of the Center which consisted of exhibit halls, meeting rooms, and lobby. The lower levels, which included the parking garage, retail space, and land were to be completed by the private partners. A \$30 million guaranty bond was provided by the Industrial Indemnity Corporation (IIC) to back the private partners. In 1984 and 1985, the CHG Company declared bankruptcy and Westside Federal Savings and Loan was placed in receivership by the Federal Savings and Loan Insurance Corporation (FSLIC). Because of two of the three partners defaulting, the Center and the IIC entered into an agreement.

Under the terms of the agreement, the Center received \$29.2 million from the IIC and agreed to complete construction in exchange for the parking garage, lower level retail space, and private lands occupied by the Center. The Center was obligated to pay the IIC \$975,000 annually in net revenues from the parking garage operation until the \$29.2 million bond was paid back in the year 2018. Any shortfall between the annual payment and the \$975,000 was subject to 11 percent interest. As part of the exchange for private lands, the Center acquired the McKay property in trust. In 1987, the Legislature authorized a loan of \$8.5 million from the state treasury to the Center to purchase the McKay property and to complete construction of the Center with the understanding that the McKay property would be resold in 1993 and the proceeds used to repay the state treasury plus interest.

Due to the high office vacancy rate of the buildings near the Center, the Center has not generated sufficient revenues to meet the agreed annual payment to the IIC.

## SSB 6460

**Summary:** The Center is authorized to issue \$2.3 million in bonds at 6.25 percent for 10 years. Proceeds are to be used with the parking revenues to meet the minimum annual \$975,000 payment. The difference between the 6.25 percent bond interest rate and the 11 percent IIC interest rate result in an approximate savings of \$2.3 million. These bonds will be repaid with hotel/motel tax revenues.

To take advantage of a possible higher selling price for the McKay property, the repayment date for the \$8.5 million loan from the State Treasurer's office is extended two years to 1995.

**Votes on Final Passage:**

Senate 36 11  
House 90 5

**Effective:** March 11, 1992

## SSB 6460

C 114 L 92

Removing redundant for hire vehicle provisions.

By Senate Committee on Transportation (originally sponsored by Senators Sellar, Newhouse and McMullen; by request of Department of Licensing)

Senate Committee on Transportation

**Background:** Under current law, the Department of Licensing (DOL) is responsible for enforcing regulations concerning "for-hire" vehicles. A "for-hire" vehicle is one which transports passengers for compensation. Auto stages, school buses used solely for school purposes, ride-sharing vehicles (such as van pools) and limousine charter party carriers are specifically excluded from the provisions.

Owners of for-hire vehicle companies must be issued a permit to operate. Before DOL will approve the application for a permit, the owner must first obtain a city or county permit or, where no regulatory agency exists, the approval of a designated city or county official. Once the owner has approval from the city/county authority, DOL will consider the application and may issue a permit. The permit does not need to be renewed, but can be revoked or suspended by DOL if owners are not in compliance with the law.

Each vehicle must also have a valid certificate issued by DOL listing the name of the owner and showing that the vehicle is properly insured and that the owner has paid the yearly certificate fee. Most cities and counties also require their own certificates to be carried in each vehicle. The requirements for these certificates are usually the same as the requirements for the DOL certificates. It is a criminal violation to operate a for-hire vehicle without a valid certificate.

**Summary:** The Department of Licensing is no longer responsible for issuing permits to for-hire vehicle operators in jurisdictions that already issue their own permits. DOL retains its responsibility for issuing certificates, even in those jurisdictions requiring their certificates be issued by their own local regulatory authority.

DOL is given the ability to adjust fees for permits and certificates via the usual administrative rule-making procedures.

**Votes on Final Passage:**

Senate 47 0  
House 97 0

**Effective:** June 11, 1992

## SSB 6461

C 107 L 92

Providing for self-support for the master license system.

By Senate Committee on Ways & Means (originally sponsored by Senators Snyder, Newhouse, Sellar and von Reichbauer; by request of Department of Licensing)

Senate Committee on Ways & Means

**Background:** Historically, state agencies responsible for monitoring and distributing business licenses were also in charge of dispensing such licenses. In the 1970s, the master licensing program was created within the Department of Licensing to provide business owners with a convenient, one-stop system of obtaining business licenses.

Currently, applicants for an original master business license pay \$12. A fee of \$5 is assessed for a trade name registration, and a delinquency fee is assessed to businesses failing to renew their master business license by the expiration date. These fees, which are deposited into the state general fund, generate approximately \$1.7 million annually and help support the annual general fund program cost of approximately \$3.3 million.

In the 1991-93 omnibus operating budget, the Legislature reduced the general fund appropriation for the master licensing system and directed the Department of Licensing to collect an equal amount of funding from nine state agencies based upon the relative number of licenses issued by each agency through the master licensing system. The Governor vetoed this proviso, stating that a policy decision would need to be made regarding the long-term funding of this program.

The creation of a master license fund and the proposed revision of fees would generate an additional

\$1.7 million in FY 93, raising the annual program revenues to \$3.5 million.

**Summary:** A master license fund is created to collect fees from business license applicants and to account for administrative costs for the master license program. The fee for a master original business license application is raised to \$15. A new \$9 fee for license renewals is imposed; a new \$5 fee is imposed for a business license information package; and a new \$2 fee is imposed for a trade name search. No changes to the trade name registration or delinquency fees are proposed. The current \$10 annual corporate report fee administered by the Secretary of State is eliminated. Revenues from the business license information packets will be deposited in the general fund. All other revenues will be deposited in the master license fund.

**Votes on Final Passage:**

Senate 31 12  
House 91 6

**Effective:** June 1, 1992 (Sections 1-4, 6 & 8)  
July 1, 1992 (Sections 5 & 7)

## SSB 6483

C 237 L 92

Modifying provisions relating to weights and measures.

By Senate Committee on Ways & Means (originally sponsored by Senators Matson, Murray and Bluechel)

Senate Committee on Commerce & Labor  
Senate Committee on Ways & Means

**Background:** The Director of the Department of Agriculture is responsible for testing and certifying the accuracy of all weights and measures devices used in commerce in Washington State.

First class cities over 50,000 in population are required to appoint a "city sealer" who tests and certifies weights and measures within each of their respective jurisdictions. City sealers are authorized to work under the supervision of the director. Funding for city weights and measures testing and inspection programs are provided by the city.

The standards by which the director and city sealers may test weights and measures are established by the National Bureau of Standards. These standards detail both the schedule for inspection and the testing procedures for weighing and measuring devices.

The state weights and measures program is primarily supported by the state's general fund. However, funds to support the testing of track scales, used in the weighing and measuring of rail cargo, are collected from track scale owners. The department may prescribe and

collect fees to cover all costs for the inspection and testing of track scales.

**Summary:** All weighing and measuring instruments and devices are to be inspected and tested for accuracy at least once every two years by the Department of Agriculture or the city sealer.

The department is to establish biennial inspection and testing fees for each type or class of weighing or measuring instrument or device. The fees are to be set to cover the direct costs associated with the inspection or testing of the type or class. Before setting or changing fees, the department is to convene a task force to recommend the appropriate level of fees. The task force is to be composed of a representative of the department, city sealers, service agents, service stations, grocery stores, retailers, food processors/dealers, oil heat dealers, the agricultural community, and liquid propane dealers. Devices found to be correct are subject only to one fee every two years unless the owner requests an inspection.

Fees are due 30 days after billing and are deposited into the weights and measures account established in the state treasury. Ten percent of the fees collected by city sealers are transmitted to the department for deposit in the account.

First class cities no longer are required to have a city sealer. City sealers are required to adopt the state fee schedule.

City field weights and measures standards and service agents weights and measures standards must be inspected and tested biennially.

Civil penalties are imposed for violations, and criminal penalties are eliminated.

The Office of Financial Management is to review the state's weights and measures program and report its findings to the Legislature by June 30, 1993. The office is to form a special task force with representation from government and industry to help with the review.

**Votes on Final Passage:**

Senate 28 19  
House 72 25

**Effective:** July 1, 1992

## SSB 6494

C 228 L 92

Modifying sublease and rent requirements concerning the ninety-nine-year lease of Hanford reservation land.

By Senate Committee on Energy & Utilities (originally sponsored by Senators Thorsness and Jesernig)

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

**Background:** In 1964 the federal government and the state of Washington entered into a 99-year lease of 1000 acres of land located on the Hanford reservation. The land is owned by the federal government and is leased to the state for the purpose of sub-leasing the land to nuclear-related industries.

Only one portion of the 1000 acres has been sub-leased since 1964. This sublease is for 100 acres and is used as a commercial low-level radioactive waste disposal facility.

The lease stipulates that any rent money paid to the state is to be used to further promote the site. After it had been determined that these funds (recently \$6,000 per year) had not been used for site promotion, in 1990 the Legislature enacted a measure to promote the site. This measure directed the Department of Trade and Economic Development (DTED) to promote the site and included a \$40,000 appropriation. DTED executed a contract with the local associate development organization for the site promotion.

The \$40,000 appropriation was not spent by the end of the 1989-91 biennium and subsequently reverted to the state general fund.

Recently there has been renewed interest in use of the 1000 acre site. If further development of the site occurs, the potential exists for the annual rent to reach significant levels. Without a change in the original lease, the terms of the lease would still require that this rent money be spent on site promotion.

**Summary:** When promoting the 1000 acres at Hanford, the Department of Trade and Economic Development is directed to work in cooperation with any associate development organization located in or near the Tri-Cities area.

The Hanford sublease rent account is created in the state treasury. Monies in the account may be spent only after appropriation and for the purpose of promoting the existence of the site, promoting the development of the land and nuclear-related industry in the Tri-Cities area, and to execute any new sublease agreements that meet the terms of the lease. Sources for the account shall include any rent payments from subleases of the land and any other funding from local, state, or federal agencies. Any existing agreements or contracts pertaining to sublease rental disbursements are not affected by this measure. The account expires June 30, 1999.

**Votes on Final Passage:**

Senate 43 0  
House 96 0 (House amended)  
Senate (Senate refused to concur)  
House (House refused to recede)  
Senate 47 0 (Senate concurred)

**Effective:** June 11, 1992

**SSJM 8024**

Petitioning congress for the right to salvage downed timber in the Olympic National Forest.

By Senate Committee on Environment & Natural Resources (originally sponsored by Senators Conner, Owen, Snyder, Jesernig and Anderson)

Senate Committee on Environment & Natural Resources

House Committee on Natural Resources & Parks

**Background:** There is a substantial amount of blown-down timber in the forests of western Washington. With less timber supply available from federal lands, the timber industry needs lumber to maintain forest industry jobs. One source of that timber supply can come from salvaged timber.

**Summary:** The memorial asks that blown-down timber in Washington's National Forests should be salvaged. Access to downed timber would make more than 70 million board feet available to local mills. Carefully supervised removal of downed trees would leave the old growth forest undamaged and reduce wildfire potential and insect damage. Congress is asked to authorize the Forest Service to offer salvaged timber sales in Washington's federal forests. The memorial is sent to the President of the United States, to the Forest Service, and to the United States Congress.

**Votes on Final Passage:**

Senate 44 0  
House 95 0 (House amended)  
Senate 46 0 (Senate concurred)

**SCR 8421**

Making technical adjustments in the Congressional redistricting plan.

By Senators Hayner and Gaspard

**Background:** The Washington State Redistricting Commission submitted its first plan to the Legislature early in January. New technical information indicated that a number of persons in six congressional districts had been assigned inadvertently to incorrect census

tracts. Some of these were personnel on a vessel which had been stationed near Bremerton when the census count was taken on April 1, 1990. In addition, some geographical territory had been assigned to tracts with noncontiguous boundaries.

The Legislature is authorized to amend a redistricting plan submitted by the commission by a two-thirds vote if it does not affect more than 2 percent of the affected congressional district. The commission requested that the Legislature make the necessary corrections.

**Summary:** The Redistricting Commission's congressional plan is amended by reassigning several specific blocks in the census tract definitions for Districts 1, 2, 6, 7, 8 and 9.

**Votes on Final Passage:**

Senate	44	0
House	96	0

**SCR 8422**

Endorsing the Council on Education Reform and Funding's goals and mission.

By Senators Hayner, Gaspard, Cantu, Rinehart, von Reichbauer and Bauer

House Committee on Education

**Background:** The Governor's Council on Education Reform and Funding was created by Executive Order in 1991 and charged with creating an education system that is flexible and ensures that all students perform at substantially higher levels. The council has formed six sub-groups and continues to work through the sub-groups and in full council sessions to review, discuss and coordinate complex and sometimes competing educational issues.

In January 1992, the council released an interim report. The council's final report, including action-oriented recommendations, is due in December 1992.

**Summary:** The Legislature endorses the council's charge and its plan of work and looks to December 1992 for receipt of the council's final report.

**Votes on Final Passage:**

Senate	Adopted
House	95 1

**SCR 8427**

Requesting a study concerning high technology education.

By Senators Saling, Moore, Matson and Jesernig

**Background:** It is believed that the single most important factor in economic competitiveness for the state of Washington is the education and capability of the workforce. Workforce training and retraining have been the focus of a number of initiatives in the past few years. Keys to the expansion of the state's economic base are planning and development of high-technology industries.

**Summary:** The Governor shall appoint a High-Technology Study Committee to complete and submit to the Legislature no later than December 15, 1992, a preliminary study identifying the main issues and steps required to insure becoming a leader in high-technology education.

Representation on the committee shall ensure an adequate number of members from both Eastern and Western Washington. Representatives shall include two members from each caucus in the House of Representatives and the Senate, one member from the Department of Trade and Economic Development, one member from the Higher Education Coordinating Board, three executive officers of high-technology corporations, and three other members chosen among the citizens at large representing business, labor, government, or educational institutions.

**Votes on Final Passage:**

Senate	Adopted
House	96 0 (House amended)
Senate	Adopted (Senate concurred)

**SCR 8429**

Resolving to continue development of sentencing alternatives.

By Senators Thorsness, Niemi, Erwin and A. Smith

**Background:** In 1991, the Governor requested the Sentencing Guidelines Commission to study and formulate sentencing alternatives for nonviolent offenders and offenders addicted to controlled substances. In response to this directive, the commission prepared legislative proposals for sentencing alternatives which were considered by the 1992 Legislature but not adopted.

Also in 1991, the Legislature created the joint legislative Task Force on Sentencing of Adult Criminal Offenders. The objectives of the task force include determining the extent to which existing alternatives to total confinement are being used, making recommendations to ensure that alternatives to total confinement are being ordered where appropriate, and determining whether expanding sentencing options would achieve the purposes of the Sentencing Reform Act. The task force report is due December 15, 1992.

**Summary:** The Sentencing Guidelines Commission is directed to continue development of sentencing alternatives with emphasis on alternatives to confinement for nonviolent offenders and treatment for offenders addicted to controlled substances. The commission is to seek involvement from members of the business, education, and treatment communities, as well as local government. The commission's efforts are to involve and be coordinated with the joint legislative Task Force on Sentencing of Adult Criminal Offenders. The commission's study should include examining the economic and social relationship of criminal sanctions in maintaining public safety to other essential state programs such as education, health, and welfare. The commission's findings and recommendations should be reported to the Governor and Legislature no later than December 31, 1992.

**Votes on Final Passage:**

Senate     Adopted

House     Adopted

# Estimated Revenues & Appropriations

## GENERAL FUND-STATE - 1991-1993 BIENNIUM

(Dollars in Millions)

### RESOURCES

Unrestricted Beginning Reserve	\$468.0
February 1992 Cash Forecast	\$14,724.2
Shift Higher Education Tuition Revenue to Dedicated Accounts	(211.1)

#### New Resources

Budget Stabilization Account	\$160.0
Budget Driven Revenue	113.8
Medicaid Federal Financing	36.6
Other Revenue Legislation	(1.5)

<b>Total Resources</b>	<b>\$15,290.0</b>
------------------------	-------------------

### EXPENDITURES

1991-93 Appropriation Legislation	\$15,742.4
1992 Supplemental Budget Changes	(304.4)
Shift Higher Education Tuition Revenue to Dedicated Accounts	(211.1)
1992 Other Appropriation Legislation	0.5

<b>Total Expenditures</b>	<b>\$15,227.5</b>
---------------------------	-------------------

Cash Position Changes	\$16.9
-----------------------	--------

<b>Unrestricted Ending Balance</b>	<b>\$79.5</b>
------------------------------------	---------------

<b>Budget Stabilization Account</b>	<b>\$100.0</b>
-------------------------------------	----------------

NOTE: The Governor's partial veto of ESHB 2470 (the supplemental budget) restored a total of \$66.7 million in GF-S appropriations and transfers. The effect of this action reduces the unrestricted ending balance from \$79.5 million to \$12.8 million. The Governor's veto message indicates, however, that only \$34.3 million of the vetoed amounts will be expended. The Governor has directed agencies to place the remaining \$32.4 million into reserve for reversion at the end of the biennium, increasing the ending balance from \$12.8 million to \$45.2 million.

**Budget/Balance Sheet (ESHB 2470)**

---

**OTHER REVENUE LEGISLATION**

(Dollars In Thousands)

2EHB 1932	School Levy Limits	406
SHB 2887	Appellate Court filing Fees	276
SSB 6055	Convicted Criminal Crime Lab Assessment	198
HB 2727	Boat, Plane, and Camper Excise Tax	102
EHB 1185	Federal Lien Recording	61
HB 2448	Pesticide Licensing Legislation	(5)
ESHB 2268	Tax Exemption for Inmate Work Programs	(10)
SSB 6461	Continuation of Master Licensing Program	(2,504)

<b>Total Revenue Legislation</b>	<b>(\$1,476)</b>
----------------------------------	------------------

**MEDICAID FEDERAL FINANCING**

(Dollars In Thousands)

<b>SHB 2967</b>	<b>IMR Medicaid Financing</b>	<b>\$36,588</b>
-----------------	-------------------------------	-----------------

**1992 OTHER APPROPRIATION LEGISLATION**

(Dollars In Thousands)

EHB 2812	Aircraft Maintenance Training	500
2ESB 5151	Whistleblowers	15

<b>Total Appropriation Legislation</b>	<b>\$515</b>
--	--------------

**BUDGET DRIVEN REVENUE**

(Dollars In Thousands)

New DOR Positions	\$37,500
Hospital Assistance Program	19,000
Transfer State Parks Revenue to GF-S	18,575
Shift Water Quality Account Subsidy	12,921
Life Insurance Refund	8,310
Increase State Treasurer's Service Account Transfer	5,627
Shift Transfer for Flood Control	4,000
No Tuition Loss/Maintain Budgeted Enrollments	3,435
Hospital Medicaid Tax Collection	1,200
Motor Transport Account Transfer	947
Transfer DOP Fund Balance	820
Fingerprint Identification Service	600
Hospital Savings/Hospital Donations	569
Belated Claims Reimbursements	260
Factory Assembled Structure Fee Increase	74

**Total Budget Driven Revenue****\$113,838****CASH POSITION CHANGES**

(Dollars In Thousands)

Reduce Cash in Process at Biennium End	\$20,000
Reduce Higher Education Cash Drawdown	10,000
Family Independence Program Federal Payment	(20,900)
Vocational Technical Institutes Salary Payment Lag	7,800

**Total Cash Position Changes****\$16,900**

# 1992 Legislative Supplemental Budget Summary

## 1991-93 Operating Budget

### LIMITING THE SIZE OF GOVERNMENT

**No New Taxes** — The legislative budget does not include taxes on cable T.V. (\$20.7m), gambling (\$10.7m), real estate title transfers (\$9m), rental cars (\$8m), or nursing homes (\$21m net); does not increase tuition (\$20.4m net); does not transfer transportation fund interest to the GF-S (\$21.4m).

**State Employment Reductions** — The number of state employee positions would be reduced by 1,592 full-time equivalent (FTE) staff from the levels authorized in the original 1991-93 budget. The reductions will save a total of \$70.5 million GF-S through the rest of the biennium.

**Administrators and Managers Targeted** — Most state agencies must reduce staff by 5 percent across-the-board. Exemptions are granted to higher education, K-12 education, and human services institutions. All agencies are required to reduce GF-S administrative staff by 5 percent.

**Across-the-Board Object Reductions** — Savings of \$20.6 million in travel, furnishings and equipment, printing, personal service contracts, and revolving funds will be achieved under the legislative budget. In general, the percentage reduction would be 20 percent.

**Governor Given Emergency Staffing Resources** — To help the Governor cope with emergency staffing needs, a pool of \$1.5 million would be added to the budget. He would have authority to hire up to 40 FTEs in response to unforeseen needs.

### K-12 EDUCATION

**Salary Increases** — Second year salary increases of 3.0 percent are provided for all K-12 employees, teachers, and classified staff (\$64.6 million).

**Block Grant** — Reductions to the program are limited to only 1.5 percent in the current biennium, preserving the Block Grant at \$57.7 million.

**Magnets** — While the program is reduced by 1.5 percent in the current biennium, funding for Seattle and Tacoma is maintained at 84.5 percent and funds are available to other districts such as Yakima and Walla Walla.

**Fair Start** — A current biennium 1.5 percent reduction leaves the program funded at \$14.8 million.

**Increase for Bilingual Education** — Funding of \$5.9 million is provided to meet the special needs of an additional 5,125 bilingual students who were not anticipated when the original budget was drafted.

**Levy Equalization** — Levy revenue expansion of \$15.2 million is authorized in HB 1932 and \$1.8 million is included for additional levy equalization.

**Driver Education** — \$5.2 million is added for Driver Education to restore funding for the program.

**Superintendent of Public Instruction Office** — A total of \$1.5 million would be trimmed from SPIs general office budget for 1991-93. In addition to reductions made in state offices in general, SPI spending will be cut for support services, administrative staff and printing costs.

**Other Reductions** — Reductions to other non-basic education programs are limited to no more than 5 percent.

### HUMAN RESOURCES

**Vendor Rate Increases** — (\$25.6 million) Locally based human services providers will receive two increases (in July 1992 and January 1993) in state payments, with amounts targeted to priority groups. Developmental disability providers will receive increases of 3 percent and 6 percent; foster parents, family support services and juvenile rehabilitation group homes will receive 3 percent and 5 percent; and all other vendors will receive 2 percent and 3.2 percent.

**Job Training and Education for Welfare Recipients** — Two groups of people who receive Aid to Families with Dependent Children (AFDC) — parents under age 24 and at least one-parent in two-parent AFDC families — would be required to obtain education or begin activities leading to jobs as conditions of receiving benefits. These changes would save about \$4 million through the rest of the biennium as people leave the welfare system more quickly than originally expected.

**Welfare Grant Increase** — Funding is provided for a 3 percent grant increase in January 1993. The monthly grant for a family of three would increase from \$531 to \$547.

**GAU/CEAP** — Maintains full funding for the General Assistance—Unemployable (GAU) program and the Consolidated Emergency Assistance Program (CEAP) (\$2 million).

**Nursing Home Reimbursement** — Current rates for nursing home services are maintained without levying additional taxes on nursing home residents.

**Mental Health Reform** — (\$17.6 million) Funding for the expansion of mental health services is maintained. It is expected that savings will be realized in the state hospitals, with funds flowing to the Regional Support Networks to provide services in the community. This will be facilitated by the establishment of an \$8 million pool of funds to support the cost of providing services in the community.

**Health Care Expansion to Help UW, Harborview, and 47 Rural Hospitals** — A new \$30 million federal program will help hospitals around the state to meet the costs of treating the poor, disabled, and elderly. University and Harborview medical centers would split \$19 million of the total, while 47 rural hospitals would share \$11 million.

**Juvenile Crisis Centers** — A \$1 million enhancement over 1991-93 levels would be used to transfer troubled young people from crisis residential centers to more appropriate long-term housing, based on the recommendations of an interim legislative task force.

**Developmental Disabilities Transition Services** — Reductions proposed by the Governor in job training and other services for 1,150 students leaving special education programs during 1989-92 are restored in full beginning April 1, 1992.

**Funds Preserved for Children's Programs** — The legislative budget maintains funding for universal childhood immunization (\$0.3 million) and other children's programs (\$1.7 million). Other programs include treatment for abused children, pediatric interim care, and children's health services.

**DSHS Would Lose 643 Job Slots** — An overall 4.5 percent reduction of state agency staff would reduce by 643 the number of positions in the Department of Social and Health Services. The total includes 245 slots that would be trimmed from the agency's 64 field offices. Across the agency, mid-level management positions would be targeted for consolidation or elimination. In field offices, applicants for welfare would have to wait longer to have their eligibility for benefits determined.

### HIGHER EDUCATION

**No Tuition Increases** — Tuition is maintained at levels assumed in the original 1991-93 budget.

**Enrollment Restoration** — A total of \$9 million is provided to restore enrollment cutbacks at community

colleges proposed by the Governor. This preserves original 1991-93 enrollment levels providing access for an additional 2,673 students.

**Increased Enrollment Flexibility** — Colleges and universities are allowed to enroll 4 percent more students than the budgeted enrollment levels, adding 3,230 students.

**Tuition Revenue Appropriated to Institutions** — Beginning in Fiscal Year 1993, tuition revenue will be "returned" to higher education institutions by appropriation to individual operating fee accounts. Currently, tuition revenue is deposited directly in the general fund.

**Waiver Reductions** — \$3.9 million is saved by reducing tuition waivers 6.6 percent below existing levels. Adult Basic Education is protected from any reduction.

**WSU - IMPACT** — \$779,000 is provided for the International Marketing Program for Agricultural Commodities and Trade at Washington State University.

**English as a Second Language** — Ensured second-year funding of \$585,000 is provided for English instruction to non-English speaking persons through the Community and Technical College system.

### NATURAL RESOURCES/ ECONOMIC DEVELOPMENT

**Wildlife Enforcement** — The legislative budget restores the full enhancement for the Department of Wildlife enforcement program which was proposed to be reduced in the Governor's budget. This restoration allows full funding of equipment for all enforcement officers.

**Agriculture Local Commodity Funds** — The legislative budget maintains all state general fund support for the department's administration program with no supplanting from Agriculture Local Funds.

**Timber Worker Program** — The legislative budget maintains \$500,000 for the displaced timber worker program. This restoration along with dedicated DNR timber funds will allow the department to maintain 38 displaced workers currently enrolled in the program and continue the program through the end of the biennium.

**Growth Management** — The \$24.6 million biennial appropriation for growth management is reduced by \$4.6 million. Reductions are made to funding for grants to local governments and growth management hearings boards.

**Livestock Market News** — The livestock market news program is continued in the Department of Agriculture.

**Hanford Economic Development** — \$40,000 is provided to DTED to promote the Hanford lease as required under SSB 6494 (Hanford Development). The

## Operating Budget Summary (ESHB 2470)

---

department will contract with an associate development organization to actively promote the Hanford lease.

**Pacific NW Export Assistance Project** — \$820,000 is restored to DTED's budget for the timber export assistance project. This brings total funding for the program to \$1,040,000 for the biennium.

**Paris Trade Office (DTED)** — The legislative budget restores full funding for the overseas Paris trade office for a total state general fund appropriation of \$500,000.

**Film and Video Program (DTED)** — The legislative budget maintains full funding for the Film and Video program which promotes Washington as a location for film and video (\$200,000).

**Marketplace Program (DTED)** — Retains full funding for the Marketplace program which matches Washington suppliers with Washington producers (\$252,000).

**Shellfish Litigation** — The legislative budget maintains funding of \$915,000 for defense of shellfish litigation. Funding for ongoing trial preparation is provided to the Office of the Attorney General.

**Forest Practice Enhancements (DNR)** — Retains \$8.6 million for forest practice rules, forest practices data management, the CMER program, and sustainable forestry/workload.

cost of \$90.8 million GF-S. Community college faculty are also granted increments (\$1.2 million GF-S).

**Early Retirement** — State employees and teachers who are members of the state's Plan I retirement system would be able to take advantage of a one-time opportunity for early retirement. Under the plan, they could retire at any age if they have 25 years of service; at age 50 if they have at least 20 years of service; or at age 55 after at least five years of work with the state or school district. The \$15.9 million savings estimate is based on forecasts that 1,200 teachers would opt for early retirement.

**Pension Savings** — Adjusting the employer pension contribution rates to follow the State Actuary's 1990 valuations of the pension systems generates a net savings of \$24.8 million GF-S.

Reduced actuarial cost of the Plan I COLA approved in the original 1991-93 budget generates an additional \$2.9 million GF-S savings.

## GENERAL GOVERNMENT

**Indigent Legal Services** — \$2.4 million is provided through the Public Safety and Education Account for legal services to indigent persons in civil cases.

**New Superior Court Judges** — \$345,000 in general fund state support is provided this biennium for five new superior court judges in King, Skagit, and Mason Counties.

**Tax Compliance Improved** — The legislative budget funds a tax compliance enhancement program for \$5.5 million in the Department of Revenue. This is expected to yield \$37.5 million in new revenue.

**Treatment Alternatives to Street Crimes Program (TASC)** — TASC is reduced by \$518,000, leaving \$7.4 million available for the program this biennium.

**Cellular Phone Study** — In the Department of Revenue, the legislative budget funds \$100,000 for an advisory committee and study of cellular communications to explore tax issues.

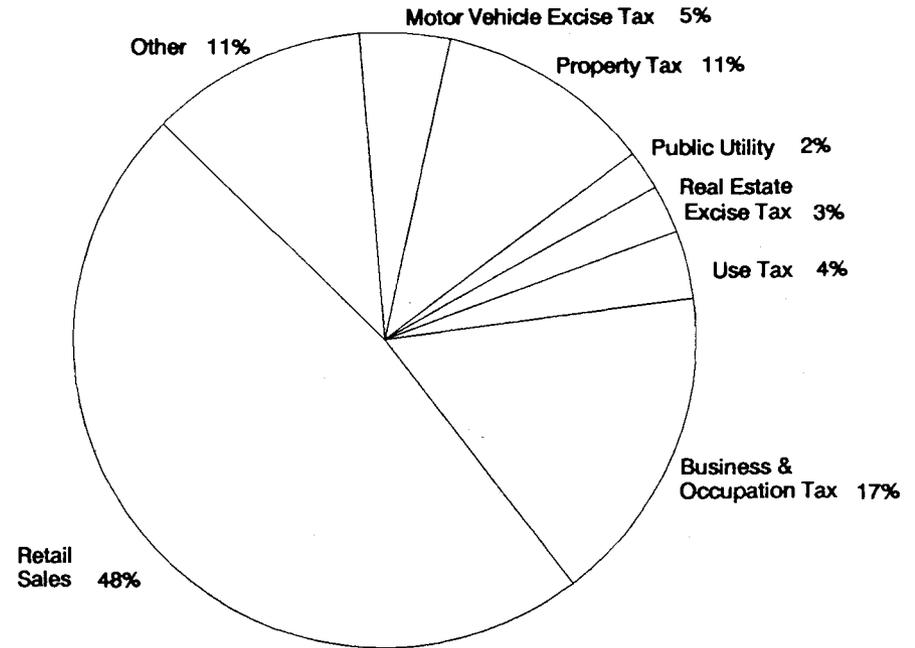
## COMPENSATION

**Salaries** — All state employees, higher education employees, and K-12 employees receive 3 percent salary increases for the second year of the biennium at a

# Washington State Revenue Forecast - February 1992

1991-93 Forecast  
GENERAL FUND - STATE  
(Dollars in Millions)

<b>Sources of Revenue</b>	
Retail Sales	7,048.2
Business & Occupation	2,460.2
Use Tax	523.6
Real Estate Excise Tax	374.8
Public Utility	306.2
Property Tax	1,658.9
Motor Vehicle Excise Tax	697.2
All Other	1,655.0
<b>REVISED 1991-93 FORECAST</b>	<b>14,724.2</b>



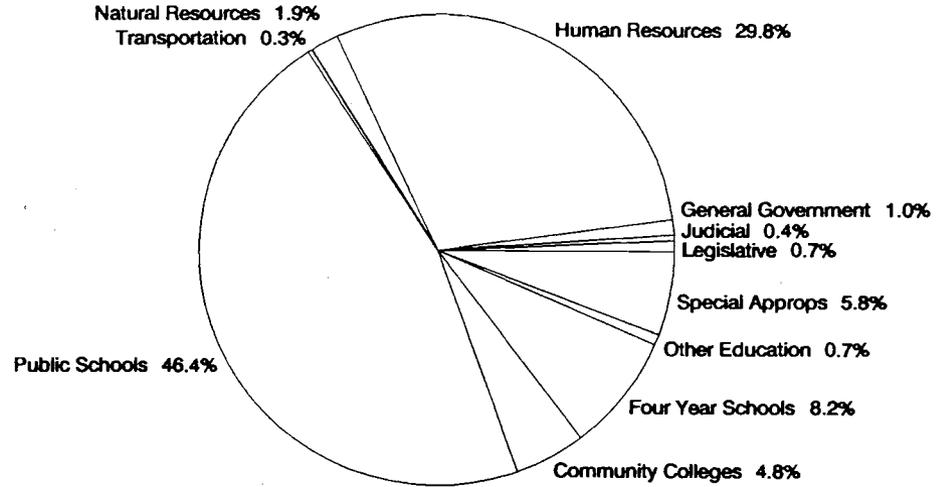
NOTE: Totals may not add due to rounding.

# Washington State 1991-93 Operating Budget

(Dollars in Thousands)

## General Fund-State

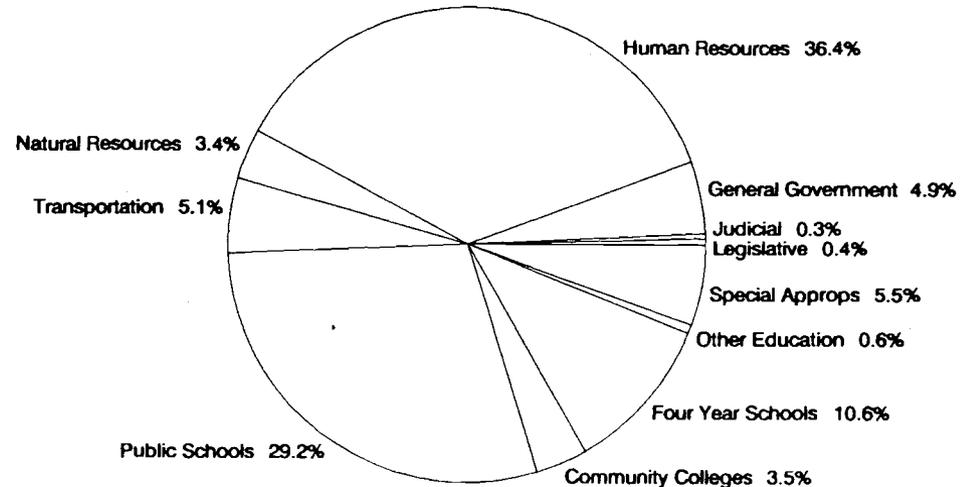
Legislative	108,248
Judicial	63,246
General Government	157,569
Human Resources	4,544,154
Natural Resources	294,075
Transportation	40,776
Public Schools	7,059,063
Community Colleges	735,024
Four Year Schools	1,242,212
Other Education	105,657
Special Appropriations	877,443
<b>Revised 1991-93 Budget</b>	<b>15,227,467</b>



**General Fund-State**

## Total Budgeted Funds

Legislative	115,399
Judicial	90,648
General Government	1,287,795
Human Resources	9,516,092
Natural Resources	899,450
Transportation	1,340,777
Public Schools	7,630,508
Community Colleges	921,426
Four Year Schools	2,784,512
Other Education	151,440
Special Appropriations	1,428,506
<b>Revised 1991-93 Budget</b>	<b>26,166,553</b>



**Total Budgeted Funds**

NOTE: Includes amounts from the Omnibus Budget, Transportation Budget, and other legislation.

# Washington State Operating Budget Comparisons

## 1992 Supplemental Budget Summary

### TOTAL STATE (Dollars in Thousands)

	General Fund—State			Total All Funds		
	1991—93	'92 SESS	TOT 91—93	1991—93	'92 SESS	TOT 91—93
Legislative	116,714	(8,466)	108,248	123,988	(8,589)	115,399
Judicial	61,376	1,870	63,246	89,785	863	90,648
General Government	164,758	(7,189)	157,569	1,295,714	(7,919)	1,287,795
Human Resources	4,701,082	(156,928)	4,544,154	9,395,428	120,664	9,516,092
Natural Resources	297,962	(3,887)	294,075	914,090	(14,640)	899,450
Transportation	45,329	(4,553)	40,776	1,321,994	18,783	1,340,777
Total Education	9,443,433	(301,477)	9,141,956	11,570,869	(82,983)	11,487,886
Public Schools	7,181,623	(122,560)	7,059,063	7,754,731	(124,223)	7,630,508
Community Colleges	718,695	16,329	735,024	837,668	83,758	921,426
Four Year Schools	1,433,166	(190,954)	1,242,212	2,822,010	(37,498)	2,784,512
Other Education	109,949	(4,292)	105,657	156,460	(5,020)	151,440
Special Appropriations	911,776	(34,333)	877,443	1,466,674	(38,168)	1,428,506
<b>Statewide Total</b>	<b>15,742,430</b>	<b>(514,963)</b>	<b>15,227,467</b>	<b>26,178,542</b>	<b>(11,989)</b>	<b>26,166,553</b>

*NOTE: Includes amounts from the Omnibus Budgets (ESHB 1330—Chapter 16, Laws of 1991 & ESHB 2470—Chapter 232, Laws of 1992), Transportation Budgets (ESHB 1231—Chapter 15, Laws of 1991 & ESHB 2553—Chapter 166, Laws of 1992), and other legislation. Total 1991—93 amount does not include \$915,000 GF—S appropriation contained within ESHB 2470 Section 125 (Chapter 232, Laws of 1992). 1991—93 Appropriations reclassified \$150.4 million in Four Year Schools and \$60.7 million in Community Colleges from GF—S to Operating Fees Accounts.*

# Washington State Operating Budget Comparisons

1992 Supplemental Budget Summary

## TOTAL LEGISLATIVE AND JUDICIAL (Dollars in Thousands)

	General Fund—State			Total All Funds		
	1991—93	'92 SESS	TOT 91—93	1991—93	'92 SESS	TOT 91—93
<b>Legislative</b>	<b>116,714</b>	<b>(8,466)</b>	<b>108,248</b>	<b>123,988</b>	<b>(8,589)</b>	<b>115,399</b>
House of Representatives	53,992	(3,987)	50,005	53,992	(3,987)	50,005
Senate	41,071	(2,899)	38,172	41,071	(2,899)	38,172
Legislative Budget Committee	2,384	(158)	2,226	2,384	(158)	2,226
Legislative Transportation Committee	0	0	0	3,978	(123)	3,855
LEAP Committee	2,858	(238)	2,620	3,247	(238)	3,009
Office of the State Actuary	0	0	0	1,280	0	1,280
Joint Legislative Systems Committee	8,623	(627)	7,996	8,623	(627)	7,996
Statute Law Committee	6,898	(463)	6,435	8,525	(463)	8,062
Redistricting Commission	888	(94)	794	888	(94)	794
<b>Judicial</b>	<b>61,376</b>	<b>1,870</b>	<b>63,246</b>	<b>89,785</b>	<b>863</b>	<b>90,648</b>
Supreme Court	15,060	1,270	16,330	15,060	1,270	16,330
State Law Library	3,189	(164)	3,025	3,189	(164)	3,025
Court of Appeals	15,620	(371)	15,249	15,620	(371)	15,249
Commission on Judicial Conduct	955	0	955	955	0	955
Office of Administrator for Courts	26,552	1,135	27,687	54,961	128	55,089
<b>Total Legislative &amp; Judicial</b>	<b>178,090</b>	<b>(6,596)</b>	<b>171,494</b>	<b>213,773</b>	<b>(7,726)</b>	<b>206,047</b>

# Washington State Operating Budget Comparisons

## 1992 Supplemental Budget Summary

### TOTAL GENERAL GOVERNMENT (Dollars in Thousands)

	General Fund— State			Total All Funds		
	1991—93	'92 SESS	TOT 91—93	1991—93	'92 SESS	TOT 91—93
Office of the Governor	7,773	(491)	7,282	7,773	(491)	7,282
Office of the Lieutenant Governor	524	(30)	494	524	(30)	494
Public Disclosure Commission	1,884	(122)	1,762	1,884	(122)	1,762
Office of the Secretary of State	8,618	(580)	8,038	13,294	(670)	12,624
Governor's Office of Indian Affairs	318	(10)	308	318	(10)	308
Comm on Asian— American Affairs	370	(16)	354	370	(16)	354
Office of the State Treasurer	0	0	0	9,615	156	9,771
Office of the State Auditor	615	(55)	560	31,446	(337)	31,109
Comm Salaries for Elected Officials	82	(8)	74	82	(8)	74
Office of the Attorney General	6,264	109	6,373	103,197	(2,198)	100,999
Economic & Revenue Forecast Council	868	(49)	819	868	(49)	819
Office of Financial Management	20,563	(9,090)	11,473	31,222	(4,009)	27,213
Office of Administrative Hearings	0	0	0	11,730	(293)	11,437
Department of Personnel	0	0	0	27,110	(677)	26,433
Deferred Compensation Committee	384	(23)	361	2,455	(23)	2,432
State Lottery Commission	0	0	0	405,703	0	405,703
Washington State Gambling Comm	0	0	0	11,188	0	11,188
WA State Comm on Hispanic Affairs	401	(13)	388	401	(13)	388
Gov Comm on African— American Affairs	286	(9)	277	286	(9)	277
Personnel Appeals Board	0	0	0	862	0	862
Department of Retirement Systems	0	0	0	27,791	1,285	29,076

# Washington State Operating Budget Comparisons

## 1992 Supplemental Budget Summary

### TOTAL GENERAL GOVERNMENT (continued) (Dollars in Thousands)

	General Fund—State			Total All Funds		
	1991—93	'92 SESS	TOT 91—93	1991—93	'92 SESS	TOT 91—93
State Investment Board	0	0	0	4,555	1,598	6,153
Department of Revenue	91,543	4,827	96,370	98,075	4,923	102,998
Board of Tax Appeals	1,572	(60)	1,512	1,572	(60)	1,512
Municipal Research Council	2,385	0	2,385	2,385	0	2,385
Uniform Legislation Commission	49	(7)	42	49	(7)	42
Minority & Women's Business Enterprises	2,319	(146)	2,173	2,319	(146)	2,173
Department of General Administration	5,119	(652)	4,467	145,646	64	145,710
Department of Information Services	428	(22)	406	175,564	(3,451)	172,113
United States Presidential Electors	1	0	1	1	0	1
Office of Insurance Commissioner	0	0	0	15,432	0	15,432
State Board of Accountancy	523	(38)	485	1,192	(38)	1,154
Death Investigation Council	0	0	0	12	0	12
Professional Athletic Commission	144	(17)	127	144	(17)	127
Washington Horse Racing Commission	0	0	0	4,865	0	4,865
WA State Liquor Control Board	0	0	0	106,415	(2,776)	103,639
Utilities and Transportation Commission	0	0	0	29,509	192	29,701
Board for Volunteer Firefighters	0	0	0	373	0	373
Military Department	9,549	(643)	8,906	17,311	(643)	16,668
Public Employment Relations Commission	2,176	(44)	2,132	2,176	(44)	2,132
<b>Total General Government</b>	<b>164,758</b>	<b>(7,189)</b>	<b>157,569</b>	<b>1,295,714</b>	<b>(7,919)</b>	<b>1,287,795</b>

NOTE: Attorney General — Total 1991—93 amount does not include \$915,000 GF—S appropriation contained within ESHB 2470 Section 125 (Chapter 232, Laws of 1992).

# Washington State Operating Budget Comparisons

## 1992 Supplemental Budget Summary

### TOTAL HUMAN RESOURCES (Dollars in Thousands)

	General Fund—State			Total All Funds		
	1991—93	'92 SESS	TOT 91—93	1991—93	'92 SESS	TOT 91—93
<b>DSHS</b>	<b>3,869,865</b>	<b>(115,649)</b>	<b>3,754,216</b>	<b>7,480,796</b>	<b>70,127</b>	<b>7,550,923</b>
WA State Health Care Authority	366	(10)	356	9,723	364	10,087
Department of Community Development	102,767	(1,036)	101,731	287,233	54,561	341,794
Human Rights Commission	4,292	(256)	4,036	5,754	(199)	5,555
Board of Industrial Insurance Appeals	0	0	0	16,876	455	17,331
Criminal Justice Training Commission	66	(4)	62	12,488	(663)	11,825
Department of Labor and Industries	10,708	(720)	9,988	336,632	(924)	335,708
Indeterminate Sentence Review Board	3,247	(229)	3,018	3,247	(229)	3,018
Department of Health	132,613	(10,803)	121,810	292,659	11,794	304,453
Department of Veterans' Affairs	21,839	166	22,005	38,976	166	39,142
Department of Corrections	505,934	(23,550)	482,384	542,474	(11,419)	531,055
Dept of Services for the Blind	2,957	(237)	2,720	12,510	(448)	12,062
Washington Basic Health Plan	45,768	(5,055)	40,713	60,321	(3,555)	56,766
Sentencing Guidelines Commission	628	56	684	628	56	684
Department of Employment Security	32	399	431	295,111	578	295,689
<b>Total Human Resources</b>	<b>4,701,082</b>	<b>(156,928)</b>	<b>4,544,154</b>	<b>9,395,428</b>	<b>120,664</b>	<b>9,516,092</b>

*NOTE: DSHS — Totals include: \$200,000 GF—S veto of ESHB 1330 Section 206 (Chapter 16, Laws of 1991); \$75,702 GF—S and \$90,895 GF—F appropriation from HB 2237 (Chapter 9, Laws of 1991).*

*Human Rights Commission received \$15,000 GF—S appropriation from 2ESSB 5121 (Chapter 118, Laws of 1992).*

# Washington State Operating Budget Comparisons

## 1992 Supplemental Budget Summary

### TOTAL DEPARTMENT OF SOCIAL & HEALTH SERVICES (Dollars in Thousands)

	General Fund—State			Total All Funds		
	1991—93	'92 SESS	TOT 91—93	1991—93	'92 SESS	TOT 91—93
Children and Family Services	277,041	(10,561)	266,480	457,833	(12,733)	445,100
Juvenile Rehabilitation	116,364	(2,320)	114,044	120,492	(2,320)	118,172
Mental Health	486,440	(52,853)	433,587	619,008	(4,957)	614,051
Developmental Disabilities	364,478	(13,485)	350,993	625,957	27,657	653,614
Long—Term Care Services	565,033	(26,760)	538,273	1,230,982	(49,111)	1,181,871
Income Assistance Grants	601,519	17,632	619,151	1,257,062	47,218	1,304,280
Alcohol & Substance Abuse	45,437	(3,928)	41,509	125,364	(3,975)	121,389
Medical Assistance Payments	1,044,386	8,968	1,053,354	2,205,554	163,751	2,369,305
Vocational Rehabilitation	16,601	(522)	16,079	73,574	(1,692)	71,882
Administration/Support Svcs	53,529	(4,101)	49,428	91,315	(5,435)	85,880
Community Services Administration	221,996	(28,007)	193,989	489,311	(90,537)	398,774
Revenue Collections	43,979	2,127	46,106	139,766	4,367	144,133
Payments to Other Agencies	33,062	(1,839)	31,223	44,578	(2,106)	42,472
Information System Services	0	0	0	0	0	0
<b>Total DSHS</b>	<b>3,869,865</b>	<b>(115,649)</b>	<b>3,754,216</b>	<b>7,480,796</b>	<b>70,127</b>	<b>7,550,923</b>

NOTE: DSHS: Developmental Disabilities — \$200,000 GF—S veto of ESHB 1330 Section 206 (Chapter 16, Laws of 1991); Medical Assistance Payments — \$75,702 GF—S and \$90,895 GF—F appropriation from HB 2237 (Chapter 9, Laws of 1991).

# Washington State Operating Budget Comparisons

## 1992 Supplemental Budget Summary

### TOTAL NATURAL RESOURCES (Dollars in Thousands)

	General Fund—State			Total All Funds		
	1991—93	'92 SESS	TOT 91—93	1991—93	'92 SESS	TOT 91—93
Washington State Energy Office	2,359	(211)	2,148	52,006	(180)	51,826
Columbia River Gorge Commission	537	(35)	502	1,053	(35)	1,018
Department of Ecology	65,589	(7,515)	58,074	243,757	(7,414)	236,343
WA Pollution Liability Re—Insurance Program	0	0	0	40,428	0	40,428
State Parks and Recreation Commission	38,480	12,811	51,291	59,818	(1,864)	57,954
Interagency Comm for Outdoor Recreation	0	0	0	2,248	13	2,261
Environmental Hearings Office	1,180	(49)	1,131	1,180	(49)	1,131
Department of Trade and Economic Development	33,708	(3,171)	30,537	36,552	(1,171)	35,381
State Conservation Commission	2,189	(192)	1,997	2,381	(192)	2,189
Winter Recreation Commission	20	(9)	11	20	(9)	11
Puget Sound Water Quality Authority	3,679	(235)	3,444	4,981	(235)	4,746
Office of Marine Safety	0	0	0	3,534	0	3,534
Department of Fisheries	61,034	(4,771)	56,263	90,272	(4,737)	85,535
Department of Wildlife	11,497	(654)	10,843	82,984	(354)	82,630
Department of Natural Resources	58,010	1,048	59,058	205,417	1,130	206,547
Department of Agriculture	19,680	(904)	18,776	65,969	157	66,126
State Convention and Trade Center	0	0	0	21,490	300	21,790
<b>Total Natural Resources</b>	<b>297,962</b>	<b>(3,887)</b>	<b>294,075</b>	<b>914,090</b>	<b>(14,640)</b>	<b>899,450</b>

NOTE: State Parks & Recreation received \$30,000 GF—S and \$45,000 in other funds from SHB 1304 (Chapter 11, Laws of 1991) and SB5651 (Chapter 206, Laws of 1991).

Department of Trade & Economic Development received \$500,000 GF—S appropriation from EHB 2812 (Chapter 183, Laws of 1992).

# Washington State Operating Budget Comparisons

## 1992 Supplemental Budget Summary

### TOTAL TRANSPORTATION (Dollars in Thousands)

	General Fund—State			Total All Funds		
	1991—93	'92 SESS	TOT 91—93	1991—93	'92 SESS	TOT 91—93
Board of Pilotage Commissioners	0	0	0	185	0	185
Washington State Patrol	24,089	(888)	23,201	216,311	2,601	218,912
WA Traffic Safety Commission	0	0	0	6,185	0	6,185
Department of Licensing	21,240	(3,665)	17,575	153,301	3,952	157,253
Department of Transportation	0	0	0	725,997	10,456	736,453
County Road Administration Board	0	0	0	61,030	1,418	62,448
Transportation Improvement Board	0	0	0	156,598	0	156,598
Marine Employees' Commission	0	0	0	334	0	334
Transportation Commission	0	0	0	1,500	0	1,500
Air Transportation Commission	0	0	0	553	356	909
<b>Total Transportation</b>	<b>45,329</b>	<b>(4,553)</b>	<b>40,776</b>	<b>1,321,994</b>	<b>18,783</b>	<b>1,340,777</b>

*NOTE: Department of Transportation received \$3,000,000 in other funds from SHB 1452 (Chapter 231, Laws of 1991) and ESB 5801 (Chapter 342, Laws of 1991).*

*Transportation Improvement Board received \$750,000 in other funds from ESB 5801 (Chapter 342, Laws of 1991).*

# Washington State Operating Budget Comparisons

## 1992 Supplemental Budget Summary

### TOTAL EDUCATION (Dollars in Thousands)

	General Fund—State			Total All Funds		
	1991—93	'92 SESS	TOT 91—93	1991—93	'92 SESS	TOT 91—93
<b>Public Schools</b>	7,181,623	(122,560)	7,059,063	7,754,731	(124,223)	7,630,508
<b>Community College System</b>	718,695	16,329	735,024	837,668	83,758	921,426
<b>Four Year Schools</b>	1,433,166	(190,954)	1,242,212	2,822,010	(37,498)	2,784,512
University of Washington	689,170	(92,617)	596,553	1,842,244	(18,316)	1,823,928
Washington State University	381,720	(45,572)	336,148	552,223	(9,595)	542,628
Eastern Washington University	103,396	(15,619)	87,777	120,098	(2,829)	117,269
Central Washington University	88,061	(12,135)	75,926	111,346	(2,408)	108,938
The Evergreen State College	55,374	(8,052)	47,322	61,674	(1,185)	60,489
Western Washington University	115,445	(16,959)	98,486	134,425	(3,165)	131,260
<b>Other Education</b>	109,949	(4,292)	105,657	156,460	(5,020)	151,440
Compact for Education	101	(3)	98	101	(3)	98
Higher Education Coordinating Board	79,531	(300)	79,231	83,127	(300)	82,827
WA Institute of Applied Technology	3,143	(3,143)	0	3,749	(3,749)	0
Work Force Training Board	4,043	(122)	3,921	37,566	(122)	37,444
Joint Center for Higher Education	613	(15)	598	613	(15)	598
Higher Education Personnel Board	0	0	0	2,405	(122)	2,283
State Library	14,495	(532)	13,963	19,212	(532)	18,680
Washington State Arts Commission	4,706	(86)	4,620	5,606	(86)	5,520
Washington State Historical Society	1,278	28	1,306	1,831	28	1,859
East Wash State Historical Society	922	(51)	871	998	(51)	947
State Capitol Historical Association	1,117	(68)	1,049	1,252	(68)	1,184
<b>Total Education</b>	<b>9,443,433</b>	<b>(301,477)</b>	<b>9,141,956</b>	<b>11,570,869</b>	<b>(82,983)</b>	<b>11,487,886</b>

NOTE: University of Washington received \$50,000 GF—S appropriation from SSB 5008 (Chapter 251, Laws of 1991).

VTIs were transferred to the Community College System in the 1992 legislative session. Amounts were transferred from WIAT and SPI (\$82,307,000 GF—S and \$5,306,000 in other funds). In addition, \$7,800,000 GF—S was appropriated for Technical College Account Lag in the 1992 Supplemental Budget.

1991—93 Appropriations reclassified the following amounts from GF—S to Operating Fees Accounts: University of Washington — \$72,273,000; Washington State University — \$35,262,000; Eastern Washington University — \$12,670,000; Central Washington University — \$9,663,000; The Evergreen State College — \$6,835,000; Western Washington University — \$13,681,000; and Community Colleges — \$60,697,000.

# Washington State Operating Budget Comparisons

## 1992 Supplemental Budget Summary

### TOTAL PUBLIC SCHOOLS (Dollars in Thousands)

	General Fund—State			Total All Funds		
	1991—93	'92 SESS	TOT 91—93	1991—93	'92 SESS	TOT 91—93
State Office Administration	23,813	(1,523)	22,290	37,355	(1,523)	35,832
General Apportionment	5,215,683	(28,062)	5,187,621	5,215,683	(28,062)	5,187,621
Pupil Transportation	292,126	7,228	299,354	292,126	7,228	299,354
Voc Tech Institutes and Adult Education	86,545	(74,200)	12,345	86,545	(74,200)	12,345
School Food Services	6,000	0	6,000	203,000	0	203,000
Handicapped Education	691,346	462	691,808	775,246	462	775,708
Traffic Safety Education	0	2,203	2,203	5,321	5,240	10,561
Educational Service Districts	11,070	(599)	10,471	11,070	(599)	10,471
Levy Equalization	144,606	4,638	149,244	144,606	4,638	149,244
Education Consolidation/Improvement Act	0	0	0	178,000	0	178,000
Indian Education	0	0	0	332	0	332
Institutional Education	24,950	(29)	24,921	32,650	(29)	32,621
Adult Basic Education	0	0	0	4,700	(4,700)	0
Education of Highly Capable Students	10,398	(466)	9,932	10,398	(466)	9,932
School District Support	6,155	(509)	5,646	25,749	(509)	25,240
Special and Pilot Programs	62,036	(17,889)	44,147	73,536	(17,889)	55,647
Federal Encumbrances	0	0	0	51,216	0	51,216
Transitional Bilingual Instruction	23,882	5,833	29,715	23,882	5,833	29,715
Remediation Assistance	91,732	741	92,473	91,732	741	92,473
Educational Clinics	3,584	(179)	3,405	3,584	(179)	3,405
Education Enhancement	58,724	(1,014)	57,710	58,724	(1,014)	57,710
Schools for the Blind and Deaf	19,107	(665)	18,442	19,410	(665)	18,745
Compensation Adjustments	402,416	(19,280)	383,136	402,416	(19,280)	383,136
Teachers' Retirement	7,450	750	8,200	7,450	750	8,200
<b>Total Public Schools</b>	<b>7,181,623</b>	<b>(122,560)</b>	<b>7,059,063</b>	<b>7,754,731</b>	<b>(124,223)</b>	<b>7,630,508</b>

# Washington State Operating Budget Comparisons

## 1992 Supplemental Budget Summary

### TOTAL SPECIAL APPROPRIATIONS (Dollars in Thousands)

	General Fund—State			Total All Funds		
	1991-93	'92 SESS	TOT 91-93	1991-93	'92 SESS	TOT 91-93
Bond Retirement and Interest	600,303	(9,600)	590,703	1,009,464	(9,600)	999,864
Special Appropriations to the Governor	3,042	844	3,886	3,892	844	4,736
Treasurer's Transfers	0	0	0	0	0	0
Belated Claims	800	(38)	762	800	(38)	762
Sundry Claims	10	788	798	10	788	798
Tort Claims	9,532	(1,369)	8,163	24,784	(3,026)	21,758
State Employee Compensation Adjustments	115,019	(7,709)	107,310	241,654	(8,357)	233,297
Agency Loans	13,266	0	13,266	13,266	0	13,266
Contributions to Retirement Systems	169,804	(17,249)	152,555	172,804	(18,779)	154,025
<b>Total Special Appropriations</b>	<b>911,776</b>	<b>(34,333)</b>	<b>877,443</b>	<b>1,466,674</b>	<b>(38,168)</b>	<b>1,428,506</b>

## Supplemental Capital Budget (ESHB 2552)

### 1992 Supplemental Capital Appropriation (ESHB 2552)

Project Title	Bill Section #	Governor's Budget	Legislative Budget	State GO Bonds
<b>Office of the Secretary of State</b>	Sec 1			
Central Washington Archives		360,000	360,000	360,000
<b>TOTAL</b>		<b>360,000</b>	<b>360,000</b>	<b>360,000</b>
<b>Office of Financial Management</b>	Sec 2			
Environ Cleanup Underground Storage		1,641,000	1,026,000	1,026,000
<b>TOTAL</b>		<b>1,641,000</b>	<b>1,026,000</b>	<b>1,026,000</b>
<b>Department of Community Development</b>	Sec 5			
Resource Center For Handicapped		0	(300,000)	(300,000)
Columbia River Renaissance		0	1,800,000	1,800,000
Pacific Science Center		0	1,061,000	1,061,000
Martin Luther King Memorial		0	100,000	100,000
Whatcom Museum		0	300,000	300,000
Trade, Recreation, Agricultural Center		0	1,800,000	1,800,000
Building for the Arts, Broadway Theater Dist		0	510,000	510,000
Challenger Center - Museum of Flight		0	800,000	800,000
1878 Constitution Convention Site		0	75,000	75,000
Public Works Needs Assessment		0	150,000	0
Emergency Repairs: Fire Training Center		50,000	50,000	50,000
<b>TOTAL</b>		<b>50,000</b>	<b>6,346,000</b>	<b>6,196,000</b>
<b>Department of General Administration</b>	Sec 3			
Library For The Blind		0	1,900,000	1,900,000
State Library Floor Tile Repair		300,000	300,000	300,000
Condition Assessment GA Facilities		110,000	0	0
Minor Works: Fund Source Switch		0	0	3,422,000
OB2 Air System		1,000,000	1,000,000	1,000,000
Puyallup Land Acquisition		221,000	221,000	221,000
Legislature Bldg Repairs		0	250,000	250,000
Data Center Land Acquisition		0	2,100,000	0
State Facility Co-location		0	225,000	225,000
<b>TOTAL</b>		<b>1,631,000</b>	<b>5,996,000</b>	<b>7,318,000</b>
<b>Department of Information Services</b>	Sec 4			
DIS Data Center & Office Building		5,200,000	1,184,000	0
<b>TOTAL</b>		<b>5,200,000</b>	<b>1,184,000</b>	<b>0</b>
<b>Washington State Patrol</b>	<i>see Transportation Budget</i>			
WSP Headquarters Facility - Olympia		45,325,000	0	0
<b>TOTAL</b>		<b>45,325,000</b>	<b>0</b>	<b>0</b>

# Supplemental Capital Budget (ESHB 2552)

## 1992 Supplemental Capital Appropriation (ESHB 2552)

Project Title	Bill Section #	Governor's Budget	Legislative Budget	State GO Bonds
<b>Department of Labor and Industries</b>				
	Sec 7			
State Employee Child Care Center		1,100,000	70,000	70,000
<b>TOTAL</b>		<b>1,100,000</b>	<b>70,000</b>	<b>70,000</b>
<b>Department of Social and Health Services</b>				
	Sec 8			
Echo Glen Security		(350,000)	(350,000)	(350,000)
Eastern State Hospital		(600,000)	(600,000)	(600,000)
Child Study Center: Ed Facility		1,800,000	1,800,000	1,800,000
Ref 37: Handicapped Facilities		0	0	88,556
<b>TOTAL</b>		<b>850,000</b>	<b>850,000</b>	<b>938,556</b>
<b>Department of Veterans' Affairs</b>				
	Sec 10			
WA Soldiers Home: Alzheimer Unit		126,445	126,445	126,445
Korean War Memorial		0	50,000	50,000
<b>TOTAL</b>		<b>126,445</b>	<b>176,445</b>	<b>176,445</b>
<b>Department of Corrections</b>				
	Sec 11			
Transfer DEA Funds		0	0	5,900,000
Land Acquis: Adjacent Coyote Ridge		24,000	24,000	24,000
Mental Health Planning		200,000	200,000	200,000
Dayton Camp Elimination		(10,045,000)	0	0
Renovations: WA Women Correct Center		7,709,000	7,709,000	7,709,000
<b>TOTAL</b>		<b>(2,112,000)</b>	<b>7,933,000</b>	<b>13,833,000</b>
<b>State Board of Education</b>				
	Sec 24			
Public School Building Construction		135,500,000	135,300,000	0
<b>TOTAL</b>		<b>135,500,000</b>	<b>135,300,000</b>	<b>0</b>
<b>Superintendent of Public Instruction</b>				
	Sec 25			
Before-and-After School Child Care		0	375,000	375,000
<b>TOTAL</b>		<b>0</b>	<b>375,000</b>	<b>375,000</b>
<b>University of Washington</b>				
	Sec 26			
Physical Safety		0	60,000	60,000
School of Business Expansion		650,000	650,000	650,000
Burke Museum		0	2,200,000	2,200,000
Henry Gallery		0	300,000	300,000
<b>TOTAL</b>		<b>650,000</b>	<b>3,210,000</b>	<b>3,210,000</b>

## Supplemental Capital Budget (ESHB 2552)

### 1992 Supplemental Capital Appropriation (ESHB 2552)

Project Title	Bill Section #	Governor's Budget	Legislative Budget	State GO Bonds
<b>Eastern Washington University</b>	Sec 28			
DNR Land Purchase		0	175,000	0
EWU Spokane Center Computer Lab		0	600,000	0
<b>TOTAL</b>		0	775,000	0
<b>Department of Ecology</b>	Sec 12			
Flood Control Assistance Grants	Vetoed	0	4,000,000	4,000,000
Wetlands Mapping	Vetoed	0	350,000	0
Water Disposal Referendum 39		(1,585,820)	(1,585,820)	0
Water Quality Account	Vetoed	0	(12,921,000)	0
Water Pollution Facility Loans		0	83,047,000	0
<b>TOTAL</b>		(1,585,820)	72,890,180	4,000,000
<b>Washington State Dairy Commission</b>	Sec 16			
Acquire Permanent Facility		0	900,000	0
<b>TOTAL</b>		0	900,000	0
<b>State Parks and Recreation Comm</b>	Sec 13-15 & 21			
Trustland Transfer Payment		0	8,000,000	0
Deception Pass Renovate Sewer System		283,180	283,180	283,180
Sewer Facilities		1,585,820	1,585,820	0
Olmstead Place Interp Center		0	93,000	93,000
Chuckanut Hill		0	500,000	0
Bogachiel Park Emergency Repairs	Vetoed	0	50,000	50,000
Flaming Geyser Bridge		0	90,000	90,000
<b>TOTAL</b>		1,869,000	10,602,000	516,180
<b>Interagency Comm for Outdoor Recreation</b>	Sec 17			
Rebuild Clear Creek Dam		1,550,000	1,550,000	1,550,000
Wildlife/Recreation FY 93 Local Funding		0	750,000	750,000
<b>TOTAL</b>		1,550,000	2,300,000	2,300,000
<b>Dept of Trade and Economic Development</b>	Sec 18			
Washington Technology Center		1,000,000	1,000,000	1,000,000
<b>TOTAL</b>		1,000,000	1,000,000	1,000,000
<b>Department of Fisheries</b>	Sec 19			
Salmon Enhancement Fund Switch		0	0	513,311
Habitat Management		1,600,000	1,600,000	0
<b>TOTAL</b>		1,600,000	1,600,000	513,311

# Supplemental Capital Budget (ESHB 2552)

## 1992 Supplemental Capital Appropriation (ESHB 2552)

Project Title	Bill Section #	Governor's Budget	Legislative Budget	State GO Bonds
<b>Department of Wildlife</b>	Sec 20			
Skagit Dike Repair		0	145,000	145,000
Hood Canal Wetlands Interp Center		0	500,000	500,000
Luhrs Landing Repair		40,000	40,000	40,000
<b>TOTAL</b>		40,000	685,000	685,000
<b>Department of Natural Resources</b>	Sec 22			
Land Replacement Account		0	30,000,000	0
<b>TOTAL</b>		0	30,000,000	0
<b>State Convention and Trade Center</b>	Sec 23			
Minor Works		1,050,000	1,050,000	0
<b>TOTAL</b>		1,050,000	1,050,000	0
<b>Community College System</b>	Sec 29			
Bates Tech College-Facility Completion		108,000	108,000	108,000
Clover Park Tech Roof Repair		189,000	189,000	189,000
Lake Washington VTI		2,291,200	2,291,200	2,291,200
Seattle Vocational Technical College		0	100,000	100,000
Wenatchee Valley CC Remodel		0	250,000	250,000
Columbia Basin: Mechanical Repair		191,000	281,600	281,600
Edmonds Community College Storage Space		(240,000)	0	0
Olympic College: Electrical Repair		100,000	100,000	100,000
<b>TOTAL</b>		2,639,200	3,319,800	3,319,800
<b>Total of 1992 Capital Appropriations</b>		198,483,825	287,948,425	45,837,292
<b>Governor Vetoes</b>			8,521,000	(4,050,000)
<b>GRAND TOTAL</b>		198,483,825	296,469,425	41,787,292

## 1992 Supplemental Transportation Budget (ESHB 2553)

### 1992 Supplemental Transportation Budget (ESHB 2553)

#### AGENCY SUMMARY (Dollars in Thousands)

Agency	1991-93 Appropriations	1992 Supplemental	1991-93 Total Budget	Percent Increase
Department of Transportation	\$1,994,014	\$134,322	\$2,128,336	6.7%
State Patrol	205,931	1,347	207,278	0.7%
Transportation Improvement Board	155,848	0	155,848	0.0%
Department of Licensing	120,893	4,307	125,200	3.6%
County Road Administration Board	61,030	1,418	62,448	2.3%
Traffic Safety Commission	6,185	0	6,185	0.0%
Legislative Transportation Committee	3,978	(123)	3,855	-3.1%
Transportation Commission	1,500	0	1,500	0.0%
Energy Office	953	0	953	0.0%
Air Transportation Commission	553	356	909	64.4%
LEAP Committee	389	0	389	0.0%
Marine Employees Commission	334	0	334	0.0%
Department of Agriculture	209	200	409	95.7%
Board of Pilotage Commissioners	185	0	185	0.0%
Office of Financial Management	112	0	112	0.0%
<b>TOTAL TRANSPORTATION</b>	<b>\$2,552,114</b>	<b>\$141,827</b>	<b>\$2,693,941</b>	<b>5.6%</b>

**1992 Supplemental Transportation Budget (ESHB 2553)**

**BUDGET HIGHLIGHTS**

(Dollars In Millions)

<b>DEPARTMENT OF TRANSPORTATION</b>	<b>As Enacted</b>
Federal Interstate Program Based on ISTEA	\$83.0
SR 509 - Puyallup Tribal Settlement	8.0
SR 160 - Slide Repairs	5.0
Urban Mobility Office	1.0
Federal Demonstration Highway Projects	15.7
Cross Sound Study Implementation	0.5
Transit Agency Grants	0.3
Kent Area Headquarters Fire	1.3
Environmental - Groundwater Pollution	2.2
Jumbo Ferry Construction	10.0
Work Diversity Training	1.0
Rest Area Development	2.0
Additional AMTRAK Improvements (Total = \$5 M)	3.5
Public Transportation Administration	0.3
Incident Response	0.7
Technical Corrections	1.8
Port Engineer - Marine - Booz-Allen Study	0.1
<b>WASHINGTON STATE PATROL</b>	
Everett District Headquarters	\$1.3
Safety Education Funded - 2nd Year	1.4
Commercial Vehicle Enforcement - 2nd Year	1.6
Pension Adjustment (HB 2693/SB 6286)	0.5
<b>DEPARTMENT OF LICENSING</b>	
Licensing Application Migration Project (LAMP)	\$6.6
Mail-In Renewal - Statewide	0.3
Driver's License Facilities	0.7
<b>OTHER AGENCIES</b>	
County Road Administration Board	\$1.4
Department of Agriculture - Fuel Quality Testing	0.2
Air Transportation Commission	0.4
Transportation Executive Information System	0.3

### Sunset Legislation

**Background:** The Washington State Sunset Act (Chapter 43.131 RCW) was adopted in 1977 as a means to improve legislative oversight of state agencies and programs. The sunset process provides an automatic termination of selected state agencies, programs and statutes. One year prior to termination, program and fiscal reviews are conducted by the Legislative Budget Committee and the Office of Financial Management. The program reviews are intended to assist the Legislature in determining whether agencies and programs should be allowed to terminate automatically or be reauthorized by legislative action in either their current or modified form prior to the termination date.

**Session Summary:** The Legislative Budget Committee submitted three performance audit reports to the Legislature in 1992. The reports covered the Center for International Trade in Forest Products (CINTRAFOR), the International Marketing Program for Agricultural Commodities and Trade (IMPACT), and the Basic Health Plan. Legislation was enacted which extended the sunset dates for CINTRAFOR, IMPACT, and the Department of Information Services (DIS). Legislation extending the Basic Health Plan beyond its 1993 termination date was proposed but was not enacted by the Legislature. In addition, the Emergency Medical Services Advisory Committee was extended and removed from the sunset process.

---

#### Programs with Sunset Dates Extended

---

**Center for International Trade in  
Forest Products (CINTRAFOR)**

Extended to June 30, 1994      ESB 6023 (C 121 L 92)

**International Marketing Program for  
Agricultural Commodities and Trade (IMPACT)**

Extended to June 30, 1996      EHB 2316 (C 95 L 92)

**Department of Information Services (DIS)**

Extended to June 30, 1996      SHB 2814 (C 20 L 92)

---

#### Programs Extended without Sunset Provisions

---

**Emergency Medical**

**Services Advisory Committee**      SB 6032 (C 84 L 92)

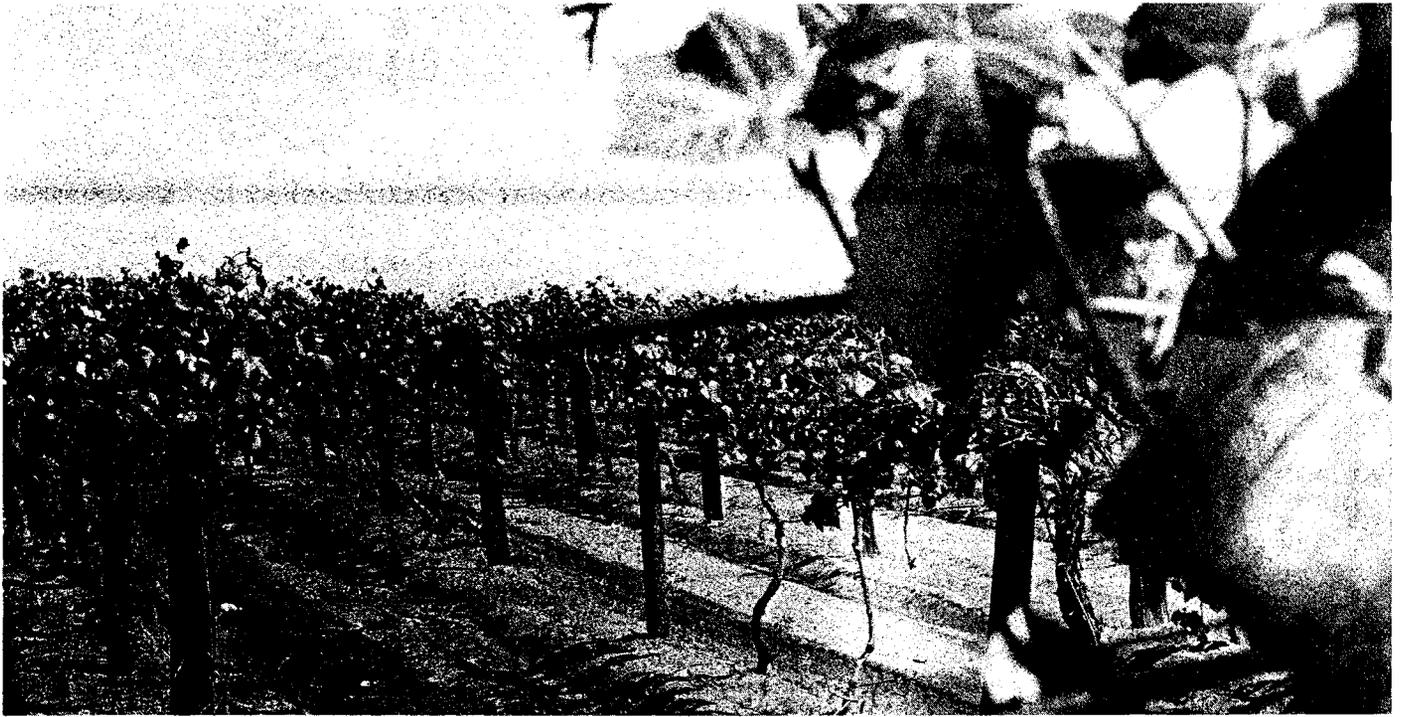
---

#### Programs to Terminate without Sunset Provisions

---

**Basic Health Plan**

June 30, 1993

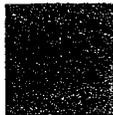


**Section II -  
Veto Messages**

**House Bills  
Senate Bills**



*Photos: Fruit and vegetables are an important agricultural commodity in Washington, from the vineyards in Yakima to the verdant fields in the Puyallup valley.*



**This Page Intentionally Left Blank**



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

April 2, 1992

To the Honorable, the House  
of Representatives of the  
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Engrossed Substitute House Bill No. 1495 entitled:

"AN ACT Relating to the protection of consumers in the sale of lands."

Section 3 of Engrossed Substitute House Bill No. 1495 provides conditions under which developers are exempt from complying with the consumer protections afforded under the land development act. Section 3(16) exempts from regulation certain developments in cities and counties with comprehensive land use plans and development regulations under the Growth Management Act. It is inappropriate to replace a consumer protection law with an environmental protection law. This provides an opportunity for unscrupulous developers to circumvent the entire chapter just because the property being sold is located in a county with a comprehensive plan. Additional unacceptable opportunities for circumventing the provisions of this chapter exist in section 3(15).

For these reasons, I have vetoed section 3 of Engrossed Substitute House Bill No. 1495.

With the exception of section 3, Engrossed Substitute House Bill No. 1495 is approved.

Respectfully submitted,

Booth Gardner  
Governor



STATE OF WASHINGTON

OFFICE OF THE GOVERNOR

OLYMPIA

98504-0413

BOOTH GARDNER  
GOVERNOR

April 2, 1992

To the Honorable, the House  
of Representatives of the  
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval Engrossed Substitute House Bill No. 2274 entitled:

"AN ACT Relating to employee privacy."

Engrossed Substitute House Bill No. 2274 addresses a problem that does not presently exist in Washington State. The purpose of the bill is to prevent employers from unfairly discriminating against an employee because of the consumption of lawful product outside of the workplace. There is no evidence that employers are abusing their authority under current law.

In contrast, if signed, the bill would draw into question the authority of employers to offer incentives for their employees to end unhealthy forms of behavior, such as the consumption of alcohol or tobacco. For example, this state's Executive Order 88-06, which bans smoking in state buildings and offers assistance to state employees who wish to quit smoking, could be called into question. Given the health hazards associated with tobacco use, the current authority of employers to provide incentives for employees to quit smoking is good public policy. Employers should be encouraged to exercise this authority.

The bill does allow employers to distinguish between employees if their insurance policy carries a differential rate between smokers and nonsmokers. However, it is not clear whether employers who currently lack such policies would be prohibited from obtaining them in the future. To date, the legislature hasn't stepped up to the task of controlling health care costs, and I believe businesses should not be prohibited from exploring options for keeping their employee health insurance plans affordable. In addition,

To the Honorable, the House  
of Representatives of the  
State of Washington

April 2, 1992

Page 2

section (1) seems to prohibit employers from discriminating against an individual for smoking on premises during nonworking hours, or for smoking off premises during working hours. This raises troubling issues. For example, it is unclear whether an employer could prohibit a child care employee from smoking around children or whether an employer could prohibit an employee from smoking in a customer's home

I am concerned that this bill, if it were to become law, would significantly increase employment litigation based on the argument that an employee was dismissed or disadvantaged because of the consumption of a legal product off premises during nonworking hours.

This veto does not affect existing laws that constrain employers from inquiring into their employee's private lives. But because there is no evidence that employers are abusing their current authority, the concerns created by the bill outweigh its possible merits.

For these reasons, I have vetoed House Bill No. 2274 in its entirety.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Booth Gardner", written in a cursive style.

Booth Gardner  
Governor



**STATE OF WASHINGTON**  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

**April 1, 1992**

To the Honorable, the House of  
Representatives of the  
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 16, Substitute House Bill No. 2319 entitled:

"AN ACT Relating to election administration."

Substitute House Bill No. 2319 creates the Election Administration and Certification Board to assure that elections are fair and efficient and that persons who work on elections are trained and well qualified.

Section 16 puts this program in jeopardy by providing that if specific funding is not included in the 1993 appropriations act, this act will become null and void. In recognition of the importance of this new program, I am eliminating this "null and void" provision.

For this reason, I have vetoed section 16 of Substitute House Bill No. 2319.

With the exception of section 16, Substitute House Bill No. 2319 is approved.

Respectfully submitted,

Booth Gardner  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

April 1, 1992

To the Honorable, the House  
of Representatives of the  
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 2344 entitled:

"AN ACT Relating to participation in criminal street gangs."

Substitute House Bill No. 2344 creates an aggravated exceptional sentence standard for crimes committed with the intent to promote, further, or assist any criminal conduct by criminal street gang members.

I agree that criminal activity motivated by the desire to further the illegal objectives of a gang should be severely punished. However, any measure that enhances a court's ability to punish people for illegal behavior must be adequately defined so as to be enforceable and equitably applied. These amendments are vague, making it unclear what circumstances would justify an exceptional sentence.

RCW 9.94A.390 illustrates aggravating circumstances a court may currently consider for imposing an exceptional sentence. These circumstances represent egregious situations when a court can determine that the purposes of the state's sentencing system would not be met by a sentence within the standard range. When criminal street gang activity represents egregious circumstances or unique criminal activity the court already has the authority to impose exceptional sentences.

## Veto Messages - House Bills

---

To the Honorable, the House  
of Representatives of the  
State of Washington

April 1, 1992

Page 2

Substitute House Bill No. 2344 singles out criminal street gangs as particularly dangerous associations. The term "street gang" itself conjures up specific stereotypical images in the public's eye - images of minority youth wearing common clothing. Unfortunately, despite efforts of the sentencing reform act to remove racial and ethnic disparity in sentencing practices, minority youth are disproportionately affected by the criminal justice system. This is particularly true with respect to exceptional sentences. I do not wish to further this disparity.

Including the term "criminal street gang," especially as vaguely defined, will send the message that one particular type of criminal association, one most often associated with minority youth, is more dangerous to society than other criminal organizations.

For these reasons, I have vetoed Substitute House Bill No. 2344. in its entirety.

Respectfully submitted,



Booth Gardner  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

April 2, 1992

To the Honorable, the House  
of Representatives of the  
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 3, 4 and 5,  
Substitute House Bill No. 2348 entitled:

"AN ACT Relating to the confidentiality of victim-identifying  
information in cases of child victims of sexual abuse."

The legislature should be applauded for advocating for the protection of privacy interests of child victims of sexual assault. Substitute House Bill No. 2348 is an attempt to regulate access to, and dissemination of, the names and identifying information of child victims of sexual assault. We have a moral obligation to protect our children from the impact of insensitive disclosure of this information. Child victims are often stigmatized by peers or traumatized by public knowledge of the events that have occurred. This traumatization makes recovery from the effects of the crime more difficult and creates a sense of continuing victimization. Victims may fear public knowledge about the events and may be reluctant to step forward and report the crime to law enforcement.

This bill takes necessary steps to assure that information on child victims of sexual assault is not disseminated. It sets a very high standard for protecting the privacy interests of child victims.

Despite the improvements made by the legislature, I am forced to veto sections 3, 4 and 5 because of the unconstitutional prior restraint placed upon the press in its efforts to publish information about sexual assault victims. The courts have consistently said that prior restraint on speech and publication is the most serious and least tolerable infringement on First Amendment rights. The courts have also stated that there may be no prior restraint on reporting what transpires in open court, whether before or during trial.

## Veto Messages - House Bills

---

To the Honorable, the House  
of Representatives of the  
State of Washington

April 2, 1992

Page 2

Were I to sign this bill into law in its entirety, there is no doubt that major provisions of this Act would be found unconstitutional.

Other provisions of Substitute House Bill No. 2348 address two areas that will strongly protect the privacy interests of child victims of sexual assault. First, none of the information about the identity of the sexual assault victim shall be disclosed. This includes information gathered by law enforcement, social service entities, and the courts. Further, the courts have the authority to close their courtrooms for good cause. Section 9 specifically says that "the court shall ensure that information identifying the child victim is not disclosed to the press or public." The court shall also "order that any portion of any court records, transcripts or recordings of court proceedings that contain information identifying the child victim shall be sealed and not opened to public inspection."

The strength of these directives prohibits the disclosure of identifying information and sends a very strong message --- a message that says we will not tolerate the infringement on the rights of child victims of sexual assault.

For these reasons, I have vetoed sections 3, 4 and 5 of Substitute House Bill No. 2348.

With the exception of sections 3, 4 and 5, Substitute House Bill No. 2348 is approved.

Respectfully submitted,



Booth Gardner  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

March 31, 1992

To the Honorable, the House  
of Representatives of the  
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5, Substitute House Bill No. 2359 entitled:

"AN ACT Relating to academic, vocational, and technological education."

Substitute House Bill No. 2359 establishes pilot projects to integrate vocational and academic education in secondary schools. Section 5 would set certain requirements for the pilot project applications submitted to the Superintendent of Public Instruction. Section 5 references requests for waivers even though the original language specifying such waivers does not appear in the substitute bill. A veto of this section is necessary to eliminate confusion with waivers.

For this reason, I have vetoed section 5 of Substitute House Bill No. 2359.

With the exception of section 5, Substitute House Bill No. 2359 is approved.

Respectfully submitted,

Booth Gardner  
Governor

C O R R E C T E D



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

March 26, 1992

To the Honorable, the House  
of Representatives of the  
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 3 and 4, House Bill No. 2374 entitled:

"AN ACT Relating to senior volunteers."

House Bill No. 2374 establishes a statutory formula for distributing funds to local retired senior volunteer programs. The legislation will provide a solid framework for funding these activities. Senior volunteer programs provide important assistance to respond to a wide range of social concerns and local needs.

I am concerned, however, with the possible confusion which may occur with the enactment of sections 3 and 4. These sections direct the Department of Community Development to act immediately to implement the bill, delay implementation of sections 1 and 2 until July 1 of this year, and enact section 3 of the bill at an intermediate date. While I believe it is important to implement this legislation rapidly, the language in these sections is contradictory and unnecessary.

For this reason, I have vetoed sections 3 and 4 of House Bill No. 2374.

With the exception of sections 3 and 4, House Bill No. 2374 is approved.

Respectfully submitted,

Booth Gardner  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

April 1, 1992

To the Honorable, the House  
of Representatives of the  
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Substitute House Bill No. 2457 entitled:

"AN ACT Relating to agricultural nuisances."

Substitute House Bill No. 2457 clarifies that a normal agricultural practice does not constitute a nuisance. Section 2 exempts vehicles hauling live farm animals from laws requiring loads to be secure while those vehicles are crossing certain ferries. This section is aimed at allowing the continued transport of livestock across the Keller Ferry on Lake Roosevelt without regard to animal waste which falls from transport vehicles.

It is my understanding that the Department of Transportation has given assurances to livestock transporters that the use of the Keller Ferry will not be denied to vehicles hauling live farm animals. As a result, section 2 is unnecessary. I urge continued cooperation between the Department of Transportation and affected parties to address any concerns about the use of the Keller Ferry.

For the reason stated above, I have vetoed section 2 of Substitute House Bill No. 2457.

With the exception of section 2, I have approved Substitute House Bill No. 2457.

Respectfully Submitted,

Booth Gardner  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

April 2, 1992

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 102, 104, 110, 111, 112, 113, 114, 207, 210, 211, 212, 301, 305, 307, 403, 404, 407 and 408, Engrossed Substitute House Bill No. 2466 entitled:

"AN ACT Relating to recommendations of the juvenile issues task force."

Engrossed Substitute House Bill No. 2466 originated from the deliberations of the Juvenile Issues Task Force. The Task Force was comprised of individuals representing a broad range of interests. It attempted a comprehensive review of the juvenile justice system and the programs provided for troubled youth and their families. The Task Force focused on three substantive areas: juvenile offenders, families at risk, and involuntary commitment and treatment.

These issues are of paramount concern. I applaud the work of the Juvenile Issues Task Force. Its job was not an easy one. Unfortunately, the job was not completed. Many provisions of Engrossed Substitute House Bill No. 2466 were left unfunded, and the burden of making the tough choices to fund these new programs was left to the next legislature.

I cannot mislead the citizens of the state into believing that Substitute House Bill No. 2466 will make important and needed changes in the lives of youths. My hope is that the newly created Joint Select Committee will address these issues with legislation and appropriate funding in the 1993 legislative session. For that reason, I find it necessary to veto the following sections of Engrossed Substitute House Bill No. 2466:

To the Honorable, the House  
of Representatives of the  
State of Washington

April 2, 1992

Page 2

#### Section 102.

This section redefines terms of the state's Juvenile Justice Act. I am concerned that the definition of "community based rehabilitation" could result in placing youths in residential or inpatient substance abuse programs as a condition of their sentence. This would limit their liberty without adequate due process as required by the state's involuntary commitment statutes. Substance abuse treatment during community based rehabilitation should be limited to outpatient programs. For this reason, I have vetoed section 102.

#### Section 104

The sentence range increases contained in this section will result in a significant caseload increase for county detention facilities. While the language would imply that this increase is optional, it is only optional for the court at the time of sentencing. Therefore, the detention facilities will have no real control over the increased sentences and the resulting case load. The fiscal impact of this section is estimated to be \$11 million for the community supervision expansion alone. The fiscal impact for detention increase would be of the same magnitude. Local governments lack the fiscal resources to accommodate this increase at this time. In addition, local governments lack the physical resources (beds) to accommodate this increased case load. Currently, many detention facilities are facing critical overcrowding problems. This section would only add to this crisis. For this reason, I have vetoed section 104.

#### Sections 110 through 114

These sections authorize counties to implement and operate youthful offender discipline programs, popularly known as "boot camps." Section 110 limits the programs to children between the ages of 14 and 18 who have been committed to the Department as serious offenders or as minor or first offenders. I believe section 110 contains a drafting error. Minor or first offenders should not be in confinement. They should instead be placed in community supervision programs. Furthermore, serious offenders are generally placed in total confinement settings separate from minor offenders. Sections 111 through 114 implement section 110. Because of the confusion created by the drafting error in section 110, I have vetoed sections 110 through 114.

#### Section 207

This section addresses alternative residential placements for children following placement in a crisis residential center. This section increases the waiting period for the Department of Social and Health Services prior to filing an alternative residential placement petition from 72 hours to 5 days.

## Veto Messages - House Bills

---

To the Honorable, the House  
of Representatives of the  
State of Washington  
April 1, 1992  
Page 3

Under requirements of this section, the Department's authority to retain a child in a crisis residential center can expire before the petition can be filed. I have vetoed this section in order to maintain the Department's current authority to file a petition before the authority to retain a child expires.

### Section 210

This section requires that the Department of Social and Health Services not administratively split code staff that provide family reconciliation services. Although the Department is in the process of accomplishing this action, I believe it is inappropriate to place such administrative requirements in statute. I have vetoed this section to allow the Department to handle such matters administratively.

### Section 211

This section requires that all placements into crisis residential centers be approved and coordinated through the family reconciliation supervisor. This administrative requirement needs flexibility and, thus, is inappropriate for inclusion in statute. I have vetoed this section to ensure that this level of administrative detail be left to the agency.

### Section 212

This section reduces the staffing in regional crisis residential centers from an average of one staff member for every two children to an average of one staff member for every three children. Children housed in crisis residential centers may pose a threat to themselves and others. This change in the staffing ratio creates a dangerous situation for both residents and staff. I have vetoed this section in order to retain a higher ratio of staff to residents and to ensure greater safety and quality of care within the crisis residential centers.

### Section 301

This section requires the Department of Social and Health Services to design and implement its services and programs to maximize receipt of federal funds. The Department has federal funding for numerous programs and has contributed toward saving millions of dollars for the state's General Fund. But, in some circumstances maximizing federal funding would result in denying needed services to many of our state's vulnerable persons. I have vetoed this section in order to allow the Department to manage its programs and services in a more flexible manner.

To the Honorable, the House  
of Representatives of the  
State of Washington

April 2, 1992

Page 4

Section 305

This section would require county designated mental health professionals to provide a written notice and evaluation report to parents of a minor who does not meet involuntary detention criteria. This would create an unnecessary and burdensome workload. For this reason, I have vetoed this section.

Section 307

This section requires a county designated chemical dependency specialist to provide a written notice and evaluation report to parents of a minor who does not meet the criteria for a commitment to a chemical dependency program. This requirement will generate an unnecessary and burdensome workload. In addition, it appears this language is in direct violation of federal confidentiality rules. For these reasons, I have vetoed this section.

Section 403

This section requires the Department to produce a study and report by a specified date. The Legislature did not provide funds to accomplish this mandate. The phrase "within existing funds" requires the Department to divert funding from other priorities in order to accomplish this study. In a period of diminishing fiscal resources, this only degrades the Department's ability to complete existing tasks and requirements. For this reason, I have vetoed this section.

Section 404

Section 404 refers to section 111 through 114. I have vetoed this section because, otherwise, it would have no meaning.

Section 407

This section declares that the purposes of this Act are solely to provide counties and the Department of Social and Health Services with authority to provide these new or expanded services within existing funds unless otherwise funded in the 1992 supplemental appropriations act. This section implies that substantive reform can be achieved without expending resources. It is inappropriate to require or force new programs on the Department or the local governments without making the conscious decision to fund them. For this reason, I have vetoed this section.

## Veto Messages - House Bills

---

To the Honorable, the House  
of Representatives of the  
State of Washington

April 2, 1992

Page 5

### Section 408

This section establishes a July 1, 1993, implementation date for numerous provisions of the Act. I believe that this precedent is an unwise one. The 1992 legislature should take responsibility for its own actions and not place the burden of funding these new requirements on the next legislature. I have vetoed this section in order to allow those referenced sections that have not been vetoed to take effect earlier.

For the reasons stated above, I have vetoed sections 102, 104, 110, 111, 112, 113, 114, 207, 210, 211, 212, 301, 305, 307, 403, 404, 407 and 408 of Engrossed Substitute House Bill No. 2466.

With the exception of sections 102, 104, 110, 111, 112, 113, 114, 207, 210, 211, 212, 301, 305, 307, 403, 404, 407 and 408, Engrossed Substitute House Bill No. 2466 is approved.

Respectfully submitted,



Booth Gardner  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

April 2, 1992

To the Honorable, the House  
of Representatives of the  
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 111 (page 5, line 8), 117 (page 8, lines 20-23), 124 (page 10, line 26), 125, 127, 128, 129(3), 136(5), 141(6), 142(3), 154, 201 (page 26, lines 6 and 7), 203(3), 205(1)(g), 205(2)(c), 210(10), 210(11), 211(5), 211(6), 222 (page 58, lines 10 and 11), 222 (page 61, lines 15 through 18), 222(3), 222(32), 223, 227, 229 (page 72, lines 23 and 24), 303 (page 83, lines 14 and 15), 303 (page 83, line 18), 307 (page 91, lines 19 and 20), 307(9), 311 (page 96, lines 3 and 4), 610(3)(a), 704, 802 (page 194, lines 15-17), 802 (page 195, lines 17, 18, 19 and 20), 903, 906, 909 and 910, Engrossed Substitute House Bill No. 2470 entitled:

"AN ACT Relating to fiscal matters."

My reasons for vetoing these sections are as follows:

Section 111, page 5, line 8, Court of Appeals

This section reduces the appropriation for the Court of Appeals by \$371,000 from the level included in section 111, chapter 16, Laws of 1991, 1st special session, and includes language (also present in sections 109 (Supreme Court) and 113 (Administrator for the Courts)) that allows the Supreme Court, the Court of Appeals, and the Administrator for the Courts, by mutual agreement to utilize their state General Fund appropriations "to make efficient and effective use of available financial resources within the entire judicial branch." I am convinced that the total state General Fund appropriations to these agencies is insufficient to allow the performance of the essential functions of these agencies. I have vetoed only the appropriation in this section, restoring \$371,000 in appropriations to be used, pursuant to the retained proviso language, to meet the financial requirements of the three judicial agencies.

## Veto Messages - House Bills

---

To the Honorable, the House  
of Representatives of the  
State of Washington

April 2, 1992

Page 2

### Section 117, page 8, lines 20-23, Gratuity Tracking System (Public Disclosure Commission)

The proviso in this section requires the agency to expend \$25,000 to implement a gratuity tracking system. I accept the legislature's decision to reduce the appropriation to the agency by \$122,000. Because this reduction is \$25,000 greater than my recommendation, I have vetoed this proviso and directed the agency to determine how much, if any, of its appropriation can be made available for this system.

### Shellfish Litigation

Section 124, page 10, line 26 (Attorney General)

Section 125, page 12, (Attorney General)

Section 311, page 96, lines 3 and 4 (Department of Fisheries)

The General Fund-State appropriation for the Attorney General includes \$915,000 for legal costs related to tribal shellfish litigation. I have returned the Attorney General's General Fund-State appropriation to the \$6.3 million originally provided by section 124, chapter 16, Laws of 1991, 1st special session.

Section 125 provides \$915,000 in the Attorney General's budget for shellfish litigation expenses. While resolution of the issue of tribal shellfish rights is important, it is unlikely that the full \$915,000 will be required for litigation expenses this biennium. Placing this appropriation directly in the Attorney General's budget greatly reduces the ability of the other members of the state shellfish caucus to participate and influence the litigation decisions of the Attorney General. Members of the State Shellfish Caucus include the Department of Fisheries, Department of Health, State Parks and Recreation Commission, Department of Natural Resources, as well as the Attorney General. It is for these reasons that I have vetoed section 125.

In order to restore litigation funding to the Department of Fisheries, I have also vetoed the Department's General Fund-State appropriation. This will provide \$4,771,000 in additional appropriation authority to the agency. I have directed the Department to place \$3,856,000 in reserve and use \$450,000 to cover the costs of shellfish litigation for this biennium. The remaining \$465,000 will be used by the Department to cover additional litigation costs and the cost of the mediation process begun by the U.S. Fish and Wildlife Service.

### Section 127, pages 12 and 13, Office of Financial Management

This section reduces the Office of Financial Management's total appropriation by \$4,090,000 and requires the Office of Financial Management to absorb the \$300,000 cost of the Commission on Student Learning. These changes impose an unmanageable 13.9 percent reduction in the state's central financial management agency, substantially weakening its ability to support the

To the Honorable, the House  
of Representatives of the  
State of Washington

April 2, 1992

Page 3

development and monitor the implementation of budgets and substantive policy in a period when constant vigilance regarding revenues and expenditures will be needed. My veto of this section restores \$4,090,000 in appropriation authority. I have directed that \$1,218,000 of that restored appropriation be placed in reserve, thus imposing the same state General Fund percentage reduction on the Office of Financial Management (7.4 percent before providing for the Commission on Student Learning) that the supplemental budget imposed on the legislature. My veto also eliminates the increased Savings Recovery Account appropriation to the Office of Financial Management, consistent with my veto of the increase in revenue to the account provided in section 906.

Section 128, page 13, Revolving Fund (Office of Administrative Hearings)

This section reduces funding for the Office of Administrative Hearings by \$293,000. Much of the hearings workload handled by the agency is nondiscretionary and supported by nonstate General Fund sources. A reduction in funding will not reduce the demand for hearings services nor limit the number of hearings agencies need. It would only create more need for interagency agreements as a way to fund hearing services in excess of the appropriation. This veto allows the agency to bill for hearings services up to the level of its original appropriation without the need to use resources to create interagency agreements.

Section 129(3), page 14, Data Processing Revolving Fund (Department of Personnel)

This subsection reduces expenditure allotment authority from Fund 419, the Data Processing Revolving Fund, by the Department of Personnel. This reduction in expenditure authority would significantly decrease the Department's ability to develop ad hoc management reports, meet agency requests for software enhancements, and modify the payroll system to meet new requirements. In addition, this language represents an unprecedented intrusion on the Governor's authority to control expenditures from nonappropriated funds through the allotment process as established in RCW 43.88.110.

Section 136(5), page 17, Study of Nonprofit Homes (Department of Revenue)

This subsection provisos \$57,400 solely for the implementation of Substitute House Bill No. 2639 (Study of Non-Profit Homes for the Aged) from the Department's existing General Fund-State. While this study would yield information concerning the equity of tax laws as applied to homes for the aged, there were no additional funds provided to conduct the study. I have vetoed the proviso in order to give the Department flexibility. I have directed the Department to undertake a study which satisfies the essential requirements of Substitute House Bill No. 2639, within existing resources, without compromising other necessary revenue collection functions.

## Veto Messages - House Bills

---

To the Honorable, the House  
of Representatives of the  
State of Washington

April 2, 1992

Page 4

Section 141(6), page 20, Facility Support for Tenants of the Labor and Industries and the Natural Resources Buildings (Department of General Administration)

Subsection 6 provides \$849,000 of the General Administration Facilities and Services Revolving Fund appropriation for maintenance services to the Department of Labor and Industries and the Department of Natural Resources, subject to negotiations to determine the levels and prices of services. The levels and prices of facility and support services are negotiated between the Department of General Administration and the Office of Financial Management in order to provide a reasonable and equitable level of service among all state agencies. Allowing agencies to negotiate their own service levels and rates would create administrative confusion and subject agencies with less flexibility in funding to substandard service. I have vetoed this proviso and have directed the Department of General Administration to ensure that \$849,000 of the Facilities and Services Revolving Fund appropriation is employed solely in support of all of the tenants of the Department of Labor and Industries and the Department of Natural Resources buildings.

Section 142(3), page 21, Reduced Expenditures in the Data Processing Revolving Fund (Department of Information Services)

This subsection reduces by 2.5 percent the agencies' expenditures on information technology provided by the Department of Information Services, reduces the Department of Information Services' administrative and operations personnel by 21 FTEs, and directs the \$950,000 saved from the reduced staffing level to be placed in the Savings Recovery Account. I have vetoed this subsection because no savings will result from reducing the Department of Information Services staff. Agency demand for computer services creates the need for the positions, and it is the agency use of the positions which generates the billing for the services rendered. I have also vetoed section 906, which adds "savings" from these staff reductions as a revenue source to the Savings Recovery Account. I have asked the Office of Financial Management to work with agencies and the Department of Information Services to attempt to reduce agency computer service expenditures by 2.5 percent.

Section 154, page 25, Repealer Clause for Sections 101 through 152 of Chapter 16, Laws of 1991 Special Session

Engrossed Substitute House Bill No. 2470 amends appropriations originally made for the 1991-93 Biennium in 1991 special session, chapter 16, the biennial operating budget. The longstanding tradition of the legislature has been to draft supplemental appropriation measures, such as this one, in amendatory form. Thus, the legislature historically has set forth the original appropriations and amendments to them. This historical practice not only reflects the true nature of such measures, it also clearly identifies and makes visible to each member of the legislature intended changes in original

To the Honorable, the House  
of Representatives of the  
State of Washington

April 2, 1992

Page 5

biennial appropriation levels. In Part I of Engrossed Substitute House Bill No. 2470, the legislature has abandoned this longstanding practice by repealing numerous original biennial appropriations and replacing them with new appropriations.

As the Governor of this state and a former legislator, I strongly oppose the drafting method employed by the legislature in Part I. It does not provide a clear representation of proposed amendments to biennial appropriation levels and thus, does a disservice to citizens of the state and to the legislative process in which this office participates.

Moreover, the veto authority granted to the Governor by the Constitution of this state is intended to allow the Governor to object to changes in laws, including appropriation measures. By use of this untoward drafting mechanism, the legislature has attempted to thwart the very purpose of the constitutional veto authority of the Governor. Absent veto of section 154, which purports to repeal numerous sections in the 1991-93 biennial operating budget, I would have little choice but to accept the appropriations set forth in Part I of this enactment. The alternative, vetoing any or all of the appropriations in Part I of this enactment, would leave affected offices and agencies wholly without appropriations.

For these reasons, I have vetoed section 154, thereby preventing the repeal of the original appropriations in the biennial operating budget, 1991 special session, chapter 16, identified specifically in section 154 of this enactment.

For reasons fully explained elsewhere in this message, I also have vetoed certain appropriations made in Part I of this enactment. Where I have done so, the appropriation for the affected agency or office will be the original biennial appropriation for that agency or office, appearing in 1991 special session laws, chapter 16. Where I have not vetoed an appropriation contained in Part I of this enactment, the appropriation in Part I will constitute the biennial appropriation for the affected agency or office.

Section 201, page 26, lines 6 and 7, Lease Increases (Children and Family Services, Department of Social and Health Services)

This subsection provides the General Fund-State funding for Children and Family Services within the Department of Social and Health Services. The section eliminates \$2.1 million General Fund-State monies necessary to fund existing leases of local and regional Children and Family Services offices. These lease payments are unavoidable and, if left unfunded, must be paid with existing funds. A reduction of Child Protective Services/Child Welfare Services caseworkers and/or cuts in contracted services would be necessary to pay the unfunded leases. Therefore, I have directed the Department to allot \$2.1 million to fund these mandatory leases. Of the \$11,087,000 General Fund-State in additional appropriation authority, I have directed the Department to place \$8,987,000 in reserve.

## Veto Messages - House Bills

---

To the Honorable, the House  
of Representatives of the  
State of Washington

April 2, 1992

Page 6

Section 203(3), page 33, Civil Commitment Center (Mental Health, Department of Social and Health Services)

This subsection provides funds for the Civil Commitment Center operated within the Special Offenders Unit at the Monroe Reformatory. I believe the funds appropriated are insufficient to meet the Center's programmatic needs and may compromise the facility's ability to provide legally mandated treatment. The veto of this subsection will provide \$569,000 in additional appropriation authority. I have directed the Department of Social and Health Services to place \$273,000 in reserve and use the remaining \$296,000 to adequately fund the Civil Commitment Center.

Section 205(1)(g), pages 37 and 38, Medicaid Tax Expenditures (Developmental Disabilities, Department of Social and Health Services)

This subsection provides appropriations to fund prospective rate increases for intermediate care facilities for the mentally retarded to cover the Medicaid share of the tax levied in Engrossed Substitute House Bill No. 2967. I have vetoed this proviso to avoid potential legal entanglements with the Health Care Financing Administration. This action will not jeopardize the provisions of Engrossed Substitute House Bill No. 2967.

Section 205(2)(c), page 38, Medicaid Tax Expenditures (Developmental Disabilities, Department of Social and Health Services)

This subsection provides appropriations to fund prospective rate increases for intermediate care facilities for the mentally retarded to cover the Medicaid share of the tax levied in Engrossed Substitute House Bill No. 2967. I have vetoed this proviso to avoid potential legal entanglements with the Health Care Financing Administration. This action will not jeopardize the provisions of Engrossed Substitute House Bill No. 2967.

Section 210(10), pages 43 and 44, Personal Care Program (Long Term Care, Department of Social and Health Services)

This subsection directs the Department of Social and Health Services to transfer eligible clients from the chore services program to the personal care program. The clients who are currently served within chore services receive care from family members, which is not permissible under the federally-matched personal care program. Although the subsection provides for geographic exceptions, it fails to recognize the importance of family care for those with developmental disabilities, cultural needs, and situations in which spouses provide care. Although this veto does not restore funding cuts, the Department should not be required to transfer all of these chore services clients without regard for individual circumstances.

To the Honorable, the House  
of Representatives of the  
State of Washington  
April 2, 1992  
Page 7

Section 210(11), page 44, Nursing Home Study (Long Term Care, Department of Social and Health Services)

This subsection directs the Department of Social and Health Services to analyze and identify any exceptional fiscal needs of nursing facilities whose Medicaid-paying clients number greater than 90 percent, and subsequently report the findings to the legislature. This directive creates an unnecessary and burdensome workload, especially in light of the additional staffing cuts imposed by this budget.

Section 211(5), page 45, State Supplementary Income Payments (Income Assistance, Department of Social and Health Services)

This subsection reduces the state supplement of federal Supplemental Security Income payments to 71,000 blind, disabled, and aged people. I believe the legislature did not intend to reduce the supplemental benefits provided to these most vulnerable citizens. Therefore, I have directed the Department of Social and Health Services to allocate these funds according to the policy currently in existence.

Section 211(6), page 46, Public Assistance Job Training (Income Assistance, Department of Social and Health Services)

This subsection directs the Department of Social and Health Services to implement a pilot community work experience program for clients in the General Assistance-Unemployable program. I support a community work experience program that incorporates vocational rehabilitation, job preparedness services, and medical treatment. The legislature did not, however, fund the \$1.5 million to implement the pilot program as the budget document implies. Consequently, I have vetoed this subsection and have directed the Department to implement a pilot community work experience program to the extent possible within available funds.

Section 222, page 58, lines 10 and 11, and, page 61, lines 15 through 18, General Fund-State Appropriation (Department of Community Development)

I have vetoed section 222, lines 10 and 11, the General Fund-State appropriation for the Department of Community Development, in order to aid the implementation of the Growth Management Act. Funding for the Growth Management Hearings Boards was reduced to such a degree that the Boards would not be implemented until February, 1993. The success of the Growth Management provisions enacted in 1990 and 1991 depends on these new Hearings Boards playing an effective role. The ability of these Boards to resolve disputes fairly and in a timely fashion will be critical to the success of growth management. The \$1,036,000 freed up by this veto plus the \$750,000 already included in the budget, will allow implementation of the Boards beginning May 15. The veto of section 222, lines 15 through 18, expands the spending limits for the Boards to the original level and allows the Department to spend the amount necessary to implement the Boards in May.

## Veto Messages - House Bills

---

To the Honorable, the House  
of Representatives of the  
State of Washington

April 2, 1992

Page 8

The reduction in funds provided to assist local government planning activities is unjustified and short-sighted. When the legislature passed growth management legislation in 1990 and again in 1991, it was clear that we were giving local governments a difficult job with a tough time line and that adequate funding was essential. I am directing the Department to use the amount that remains in the base budget, \$1.5 million, for grants to local governments.

Section 222(3), page 59, Mortgage Assistance (Department of Community Development)

I have vetoed the new language which restricts the Department to spending no more than 5 percent on administration. The effect of the 5 percent restriction is to further reduce the Department's budget. The proviso language fails to recognize the cost of delivering service.

Section 222(32), page 67, Wetlands Notification and Mapping (Department of Community Development)

The veto of this section is technical in nature. The appropriation is contingent on passage of Substitute Senate Bill No. 6255, Wetlands Notification. Since Senate Bill No. 6255 did not pass, this appropriation will lapse. I have vetoed this proviso to avoid confusion.

Section 223, page 67, Human Rights Commission

This section provides \$4,021,000 General Fund-State for the Human Rights Commission, \$271,000 less than the General Fund-State appropriation provided in section 221, chapter 16, Laws of 1991, 1st special session. This will result in a 33 percent reduction in travel for this agency. The ability for the Commissioners to meet in different locations to address discrimination issues and for staff to investigate complaints is too severely hampered by a cut of this magnitude. I have vetoed this section to allow the agency to restore \$26,000 for travel (a 20 percent reduction). I have requested that the balance of the restored appropriation, \$245,000, be placed in reserve.

Section 227, page 71, Indeterminate Sentence Review Board

Reductions to personal service contracts and travel will impair the Indeterminate Sentence Review Boards ability to provide statutorily mandated service levels. The only manner for the Board to accomplish these reductions would be to eliminate one Board member. While recent actions by the Board will likely reduce the Board's size in the ensuing biennium, it is not prudent, nor cost effective, at this time.

To the Honorable, the House  
of Representatives of the  
State of Washington

April 2, 1992

Page 9

The Board has initiated two different proposals to reduce the number of parolees returning to prison. The Board has a greater than anticipated workload in order to successfully implement these proposals. Delays in this implementation could result in additional prison populations and higher operational costs to the Department of Corrections which will far exceed the amount saved in the Board's appropriation.

Of the \$229,000 restored, I have directed the Board to place \$168,000 in reserve. The additional \$61,000 restores the Board to the level recommended in my original supplemental budget request.

Section 229, page 72, lines 23 and 24, Women, Infants, and Children Program  
(Department of Health)

The supplemental General Fund-State appropriation for the Department of Health includes a reduction of \$2,552,000 for the Women, Infants, and Children program. This program provides food and nutritional counseling to needy families throughout the state. The \$2,552,000, combined with newly available federal funds, will result in an additional 12,300 persons per month being served. Beyond serving more clients, restoration of this cut will enable us to take immediate advantage of anticipated additional increases in federal funding and will further my goal to improve the health of Washington's children. Children lose without adequate state support for the Women, Infants, and Children program support.

In order to restore these funds, I have vetoed the supplemental appropriation. Of the \$10,803,000 in additional appropriation authority, I have directed the Department of Health to place \$8,251,000 in reserve and use the remaining \$2,552,000 for the Women, Infants, and Children program.

Section 303, page 83, lines 14 and 15, General Fund-State Appropriation  
(Department of Ecology)

I have vetoed this subsection in order to restore funding to the Department of Ecology's Water Resources Program. The Water Resources Program has continued to make progress in addressing the backlog of water rights applications and in the formulation of a statewide policy for water resources administration through the Chelan Agreement. The reductions to the Department's budget would have reduced enforcement activity and crippled the Water Resources Program's ability to continue addressing the water rights application backlog. In addition, it would seriously curtail efforts in the development of a statewide water resources policy.

The veto of this subsection will increase the Department of Ecology's appropriation authority by \$7,515,000. This will enable the Department to restore \$785,000 to the Water Resources Program. I have directed the Department of Ecology to place the remaining \$6,730,000 in reserve.

## Veto Messages - House Bills

---

To the Honorable, the House  
of Representatives of the  
State of Washington

April 2, 1992

Page 10

Section 303, page 83, line 18, Flood Control Assistance Account (Department of Ecology)

Section 802, page 195 lines 17 and 18, General Fund transfer to Flood Control Assistance Account (Treasurer's Transfer)

Section 910, pages 205 and 206, Flood Control Assistance Account (Department of Ecology)

These sections transfer funds for the Flood Control Assistance Program from the Flood Control Assistance Account to the General Fund. Funding for this program is transferred from the operating budget to the capital budget, with an appropriation from the State Building Construction Account. While I am supportive of providing grant dollars to local communities for flood mitigation plans and projects, \$2.65 million is clearly for operating activities and should be funded from the operating budget. The proviso in section 12(9), page 70, of the capital budget precludes spending any of the appropriated funds from the State Building Construction Account on operating activities. Without funds for operating costs, the Department would not be able to provide planning grants or technical assistance to local communities, nor would the Department be able to administer the grants for flood mitigation projects which are eligible under the proviso. Without the ability to administer the grants, there would be no state oversight of the expenditure of these grant dollars.

The Department would be faced with one of two options: either redirect General Fund dollars from other programs or eliminate the Flood Control Assistance Program. Given the severity of the reductions to the Department of Ecology's budget, this program would be eliminated. Therefore, I have vetoed these sections in order to restore \$4 million to the Flood Control Assistance Account and continue this important program.

Section 307, page 91, lines 19 and 20, General Fund-State Appropriation (Department of Trade and Economic Development)

I have vetoed the General Fund-State appropriation for the Department in order to address serious shortfalls created by this budget. Of the additional \$3,671,000 in appropriation authority created by this veto, I have directed the Department of Trade and Economic Development to spend \$810,000 on timber programs, \$200,000 on tourism, and to place the remaining \$2,661,000 in reserve. The restoration of \$610,000 in the value-added program will allow continuation of the concentrated effort to increase value-added manufacturing capacity that is necessary as small wood products manufacturers are threatened with closure.

I have also directed expenditure of \$200,000 for restoration of full funding for the Timber Team Office. The Timber Team serves an important function as the central coordination point for diverse state programs which assist timber

To the Honorable, the House  
of Representatives of the  
State of Washington

April 2, 1992

Page 11

dependent communities. In addition, the Timber Team coordinates this administration's position and represents the state's interest in federal timber supply and endangered species issues. Almost 40 percent of the Timber Team budget represents pass-through funding required to replace a small portion of federal cutbacks in dislocated worker programs. It is unacceptable to eliminate the Timber Team six months before the close of the biennium. Strategically, this would put the state in a poor position to respond to federal actions that critically affect the state and would hamper coordination efforts vital to good service delivery.

Finally, I have directed the expenditure of \$200,000 to partially offset reductions to the Department's tourism program. At a time when many of our communities are struggling to strengthen and diversify their economies, adequate support for tourism development is a practical requirement. The Department will use these additional resources to bolster cooperative marketing and regional tourism assessments which are the cornerstones of its strategic plan for tourism development.

Section 307(9), pages 93 and 94, Business Network Grants (Department of Trade and Economic Development)

While I believe that business network grants that build capacity are an excellent way to provide the advantages of larger scale timber firms to many small manufacturing concerns, I have vetoed the language that requires the Department of Trade and Economic Development to spend \$500,000 to that end. The language does not give the Department the flexibility necessary to determine the viability of networks for value-added manufacturing given Washington's forest products manufacturing industry makeup. However, I have asked the Department of Trade and Economic Development to intensify efforts to pursue business network grants as an important element for promoting value-added manufacturing. I have directed the Department to spend the majority of available grant funds on business networks, if feasible.

Section 311, page 96, lines 3 and 4, Shellfish Litigation (Department of Fisheries)

As discussed previously, I have vetoed the General Fund-State appropriation revision in the Department of Fisheries in order to restore shellfish litigation funds. This veto has the effect of adding \$4,771,000 in appropriation authority. I have directed the Department to place \$3,856,000 of this amount in reserve, and use \$450,000 to cover the costs of shellfish litigation. The remaining \$465,000 will be used to cover additional litigation costs and the cost of the mediation process begun by the U.S. Fish and Wildlife Service.

## Veto Messages - House Bills

---

To the Honorable, the House  
of Representatives of the  
State of Washington

April 2, 1992

Page 12

### Section 610(3)(a), page 171, Financial Aid and Grant Program (Higher Education Coordinating Board)

This subsection caps the state need grant award to students of private schools. The cap is equal to the amount of an award receivable by a student of a state research university. However, the cap applies only to the grants from the increment of \$1,430,000 available for need grant awards due to the 1993 tuition increase.

I have vetoed this subsection because it creates an inequity of financial aid benefits between private school students receiving need grants from the state need grant base budget and students receiving need grant from the 1993 need grant increment due to the tuition increase. In addition, a cap on such a small portion of the state need grant unnecessarily complicates the administration of the state financial aid program. This veto frees up \$127,000 of appropriation, which will be placed in reserve.

### Section 704, pages 178-179, Governor's Emergency Fund

This section reduces the appropriation for emergency uses to \$862,000 for the biennium. The \$1.5 million appropriation provided in the original budget was \$500,000 below the \$2 million initially appropriated for emergency purposes in each of several previous biennial budgets. This reduction, combined with allocations already made, would leave an Emergency Fund balance of \$140,400, with 15 months remaining in the biennium. The inability to respond to emergency situations (like fires, floods, windstorm damage, major equipment failure, etc.) imposed by this reduction is unacceptable. This veto restores \$638,000 in appropriation authority to the Emergency Fund. This veto also restores the 2.5 percent allotment reduction to preserve an Emergency Fund balance at \$778,400. This is still a small balance with so much of the biennium still before us.

### Section 802, page 194, lines 15, 16 and 17 (Treasurer's Transfers)

### Section 802, page 195, lines 19 and 20 (Treasurer's Transfers)

### Section 909, page 204 and 205, Water Quality Account (Department of Ecology)

These sections reduce the transfer of General Fund dollars to the Water Quality Account by \$12,753,000. Washington state is facing increasing threats to one of its most vital resources, the state's waters. If we are to continue to make progress toward protecting Washington's surface and ground waters, it is essential that a consistent and reliable funding level be available. The Water Quality Account is a primary source of funding for local governments in addressing water quality issues. Solutions to tough pollution problems require planning, prevention, and intervention strategies, which may take

To the Honorable, the House  
of Representatives of the  
State of Washington

April 2, 1992

Page 13

years to implement. In order to dedicate sizable portions of their own resources to these strategies, local governments need to know that state funding will continue at levels that will enable them to achieve mandated state and federal water pollution requirements. Therefore, I have vetoed these sections in order to restore the statutory funding level to the Water Quality Account.

Section 903, page 196, Minimization of the Essential Requirements Level for the 1993-95 Biennium

Section 903 requires agencies (with the exception of the Department of Corrections) to make 1991-93 FTE reductions permanent, rather than assuming the positions will be funded in 1993-95. The purpose of this section is to minimize the growth of the state's budget base for the 1993-95 Biennium. While it is likely that I will consider this requirement when my 1993-95 budget is developed, I want to preserve the Governor's flexibility for the construction of its budget.

Furthermore, from a practical standpoint, it appears that this section was constructed in isolation without knowledge of the program implications of denying agencies the ability to use temporary or deferred hiring to achieve their FTE budget reductions. There may be some programs in state government that cannot provide an appropriate level of service if held to this requirement.

Section 906, pages 197 and 198, Savings Recovery Account

This amendatory section increases the amounts to be withheld from agency appropriations deposited in the Savings Recovery Account by \$5,088,000 and it includes "savings" from the Department of Information Services' rate reductions resulting from staff reductions as a source of Savings Recovery Account revenue. I have vetoed this section for two reasons. First, all but \$950,000 of the \$5,088,000 in increased revenue to the account would be drawn from savings of Efficiency Commission, Brainstorm, and Teamwork Incentive Program projects presently retained by agencies as a partial incentive to participate in such projects. The incentives and benefits to the participating agencies for the extra effort involved in the projects are stripped away by this action with the probable consequence that these worthwhile efforts will disappear. Second, staff reductions in the Department of Information Services do not create rate reductions. These proprietary positions are used to provide customers needed computing related services for which the customers are then billed. Vacated positions provide no service which can be billed, thus there can be no savings.

## Veto Messages - House Bills

---

To the Honorable, the House  
of Representatives of the  
State of Washington

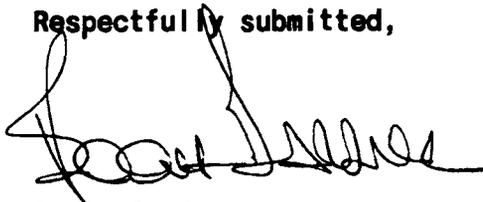
April 2, 1992

Page 14

For these reasons, I have vetoed sections 111 (page 5, line 8), 117 (page 8, lines 20-23), 124 (page 10, line 26), 125, 127, 128, 129(3), 136(5), 141(6), 142(3), 154, 201 (page 26, lines 6 and 7), 203(3), 205(1)(g), 205(2)(c), 210(10), 210(11), 211(5), 211(6), 222 (page 58, lines 10 and 11), 222 (page 61, lines 15 through 18), 222(3), 222(32), 223, 227, 229 (page 72, lines 23 and 24), 303 (page 83, lines 14 and 15), 303 (page 83, line 18), 307 (page 91, lines 19 and 20), 307(9), 311 (page 96, lines 3 and 4), 610(3)(a), 704, 802 (page 194, lines 15-17), 802 (page 195, lines 17, 18, 19 and 20), 903, 906, 909 and 910, of Engrossed Substitute House Bill No. 2470.

With the exception of sections 111 (page 5, line 8), 117 (page 8, lines 20-23), 124 (page 10, line 26), 125, 127, 128, 129(3), 136(5), 141(6), 142(3), 154, 201 (page 26, lines 6 and 7), 203(3), 205(1)(g), 205(2)(c), 210(10), 210(11), 211(5), 211(6), 222 (page 58, lines 10 and 11), 222 (page 61, lines 15 through 18), 222(3), 222(32), 223, 227, 229 (page 72, lines 23 and 24), 303 (page 83, lines 14 and 15), 303 (page 83, line 18), 307 (page 91, lines 19 and 20), 307(9), 311 (page 96, lines 3 and 4), 610(3)(a), 704, 802 (page 194, lines 15-17), 802 (page 195, lines 17, 18, 19 and 20), 903, 906, 909 and 910, Engrossed Substitute House Bill No. 2470 is approved.

Respectfully submitted,



Booth Gardner  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

April 2, 1992

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. 2498 entitled:

"AN ACT Relating to regulatory fairness."

Substitute House Bill No. 2498 amends a number of statutes to increase procedural protections for small business in the regulatory process.

Section 7 has a drafting error. Section 7 is applicable only to requirements included in an earlier draft. This faulty reference renders the provision moot.

Because of this technical flaw, I have vetoed section 7 of this bill.

With the exception of section 7, Substitute House Bill No. 2498 is approved.

Respectfully submitted,

Booth Gardner  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

April 2, 1992

To the Honorable, the House  
of Representatives of the  
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 6, 12(5), 12(9), 12(11), 13(4), 15, 24(8)(e), and 31(3)(z) of Engrossed Substitute House Bill No. 2552 entitled:

"AN ACT Relating to the capital budget."

My reasons for vetoing these sections are as follows:

Section 6, Department of Community Development and  
Section 12(11), Transfer to Department of Community Development

These sections direct the Department of Ecology to transfer \$350,000 from the Water Quality Account to the Department of Community Development to implement a wetland notification program. This is an improper use of funds from the Water Quality Account. RCW 70.146.030(2) states that "the Department may use or permit the use of any monies in the account to make grants to public bodies . . . for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement . . ." The property owner notification program does not meet these criteria. Also, the transfer of funds from Ecology to the Department of Community Development, which in turn is directed to make grants to local governments, clearly indicates that the Department of Community Development and not Ecology will be administering these funds. This is contrary to RCW 70.146.030, which states that the "Water Quality Account may be used only in a manner consistent with this chapter. Monies deposited in the account shall be administered by the Department of Ecology . . ."

To the Honorable, the House  
of Representatives of the  
State of Washington

April 2, 1992

Page 2

While the legislature could have amended chapter 70.146 RCW to allow these actions, the legislature's failure to do so renders this budget item legally suspect.

Given the legal questions surrounding this issue, I have vetoed these items.

I do, however, agree that local efforts to implement the Growth Management Act will not be successful unless critical area activities, such as wetland designation and protection, are accomplished with extensive notification and involvement of all affected parties and the public-at-large. I have, therefore, directed the Department of Community Development to provide technical assistance relating to such notification and involvement and, if necessary, to develop procedural criteria under the Growth Management Act to ensure that this occurs.

#### Section 12(5), Water Quality Account

This section reduces the appropriation to the Department of Ecology's Water Quality Account by \$12,921,000. Washington State is facing increasing threats to one of our most vital resources, our state's waters. If we are to continue to make progress toward protecting Washington's surface and ground waters, it is essential that a consistent and reliable funding level be available, particularly for local governments. Solutions to tough pollution problems require planning, prevention, and intervention strategies, which may take years to implement. In order to dedicate sizable portions of their own resources to these long-term strategies, local governments need to know that state funding will continue at levels that will enable them to achieve mandated state and federal water pollution requirements. Therefore, I have vetoed this section in order to restore the funding level to the Water Quality Account.

The amended proviso language in this section implies that the needs assessment should consider only the existing source of revenues for the Water Quality Account. When the Water Quality Account was established, the legislature specifically included the General Fund subsidy because revenues from the tax on tobacco products were projected to be inadequate. The General Fund subsidy is necessary in order to provide a stable funding source to address water quality needs. Therefore, I have vetoed the new language in this proviso.

#### Section 12(9), Flood Control Assistance Account

This section appropriates \$4 million to the Flood Control Assistance program from the State Building Construction Account. This program was transferred from the operating budget to the capital budget. While I support this program, which provides grant dollars to local communities for flood mitigation plans and projects, most are operating activities and should be funded from the operating budget. The proviso in this section precludes spending any of these funds on operating activities. The Department of Ecology would not be able to effectively administer this program and would

## Veto Messages - House Bills

---

To the Honorable, the House  
of Representatives of the  
State of Washington

April 2, 1992

Page 3

either have to redirect funds from other General Fund programs or be forced to eliminate the program. Given the severity of the budget reductions to the Department of Ecology, this program would need to be eliminated. Therefore, I have vetoed this section, along with the corresponding sections related to fund transfers in the operating budget. I have directed the Department to continue this program with funds that are made available by corresponding vetoes in the operating budget.

### Section 13(4), State Parks and Recreation Commission/Bogachiel State Park

While I recognize that the facilities at Bogachiel State Park have suffered significant damage from storms, an additional appropriation to the State Parks and Recreation Commission is not required to effect needed repairs. The Commission received a \$350,000 appropriation in section 19(41) of the 1991-93 capital budget for emergency and unforeseen needs. I have asked the agency to rely on this appropriation to make the necessary repairs at Bogachiel State Park.

### Section 15, State Parks and Recreation Commission

The language in this section is neither practical nor necessary at the present time. The legislature restored funding to operate all state parks during the remainder of the 1991-93 Biennium. Interpretive centers may close, but practical considerations would prevent the sale of these facilities to local governments. Interpretive centers are physically situated within existing state park boundaries. The ability to sell a portion of an operating state park is not addressed in the section. Furthermore, I have been assured by the State Parks and Recreation Commission that they will cooperate with any local government which desires to operate a closed interpretive facility. Should future budgetary constraints force the closure of state park facilities, the option of transferring operation and ownership to local governments can be revisited.

### Section 24(8)(e), page 86, sentence beginning on line 32 through line 37, beginning with the word "The" and ending "No. 2631." Public School Building Construction

The sentence beginning on page 86, line 32 through line 37, is unnecessary. The language allows the State Board of Education to allocate funds for financial assistance to school districts for capital planning related to the implementation of a modified school calendar or schedule as authorized in Engrossed Substitute House Bill No. 2631. The State Board currently (by WAC 180-25-030) allocates funds to school districts for capital planning. These planning grants may be for studies and surveys and include such other matters as the Superintendent of Public Instruction deems pertinent to a decision by the State Board of Education in the allocation of funds for school facilities. Therefore, the authority referenced in Engrossed Substitute House Bill No. 2631 already exists.

To the Honorable, the House  
of Representatives of the  
State of Washington

April 2, 1992

Page 4

Section 31(3)(z), Lease or Lease Purchase of a Computing and  
Telecommunications Center for the Community and Technical College System

This subsection authorizes the Computing and Telecommunications Center to find a facility to lease, lease/purchase, or lease/develop. It is not clear whether the \$5 million authorized is sufficient to accomplish the agency's space needs. No documentation has been provided explaining the scope, size, or cost of the proposed facility. The effect of this project on the operating budgets of the community colleges supporting the Computing and Telecommunications Center is not explained. The existing lease for the current Computing and Telecommunications Center expires in the fall of 1996, providing ample time for the Computing and Telecommunications Center to request and fully document the need for a permanent facility in the normal capital budget process.

For the reasons stated above, I have vetoed sections 6, 12(5), 12(9), 12(11), 13(4), 15, 24(8)(e), and 31(3)(z) of Engrossed Substitute House Bill No. 2552.

With the exception of sections 6, 12(5), 12(9), 12(11), 13(4), 15, 24(8)(e), and 31(3)(z), Engrossed Substitute House Bill No. 2552 is approved.

Respectfully submitted,



Booth Gardner  
Governor



**STATE OF WASHINGTON**  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

April 1, 1992

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 15(6), 22 (page 20 lines 12 and 13), 22(9), and 29 of Engrossed Substitute House Bill No. 2553 entitled:

"AN ACT Relating to Transportation Appropriations"

Section 15(6), Highway Construction - Program B

Section 15(6) requires the Department of Transportation to adhere to the 1987 federal delineation of wetlands for mitigation purposes. As drafted, this proviso only applies to the interstate construction program rather than the non-interstate new construction program.

Since local jurisdictions may require the Department of Transportation to adhere to more stringent guidelines than those set forth in the 1987 federal delineation manual, this language could confuse the delivery of necessary interstate projects. Further, it is inappropriate to adopt state wetland standards on a piecemeal basis within a budget document.

To the Honorable, the House  
of Representatives of the  
State of Washington

April 1, 1992

Page 2

Section 22 (page 20 lines 12 and 13), and Section 22(9), Planning, Research,  
and Public Transportation - Program T

This \$100,000 appropriation and proviso fund a study on the interrelationship of land use planning and zoning to transit ridership. The study funding is contingent on the enactment of the METRO Municipal Corporation bill (Senate Bill No. 6209) or the Transportation Authorities bill (Engrossed House Bill No. 2830). The Legislature did not pass either of these bills. Therefore, the study and funding are no longer appropriate.

Section 29, Office of Financial Management Study of General Administration  
Charges

Section 29 requires the Office of Financial Management to conduct a study of the methods used by the revolving fund agencies to charge for services provided to the transportation agencies. Such a review is currently underway. Therefore, this study is not necessary. My staff will coordinate the transportation agencies and the revolving fund agencies to discuss services provided, allocation methodologies, and rate charges.

For these reasons, I have vetoed sections 15(6), 22 (page 20 lines 12 and 13), 22(9), and 29 of Engrossed Substitute House Bill No. 2553.

With the exception of sections 15(6), 22 (page 20 lines 12 and 13), 22(9), and 29, Engrossed Substitute House Bill No. 2553 is approved.

Respectfully submitted,



Booth Gardner  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

April 2, 1992

To the Honorable, the House  
of Representatives of the  
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 2659  
entitled:

"AN ACT Relating to the retained percentage from a public  
works contract held in trust for labor and material liens  
and for the protection of the owner."

Substitute House Bill No. 2659 clarifies the language on contract retainage in  
Chapter 60.28. Subsequent to the passage of this bill, the legislature passed  
Substitute House Bill No. 1736 which also amended Chapter 60.28. Substitute  
House Bill No. 1736 makes additional improvements to ensure prompt return of  
retainage once a contractor has completed a public works contract. The  
language in that bill regarding contract retainage is preferable to the  
language in Substitute House Bill No. 2659.

For this reason, I have vetoed Substitute House Bill No. 2659 in its entirety.

Respectfully submitted,

Booth Gardner  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

April 2, 1992

To the Honorable, the House  
of Representatives of the  
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Substitute House Bill No. 2660 entitled:

"AN ACT Relating to vehicle licenses."

In 1990, the legislature authorized counties to fix and impose a vehicle license fee in addition to the fee charged by the state. In 1991, the legislature authorized county legislative authorities to refund this fee to all senior citizens who were at least 61 years old and who had household incomes of \$18,000 or less or who were physically disabled. Section 3 was intended to change this refund mechanism to an outright exemption. The eligibility requirements of this exemption are established by reference to RCW 84.36.381, relating to senior citizen property tax exemptions. Unfortunately, in drafting the section in this manner, only those who own real property would be eligible for the exemption. I urge the Department of Licensing and the affected counties to remedy this oversight and submit the appropriate legislation in the next session.

For this reason, I have vetoed section 3 of Substitute House Bill No. 2660.

With the exception of section 3, Substitute House Bill No. 2660 is approved.

Respectfully submitted,

Booth Gardner  
Governor

C O R R E C T E D



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

April 2, 1992

To the Honorable, the House  
of Representatives of the  
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 2676 entitled:

"AN ACT Relating to economic development related projects of regional or state-wide significance."

Sections 1 through 4 of Substitute House Bill No. 2676 would authorize local governments to identify economic development projects of regional or state-wide significance during their planning activities under the Growth Management Act. Local governments may then seek both state financial assistance to offset the impacts of the project and state technical assistance.

These sections appear to be based on the assumption that the local impacts of significant economic development projects will outweigh the benefits to the local jurisdiction in which the project is sited. Local governments would be ill-advised to site a project that would not provide a future benefit to the area.

These provisions state that a local jurisdiction may seek state financial assistance to mitigate state impacts of economic development projects, but do not provide funds or a process for requesting such assistance. Absent the appropriation of funds or a process for allocating them, these provisions will not result in real help to local jurisdictions.

Section 5 provides a process for local governments planning under the Growth Management Act to site industrial and commercial development outside of urban growth areas.

To the Honorable, the House  
of Representatives of the  
State of Washington

April 2, 1992

Page 2

A major goal of growth management is to make key decisions on the location of jobs, housing, and open space up front, in order to make later siting and building decisions easier. That means our actions should, to the extent possible, encourage planning for growth, rather than continue to make land use decisions on a case-by-case or haphazard basis.

The Growth Management Act establishes an extensive appeals process. If local governments do not provide adequate land for industrial or commercial growth, the issue can be raised at local hearings. If local comprehensive plans do not include enough land, they can be challenged before new regional growth planning hearings boards. The state also has the authority to bring such challenges. We should support the process envisioned in the Growth Management Act, rather than establish a parallel process for industrial and commercial siting.

It is premature to amend the Growth Management Act for this purpose. Local governments have just begun to develop the comprehensive plans required under the Act. Urban growth areas have not yet been set, nor have decisions been made as to how much industrial or commercial development is to be accommodated, or where such activities should be located.

For these reasons, I have vetoed Substitute House Bill No. 2676 in its entirety.

Respectfully submitted,



Booth Gardner  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

April 2, 1992

To the Honorable, the House  
of Representatives of the  
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5, Substitute House Bill No. 2720 entitled:

"AN ACT Relating to longshore and harbor workers' compensation act insurance."

The purpose of Substitute House Bill No. 2720 is to create a temporary insurance plan so that workers' compensation coverage, as required by the United States Longshoreman's and Harbor Worker's Compensation Act, is available in our state.

Section 5 would close the Washington market to all but certain insurers. If this section were to become law, it would further limit the availability of insurance, and it could limit the availability of reinsurance. Section 5 could also lead to reciprocal actions by other states against Washington insurers and could violate federal statutes preempting state authority in this area. Section 5 would be subject to likely court challenge and could place the temporary plan in jeopardy.

While I am supportive of the need to retain the viability of our longshore and harbor workers' insurance, I believe this legislation is a poor solution to the potential loss of United States Longshoreman's and Harbor Worker's Compensation Act coverage. The involvement of the state workers' compensation fund is inappropriately designed.

To the Honorable, the House  
of Representatives of the  
State of Washington

April 2, 1992

Page 2

However, I must sign the remainder of the bill into law since this is the only solution now certain to provide the necessary workers' compensation coverage to our maritime industry. During the next year, a better solution needs to be found before the temporary plan expires.

For these reasons, I have vetoed section 5 of Substitute House Bill No. 2720.

With the exception of section 5, Substitute House Bill No. 2720 is approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Booth Gardner", written over a horizontal line.

Booth Gardner  
Governor



**STATE OF WASHINGTON**  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

March 26, 1992

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 19, Engrossed Substitute House Bill No. 2928 entitled:

"AN ACT Relating to open spaces."

Engrossed Substitute House Bill No. 2928 modifies and improves the administration of open space taxation programs. Section 19 requires the creation of an advisory committee to recommend changes to rules implementing open space taxation laws, including an expansion of land uses consistent with classification as farm and agricultural land open space. The committee is to be composed of county assessors, agricultural and forestry interests, natural resource protection interests, and members of the public. Although I concur with the need to involve affected parties in the implementation of state and local programs, I do not support such advisory committees being established by statute. I encourage the Director of the Department of Revenue to use existing authority to establish a broad based open space advisory committee composed not only of the members identified in section 19, but additional members representing conservation interests.

For this reason, I have vetoed section 19 of Engrossed Substitute House Bill No. 2928.

With the exception of section 19, Engrossed Substitute House Bill No. 2928 is approved.

Respectfully submitted,

Booth Gardner  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

April 2, 1992

To the Honorable, the House  
of Representatives of the  
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, House Bill  
No. 2944 entitled:

"AN ACT Relating to consumer credit transactions."

Section 3 of House Bill No. 2944 establishes a legislative joint select committee to study and make recommendations on the issue of consumer credit. I wholeheartedly concur with the need for such a study. However, the creation of such a committee does not require legislation. Rule 25 of the Joint Rules of the Senate and House of Representatives provides that such committee be created via concurrent resolution. Rule 24 gives broad discretionary authority to standing committees to undertake such studies.

For this reason, I have vetoed section 3 of House Bill No. 2944.

With the exception of section 3, House Bill No. 2944 is approved.

Respectfully submitted,

Booth Gardner  
Governor

C O R R E C T E D



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

April 1, 1992

To the Honorable, the House  
of Representatives of the  
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 4 and 5,  
Substitute House Bill No. 2983, entitled:

"AN ACT Relating to job training or work experience  
for public assistance recipients."

Substitute House Bill No. 2983 contains a null and void clause that refers to an unfunded proviso in the budget, requiring the Department of Social and Health Services to expend at least \$1.5 million on the newly created work experience pilot program. Since the proviso is unfunded, I am vetoing the null and void clause (section 4) and directing the department to implement this program within available funds. I believe this program will provide an opportunity to learn ways to benefit persons with long-term incapacities.

Section 5 contains an effective date of April 1st that is impossible to meet. It will take time to promulgate rules in accordance with the Administrative Procedures Act and it will take a reasonable period of time to contract with agencies for the work experience program.

For these reasons, I have vetoed sections 4 and 5 of Substitute House Bill No. 2983.

With the exception of sections 4 and 5, Substitute House Bill No 2983 is approved.

Respectfully submitted,

Booth Gardner  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

March 26, 1992

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Substitute Senate Bill No. 5116 entitled:

"AN ACT Relating to transportation safety."

Substitute Senate Bill No. 5116 is the product of work by the task force on school bus safety. It includes several excellent provisions to assist law enforcement personnel in enforcing school bus stop laws and enhancing school bus safety. I applaud and fully support these provisions.

However, section 4 would change current Washington State Patrol rules to allow school buses to utilize their hazard strobe lamps regardless of whether it is warranted by hazardous conditions. Studies indicate that overuse of hazard warning lights ultimately diminishes their effectiveness. For this reason, I have vetoed section 4 of Substitute Senate Bill No. 5116.

With the exception of section 4, Substitute Senate Bill No. 5116 is approved.

Respectfully submitted,

Booth Gardner  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

March 31, 1992

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Substitute Senate Bill No. 5557 entitled:

"AN ACT Relating to recording of surveys."

Section 1 of Substitute Senate Bill No. 5557 amends the Survey Recording Act of 1973 (RCW 58.09) by clearly specifying when a record of survey is not required. Section 2 requires the Department of Natural Resources to adopt rules and regulations limiting the exemptions when the public interest will be served.

I support the legislature's desire to protect the public interest in matters related to land surveys. I am concerned, however, that section 2 authorizes the Department of Natural Resources to override policies established in statute by the adoption of rules. This provision not only creates the potential for confusion among the surveying community, but also raises questions about the appropriateness of requiring a state agency to adopt rules which negate statutory exemptions to land survey recording requirements. I am satisfied that the public interest is sufficiently protected through the provisions of section 1.

For this reason, I have vetoed section of 2 of Substitute Senate Bill No. 5557.

With the exception of section 2, Substitute Senate Bill No. 5557 is approved.

Respectfully submitted,

Booth Gardner  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

March 26, 1992

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Engrossed Senate Bill No. 5675 entitled:

"AN ACT Relating to Skagit river salmon."

Engrossed Senate Bill No. 5675 calls for the Department of Fisheries to prepare a salmon recovery plan for the Skagit River. Section 2 directs that the plan be completed by December 31, 1992.

No funding was provided for the development of the salmon recovery plan. Therefore, the time-frame established in section 2 cannot be met. I am, however, directing the Department of Fisheries, within its budget, to complete a salmon recovery plan for the Skagit River by December 31, 1993.

For this reason, I have vetoed section 2 of Engrossed Senate Bill No. 5675.

With the exception of section 2, Engrossed Senate Bill No. 5675 is approved.

Respectfully submitted,

Booth Gardner  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

April 1, 1992

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to subsection 1 of section 202, Substitute Senate Bill No. 5953 entitled:

"AN ACT Relating to education."

Substitute Senate Bill No. 5953 sets our public education system on a new course by moving to a system that emphasizes excellence in student performance. It creates the Commission on Student Learning to establish the capacity to immediately begin implementation of the recommendations of the Governor's Council on Education Reform and Funding. Simultaneously, it creates a mechanism to waive a number of existing state rules that impede local restructuring activities. I strongly support these and other provisions in the bill and congratulate the legislature for its far-sightedness in setting the stage for these important changes.

Section 202 establishes the Commission on Student Learning and defines its activities and timelines. Subsection 1 of section 202 creates a procedure which may eliminate not only the commission, but major revisions to the Basic Education Act as well. The continued viability of these sections of law rests on the passage or failure to pass a joint resolution in the future. This process is a legislative veto that violates basic constitutional checks and balances. Through this mechanism, one House of the Legislature is given the power to nullify constitutionally enacted legislation. Furthermore, the legislature is given the power to amend the law by resolution without presenting it to the executive.

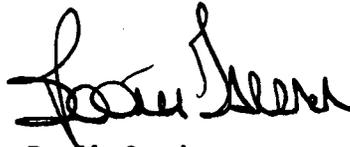
To the Honorable, the Senate  
of the State of Washington  
April 1, 1992  
Page 2

I have vetoed this subsection solely because it is an infringement on the constitutional doctrine of separation of powers. The Legislature is an equal partner in the creation of education policy, including student learning goals. This veto protects the integrity of the legislative process and assures adequate bicameral review, including public scrutiny and executive approval, before future enactments or amendments can occur. Notwithstanding this veto, it is important that the Legislature affirm the student learning goals put forward by the Governor's Council on Education Reform and Funding during the 1993 Legislature. I encourage you to do so.

For the reasons stated above, I have vetoed subsection 1 of section 202 of Substitute Senate Bill No. 5953.

With the exception of subsection 1 of section 202, Substitute Senate Bill No. 5953 is approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Booth Gardner", written in a cursive style.

Booth Gardner  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

April 3, 1992

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5, Engrossed Senate Bill No. 6054 entitled:

"AN ACT Relating to Chiropractic."

Section 5 of Engrossed Senate Bill No. 6054 implements this bill immediately. The language in the bill is ambiguous concerning the ability of chiropractors to treat problems originating in the extremities. The proponents of the bill assure me that the expansion in the scope of practice does not include disorders that originate in the extremities. I have asked the Chiropractic Disciplinary Board to clarify this issue in rule.

For these reasons, I have vetoed section 5 of Engrossed Senate Bill No. 6054.

With the exception of section 5, Engrossed Senate Bill No. 6054 is approved.

Respectfully submitted,

Booth Gardner  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

March 31, 1992

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 6146 entitled:

"AN ACT Relating to appropriations for projects recommended by the public works board."

Substitute Senate Bill No. 6146 approves local public works projects recommended by the Public Works Board for low-interest loan financing from the dedicated Public Works Assistance Account.

Today, I signed Substitute House Bill No. 2302, which is identical to Substitute Senate Bill No. 6146.

For this reason, I have vetoed Substitute Senate Bill No. 6146 in its entirety.

Respectfully submitted,

Booth Gardner  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

March 26, 1992

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2, 3, and 4,  
Engrossed Senate Bill No. 6184 entitled:

"AN ACT Relating to real estate brokers and  
salespersons."

Engrossed Senate Bill No. 6184 provides greater specificity for the use of funds for real estate education activities. Several sections would create a nonappropriated account and as such would reduce budget oversight of the real estate education program. There has been an acceleration of the trend to create special funds, dedicated accounts and other budgetary techniques that reduce the ability to adapt resources to meet changing or emerging priorities. Despite my general concern with these types of special funds, I am willing to support the specific revenues being dedicated as long as there is adequate oversight. As written, there is inadequate oversight.

I have vetoed the sections referring to the nonappropriated account. I have retained the language that clearly defines the Department of Licensing's real estate education program and the director's role. I am directing the Department of Licensing to submit proposed legislation to the 1993 legislature that would permanently dedicate for real estate education purposes the fund sources specified in the vetoed sections of Engrossed Senate Bill No. 6184. Such a dedication must, however, still be subject to legislative appropriation and budgetary oversight.

For this reason, I have vetoed sections 2, 3 and 4 of Engrossed Senate Bill No. 6184.

With the exception of sections 2, 3, and 4, Engrossed Senate Bill No. 6184 is approved.

Respectfully submitted,

Booth Gardner  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

March 26, 1992

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval Senate Bill No. 6270, entitled:

"AN ACT Relating to municipal criminal justice account  
distributions based on city crime rates."

Senate Bill No. 6270 modifies the current statute related to municipal criminal justice account distributions by reducing funding eligibility criteria for high crime cities. The bill also clearly specifies that excess funds shall be distributed to cities with crime rates of one hundred twenty-five percent of the state-wide average.

Today, I signed House Bill No. 2655, which is identical to this legislation.

For this reason, I have vetoed Senate Bill No. 6270 in its entirety.

Respectfully submitted,

Booth Gardner  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

April 1, 1992

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval Engrossed Senate Bill No. 6273, entitled:

"AN ACT Relating to clarifying the department of agriculture's authority to regulate pesticides."

A recent United States Supreme Court decision (Casey v. Mortier) clarified that local governments are permitted under the Federal Insecticide, Fungicide, and Rodenticide Act to regulate the use of pesticides. This court decision did not alter the ability of state government to limit local government's ability to regulate pesticide use. Engrossed Senate Bill No. 6273 seeks to address the Supreme Court decision by pre-empting, to a limited extent, the ability of local government to regulate pesticide use.

The concern giving rise to this legislation was that local regulation of pesticides could, over time, become complex, unreasonable or oppressive and could burden vital segments of Washington's timber and agricultural economy. I, too, want to avoid this outcome. However, the Supreme Court's action occurred only last June. Few examples of local pesticide regulations of concern exist.

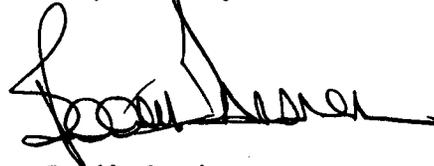
I believe that insufficient information exists to conclude the degree to which pre-emption of local authority, if any, is necessary to ensure pesticide use is regulated in a balanced manner to meet agricultural, forest products and other economic needs as well as the needs of the environment. For this reason, it is not clear that the level of pre-emption set forth in Engrossed Senate Bill No. 6273, is a sufficient or appropriate interim measure.

To the Honorable, the Senate  
of the State of Washington  
April 1, 1992  
Page 2

To address my concern, I am hereby directing the Department of Agriculture to lead an inter-agency group including the departments of Labor and Industries, Community Development, Health and Ecology. This group shall coordinate, among all affected interests, a process to review the issue of local pesticide regulation and develop a timely recommendation on the degree of pesticide regulation appropriate for state and local governments.

For the reasons stated above, I have vetoed Engrossed Senate Bill No. 6273 in its entirety.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Booth Gardner", written in a cursive style.

Booth Gardner  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

April 2, 1992

To the Honorable, the Senate of  
the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 4 and 7, Engrossed Senate Bill No. 6319 entitled:

"AN ACT Relating to the placement of people with disabilities."

Existing law mandates that regional support networks receive a portion of state mental hospital funds when they assume new responsibilities for short-term involuntary commitments. The Department of Social and Health Services and the regional support networks have been working for months to establish a formula to implement this funding change.

The language in section 4 creates a right to "any savings" achieved through reduction in use of hospital beds. This is not feasible to administer since it would require constant readjustment according to bed day use or some other factor. Neither regional support networks nor the state would retain any certainty as to their budgets. Unfair allocations between regions would be created. The effect would be a potential for ongoing litigation and tension between mental health regional support networks and the Department of Social and Health Services.

I am pleased with the remarkable achievements of the regional support networks and the Department of Social and Health Services in implementing mental health reform. The type of mandate contained in section 4 of this bill could interfere with that collaborative effort.

Section 7 of the bill would repeal statutes intended to be addressed in section 4.

To the Honorable, the Senate of  
the State of Washington  
April 2, 1992  
Page 2

For these reasons, I have vetoed sections 4 and 7 of Engrossed Senate Bill  
No. 6319.

With the exception of sections 4 and 7, Engrossed Senate Bill No. 6319 is  
approved.

Respectfully submitted,



Booth Gardner  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

March 26, 1992

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. 6327 entitled:

"AN ACT Relating to the award for excellence in education program."

Substitute Senate Bill No. 6327 adds classified school employees to those eligible to receive recognition, and a stipend or tuition reimbursement, for outstanding performance and contribution to our public education system. The work of classified school staff is vital to an effective school program. They are deserving of this recognition.

Section 5 puts this recognition in jeopardy by providing that if specific funding is not included in the 1993 appropriations act, the act will become null and void. In recognition of the important service rendered by classified school employees, I am eliminating this "null and void" provision to ensure full participation in the award for excellence in education program. For this reason, I have vetoed section 5 of Substitute Senate Bill No. 6327.

With the exception of section 5, Substitute Senate Bill No. 6327 is approved.

Respectfully submitted,

Booth Gardner  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

March 31, 1992

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, and 13, Engrossed Second Substitute Senate Bill No. 6347 entitled:

"AN ACT Relating to domestic violence."

Sections 2 and 3 of Engrossed Second Substitute Senate Bill No. 6347 require the Office of the Administrator for the Courts to develop standardized forms, instructions, and informational brochures for persons petitioning for protection under the state's Domestic Violence Protection Act. Section 5 requires records of incidents of domestic violence to be submitted to the Washington Association of Sheriffs and Police Chiefs for the purpose of collecting statewide crime data.

Section 13 declares sections 2, 3, and 5, null and void if funding is not provided in the omnibus appropriations act referencing these sections by number.

Although funding has not been specifically provided in the 1992 Supplemental Appropriations Act, the Office of the Administrator for the Courts can accomplish the provisions of section 2 within available resources. In order to allow section 2 to go into effect without placing additional burdens on state agencies, I am vetoing section 3, which contains the date for completion, and section 13 which contains the null and void language.

I am further troubled by the lack of funding for the domestic violence incident reporting contained in section 5. The broad coverage of section 5 to include all reports of incidents of domestic violence (rather than just reports of felony incidents) is a cost which cannot be absorbed within the current budget of the Criminal Justice Training Commission. However,

## Veto Messages - Senate Bills

---

To the Honorable, the Senate  
of the State of Washington  
March 31, 1992  
Page 2

because RCW 10.99.030(7) and (8) require law enforcement agencies to maintain records of all domestic violence incidents reported, and to maintain such records identifiable by a specific code, I believe greater cooperation and coordination between law enforcement records of the various state and local jurisdictions is possible.

Many felonies (for which records are kept) characterized as rape, homicide, assault, arson, robbery, burglary, larceny and motor vehicle theft originate as acts of domestic violence. The lack of coordinated documentation tends to de-emphasize the explosion in domestic violence incidents. Failure to document will continue to impair our ability to control, prevent or adequately respond to such violence.

Despite the veto of section 5, I am directing the Office of Financial Management to work toward obtaining funding, through available grants or applicable federal or state funds, to assist the improvement of domestic violence data through coordinated reporting of domestic violence incidents pursuant to RCW 10.99.030(7). In the event such funding cannot be found, I encourage the Washington State Association of Sheriffs and Police Chiefs to work with interested groups to develop a request for funding to the 1993 Legislature.

With the exception of sections 3, 5, and 13, Engrossed Second Substitute Senate Bill No. 6347 is approved.

Respectfully submitted,



Booth Gardner  
Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

OLYMPIA  
98504-0413

BOOTH GARDNER  
GOVERNOR

April 2, 1992

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 12 and 13,  
Substitute Senate Bill 6428 entitled:

"AN ACT Relating to at-risk families"

Section 12 directs the Juvenile Issues Task Force to determine whether a network of local consortia may administer the program funds from state agencies serving children and families at-risk. Section 401 of Engrossed Substitute House Bill No. 2466 (the juvenile issues omnibus bill) directs the Joint Select Committee of Juvenile Issues to undertake a similar study of community-based services to children and families. Therefore, I have vetoed section 12 of Substitute Senate Bill No. 6428.

Section 13 requires that "implementation of council, consortia and the children's institute" be included in all federal and state plans affecting children, youth, and families. I believe there was an error in drafting this section because it is not clear what is meant by this requirement. To avoid confusion, I have vetoed section 13.

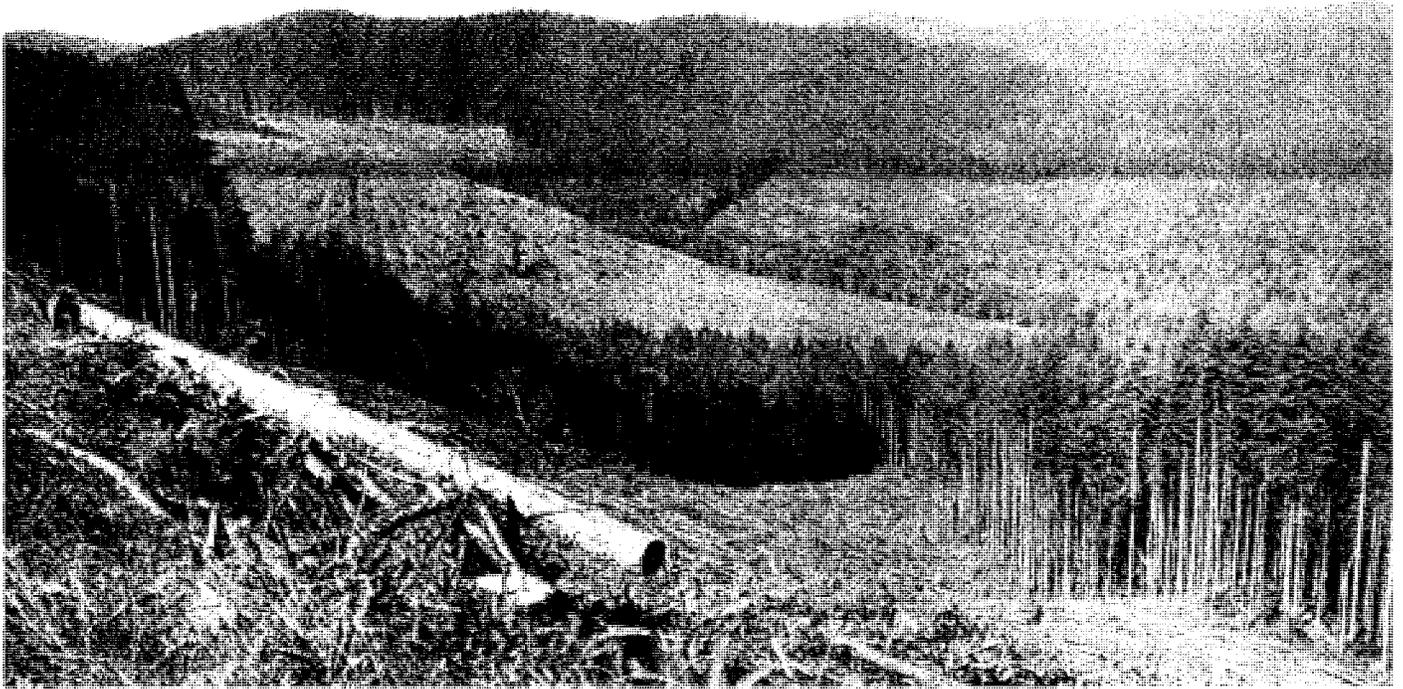
For the reasons stated above, I have vetoed sections 12 and 13 of Substitute Senate Bill No. 6428.

With the exception of sections 12 and 13, Substitute Senate Bill No. 6428 is approved.

Respectfully submitted,

Booth Gardner  
Governor

**This Page Intentionally Left Blank**



## **Section III - Indexes & Appendices**

**Topical Index**

**Numerical Index**

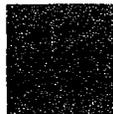
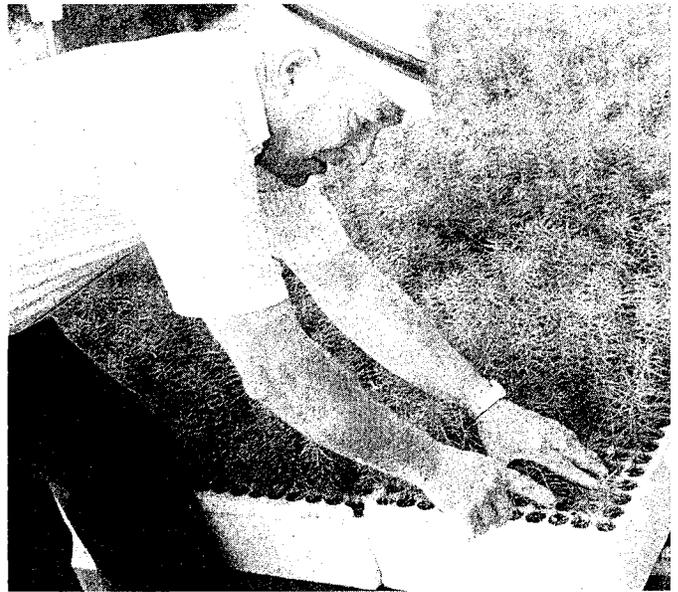
**Bill Number-Session Law Table**

**Session Law-Bill Number Table**

**Gubernatorial Appointments**

**Legislative Leadership**

**Standing Committee Appointments**



*Photos: Tree farming is a major agricultural interest in the state, and provides a significant export in the Pacific Rim trading arena.*

**This Page Intentionally Left Blank**

**Topical Index**

Bill Number	Title	Page
<b>AGRICULTURE</b>		
EHB 2316	IMPACT sunset termination .....	24
HB 2448	Pesticide licensing .....	37
SHB 2457	Agricultural nuisances .....	37
SHB 2502	Organic agricultural products .....	45
SHB 2747	Bottled water regulation.....	68
SHB 2831	Pesticide records/posting .....	74
ESHB 2928	Open space laws.....	83
ESB 6027	Horticultural research.....	110
ESB 6028	Water conservation revenue bonds .....	110
ESB 6093	Pesticide application notification.....	117
SB 6155	Milk marketing orders .....	124
SB 6212	Fruit commission assessments.....	128
ESB 6273	Pesticide regulation .....	131
SSB 6393	Food safety inspection program .....	143
ESB 6401	Corridor designations.....	144
SSB 6483	Weights and measures .....	151
<b>COMMERCE AND LABOR</b>		
ESHB 1495	Land development regulations.....	6
SHB 1736	Real property improvement.....	8
EHB 2053	Electrical licensing exemptions.....	11
ESHB 2274	Employee privacy.....	16
SHB 2281	Passenger train crew size.....	17
HB 2290	Fire sprinkler system contractors.....	19
ESHB 2293	CPA licensing requirements .....	19
SHB 2299	Lease-purchase agreement act.....	21
SHB 2502	Organic agricultural products .....	45
SHB 2659	Public works contracts .....	58
SHB 2673	Moved buildings.....	60
SHB 2686	Contractor licensing .....	63
SHB 2720	Longshore and harbor workers .....	65
SHB 2747	Bottled water regulation.....	68
EHB 2812	Aircraft maintenance training .....	72
SHB 2831	Pesticide records/posting .....	74
SHB 2845	Auto salespersons overtime.....	78
HB 2944	Consumer credit transactions.....	87
SB 5105	Collective bargaining .....	96
SSB 5342	Payment by annuity/self-insurance .....	100
2ESB 6004	Indian gaming compact review .....	107
ESB 6023	International trade in forest products .....	109
SB 6074	Unemployment insurance .....	114
SSB 6120	Sales representative and principal .....	120
ESB 6184	Real estate brokers/sales .....	126
ESB 6292	Brewer and winery sales .....	134
SB 6339	Class F wine retailers license .....	139
ESB 6407	Construction contracts .....	144

# Topical Index

Bill Number	Title	Page
ESB 6427	Unauthorized mailings .....	146
SSB 6428	At-risk children & families .....	146
ESB 6441	Construction lien rights .....	147
SSB 6483	Weights and measures .....	151
SSJM 8024	Timber salvage sales .....	152
SCR 8427	High technology education .....	153
<b>CONSTITUTIONS AND ELECTIONS</b>		
SHB 2319	Election administration .....	24
HB 2662	Disqualified candidates .....	59
ESB 6213	Special election dates .....	129
SCR 8421	Redistricting .....	152
<b>ECONOMIC DEVELOPMENT</b>		
SHB 2302	Public works projects .....	22
EHB 2316	IMPACT sunset termination .....	24
SHB 2498	Regulatory fairness .....	43
SHB 2676	Economic development projects .....	61
EHB 2812	Aircraft maintenance training .....	72
EHB 2821	Timber impact area community .....	74
HB 2932	Washington technology center .....	85
ESSB 5728	Land use threshold determination .....	103
2ESB 6004	Indian gaming compact review .....	107
SSB 6428	At-risk children & families .....	146
SB 6452	Special events funding .....	149
SCR 8427	High technology education .....	153
<b>EDUCATION</b>		
HB 1664	Sign language requirement .....	7
2ESHB 1932	School excess levy limits .....	10
SHB 2212	Holocaust study requirement .....	12
SHB 2359	Academic and vocational integration program .....	30
ESHB 2518	School employees' background .....	47
SHB 2551	Special education services projects .....	48
SHB 2857	Retired school employee health insurance .....	78
ESHB 2947	PERS/TRS early retirement .....	87
SSB 5116	Student transportation safety .....	97
SSB 5305	Student suspension .....	98
SSB 5953	Common schools improvement .....	104
SB 6133	Board of education membership .....	122
ESSB 6180	Education programs .....	126
SSB 6186	Unpaid leave/service credit .....	127
SB 6220	Schools for 21st century .....	129
ESSB 6326	Award for excellence .....	137
SSB 6327	Excellence in education .....	138
SSB 6428	At-risk children & families .....	146
SCR 8422	Council on education reform/funding .....	153
SCR 8427	High technology education .....	153

Bill Number Title Page

**ENERGY AND UTILITIES**

EHB 2053 Electrical licensing exemptions . . . . . 11  
 EHB 2347 High voltage transmission access . . . . . 28  
 SHB 2465 Telecommunications charges . . . . . 39  
 SHB 2672 Cellular communications . . . . . 60  
 SHB 2873 Radioactive waste disposal . . . . . 80  
 ESB 6028 Water conservation revenue bonds . . . . . 110  
 SSB 6377 TDD statewide relay system . . . . . 142  
 SB 6444 TV reception improvement districts . . . . . 148  
 SSB 6494 Hanford lease . . . . . 151

**FINANCIAL INSTITUTIONS AND INSURANCE**

ESHB 2025 Employee payroll deductions . . . . . 10  
 SHB 2299 Lease-purchase agreement act . . . . . 21  
 SHB 2479 Medicare supplemental insurance . . . . . 41  
 SHB 2720 Longshore and harbor workers . . . . . 65  
 HB 2944 Consumer credit transactions . . . . . 87  
 2SSB 5318 Money laundering penalties . . . . . 99  
 SSB 6120 Sales representative and principal . . . . . 120  
 SSB 6193 Stop-loss insurance . . . . . 127  
 SSB 6241 Nonprofit organization life insurance . . . . . 130  
 SB 6396 Unauthorized insurance brokers . . . . . 144  
 ESB 6441 Construction lien rights . . . . . 147  
 SSB 6451 Surety liability limits . . . . . 149  
 SSB 6461 Master license system . . . . . 150

**FISCAL**

2ESHB 1378 Superior court fees . . . . . 4  
 2ESHB 1932 School excess levy limits . . . . . 10  
 ESHB 2268 Inmate work programs . . . . . 16  
 SHB 2284 County law libraries . . . . . 18  
 HB 2295 Lake Washington Technical College . . . . . 21  
 SHB 2302 Public works projects . . . . . 22  
 HB 2398 Volunteer fire fighters fund . . . . . 36  
 ESHB 2470 Supplemental operating budget . . . . . 41  
 SHB 2501 Landlord claims/tenant property . . . . . 44  
 HB 2514 Senior citizen/property tax relief . . . . . 46  
 ESHB 2552 Supplemental capital budget . . . . . 48  
 ESHB 2553 Supplemental transportation budget . . . . . 49  
 SHB 2635 Litter/recycling assessment . . . . . 54  
 SHB 2639 Nonprofit homes for aging . . . . . 55  
 HB 2655 Municipal criminal justice account . . . . . 58  
 SHB 2672 Cellular communications . . . . . 60  
 EHB 2680 Tax assessment/collection . . . . . 61  
 HB 2681 Overpaid taxes refund . . . . . 63  
 HB 2682 Unclaimed property recovery . . . . . 63  
 HB 2727 Transportation excises taxes . . . . . 66  
 SHB 2766 Sheriff's services fees . . . . . 69

# Topical Index

Bill Number	Title	Page
HB 2811	AIDS nursing supplies . . . . .	71
EHB 2812	Aircraft maintenance training . . . . .	72
HB 2841	Unclaimed property act . . . . .	76
ESHB 2842	System improvements mitigation . . . . .	77
SHB 2857	Retired school employee health insurance . . . . .	78
SHB 2874	Funeral expenses . . . . .	81
SHB 2887	Appellate court filing fees . . . . .	83
HB 2896	Ferry bonds . . . . .	83
ESHB 2928	Open space laws . . . . .	83
ESHB 2947	PERS/TRS early retirement . . . . .	87
ESHB 2950	General obligation bonds . . . . .	88
HB 2961	Thurston county special excise tax . . . . .	89
ESHB 2964	Traffic safety education . . . . .	89
SHB 2967	Intermediate care facilities . . . . .	90
SHB 2993	Rural health access account . . . . .	94
SB 6010	Church day cares/B&O exemption . . . . .	109
SSB 6146	Public works projects . . . . .	124
ESB 6161	Disposition of public lands . . . . .	125
SB 6270	Municipal criminal justice account . . . . .	131
ESB 6284	Budget stabilization account . . . . .	132
ESSB 6286	Pension contribution rates . . . . .	133
ESB 6408	Capital projects financing . . . . .	145
SB 6452	Special events funding . . . . .	149
SB 6457	Convention/trade center . . . . .	149

## HIGHER EDUCATION

HB 1664	Sign language requirement . . . . .	7
EHB 2316	IMPACT sunset termination . . . . .	24
SHB 2359	Academic and vocational integration program . . . . .	30
EHB 2812	Aircraft maintenance training . . . . .	72
HB 2932	Washington technology center . . . . .	85
SHB 2937	Fire protection contracts . . . . .	86
ESB 5961	Fiscal matters . . . . .	106
ESB 6023	International trade in forest products . . . . .	109
ESB 6285	Higher ed tuition/fee waivers . . . . .	132
ESSB 6326	Award for excellence . . . . .	137
SSB 6327	Excellence in education . . . . .	138
SSB 6328	Higher education bid procedures . . . . .	138
SCR 8427	High technology education . . . . .	153

## HUMAN SERVICES

INIT 120	Reproductive privacy . . . . .	1
SHB 1258	Nursing home administration . . . . .	3
SHB 1392	Acupuncturist licensure . . . . .	4
SHB 1481	Natural death act amendment . . . . .	5
SHB 2055	Criminal history background checks . . . . .	12
SHB 2263	Correctional facility references . . . . .	15
ESHB 2268	Inmate work programs . . . . .	16
HB 2314	Medical service provision . . . . .	23

Bill Number	Title	Page
ESHB 2333	Guide and service dogs . . . . .	26
ESHB 2337	Malpractice insurance/retired physicians . . . . .	27
HB 2350	General assistance programs . . . . .	29
HB 2358	Psychologist disciplinary committee . . . . .	30
HB 2374	Senior volunteer programs . . . . .	33
SHB 2391	Biomedical waste regulation . . . . .	35
HB 2417	Disabled parking permits . . . . .	37
ESHB 2466	Juvenile issues task force . . . . .	39
SHB 2495	Rural hospital districts . . . . .	42
SHB 2555	Limited dental practices . . . . .	50
ESHB 2640	Sludge management program . . . . .	56
HB 2811	AIDS nursing supplies . . . . .	71
EHB 2813	LEOFF retirement system . . . . .	72
EHB 2821	Timber impact area community . . . . .	74
SHB 2874	Funeral expenses . . . . .	81
SHB 2983	Public assistance job training . . . . .	91
SHB 2993	Rural health access account . . . . .	94
SSB 5465	Pharmacy assistant ratio . . . . .	100
ESB 5961	Fiscal matters . . . . .	106
ESB 6008	Repeal RCW 11.92.095 . . . . .	109
SB 6032	Emergency medical services committee . . . . .	111
ESB 6033	Emergency medical services certification . . . . .	111
ESB 6054	Chiropractic practice . . . . .	112
ESSB 6069	Bone marrow donor program . . . . .	113
SB 6070	Physician's assistant supervision . . . . .	114
SSB 6076	Rural health facilities . . . . .	115
SSB 6111	Family preservation services . . . . .	119
ESB 6261	Child sexual exploitation . . . . .	130
SB 6296	Infant mortality reviews . . . . .	134
ESB 6319	Mental illness/placement . . . . .	135
SSB 6354	Nursing home reimbursement . . . . .	141
SSB 6377	TDD statewide relay system . . . . .	142
SSB 6428	At-risk children & families . . . . .	146

**LAW AND JUSTICE**

EHB 1185	Federal lien recording . . . . .	2
2ESHB 1378	Superior court fees . . . . .	4
ESHB 1495	Land development regulations . . . . .	6
HB 1732	Warrant servers . . . . .	8
SHB 2055	Criminal history background checks . . . . .	12
ESHB 2262	Community protection act . . . . .	14
SHB 2263	Correctional facility references . . . . .	15
ESHB 2268	Inmate work programs . . . . .	16
ESHB 2274	Employee privacy . . . . .	16
HB 2290	Fire sprinkler system contractors . . . . .	19
SHB 2344	Street gang activity penalties . . . . .	27
SHB 2348	Child sex abuse victims . . . . .	28
HB 2368	Deputy sheriff practicing law . . . . .	31
SHB 2370	Process servers registration . . . . .	31

# Topical Index

Bill Number	Title	Page
SHB 2373	Concealed weapon permits . . . . .	32
SHB 2394	Limitations for jurors . . . . .	35
SHB 2457	Agricultural nuisances . . . . .	37
ESHB 2459	Superior court judges . . . . .	38
ESHB 2466	Juvenile issues task force . . . . .	39
ESHB 2490	Community placement escape . . . . .	42
SHB 2501	Landlord claims/tenant property . . . . .	44
HB 2516	Unlawful bus conduct . . . . .	46
ESHB 2518	School employees' background . . . . .	47
HB 2554	Erotic sound recordings . . . . .	49
HB 2655	Municipal criminal justice account . . . . .	58
ESHB 2702	Harassment offenses . . . . .	64
SHB 2745	Protection/antiharassment . . . . .	67
SHB 2784	Domestic relations amendments . . . . .	70
EHB 2813	LEOFF retirement system . . . . .	72
SHB 2887	Appellate court filing fees . . . . .	83
2SSB 5318	Money laundering penalties . . . . .	99
ESSB 5986	Tenant duties expanded . . . . .	107
ESB 6008	Repeal RCW 11.92.095 . . . . .	109
SSB 6042	Condominium act . . . . .	111
SSB 6055	Crime lab reports as evidence . . . . .	113
ESB 6103	Electronic monitoring . . . . .	118
ESSB 6104	Assault against a child . . . . .	118
SB 6134	District court seals . . . . .	122
SSB 6135	Name change orders/filing . . . . .	122
SSB 6138	District court references . . . . .	123
SB 6140	Traffic violator nonappearance . . . . .	123
SSB 6141	Antiharassment petitions . . . . .	123
ESSB 6174	Homicide victims' families . . . . .	125
SB 6199	Boating offense compact . . . . .	128
ESB 6261	Child sexual exploitation . . . . .	130
SB 6276	District judges compensation . . . . .	132
SB 6295	Driving under influence . . . . .	134
SB 6296	Infant mortality reviews . . . . .	134
SB 6329	RCW obsolete sections . . . . .	139
SSB 6330	Drivers' license suspended/revoked . . . . .	139
E2SSB 6347	Domestic violence . . . . .	140
ESB 6407	Construction contracts . . . . .	144
SCR 8429	Sentencing alternatives . . . . .	153

## LOCAL GOVERNMENT

ESHB 1150	Port commissioner elections . . . . .	2
2ESHB 1378	Superior court fees . . . . .	4
SHB 1736	Real property improvement . . . . .	8
ESHB 2025	Employee payroll deductions . . . . .	10
HB 2261	Pension board memberships . . . . .	14
SHB 2284	County law libraries . . . . .	18
EHB 2287	Port district creation . . . . .	18
SHB 2302	Public works projects . . . . .	22

Bill Number	Title	Page
ESHB 2305	Fire commissioner districts . . . . .	23
SHB 2319	Election administration . . . . .	24
HB 2371	Conservation districts special assessment . . . . .	31
ESHB 2459	Superior court judges . . . . .	38
SHB 2495	Rural hospital districts . . . . .	42
SHB 2501	Landlord claims/tenant property . . . . .	44
ESHB 2609	Airport expansions . . . . .	52
ESHB 2610	Regional transportation council . . . . .	53
HB 2655	Municipal criminal justice account . . . . .	58
SHB 2659	Public works contracts . . . . .	58
HB 2662	Disqualified candidates . . . . .	59
SHB 2673	Moved buildings . . . . .	60
SHB 2676	Economic development projects . . . . .	61
EHB 2680	Tax assessment/collection . . . . .	61
SHB 2714	Public transportation benefit areas . . . . .	65
SHB 2766	Sheriff's services fees . . . . .	69
EHB 2813	LEOFF retirement system . . . . .	72
HB 2841	Unclaimed property act . . . . .	76
ESHB 2842	System improvements mitigation . . . . .	77
SHB 2867	Law enforcement/fire fighters insurance . . . . .	80
ESHB 2876	Public disclosure laws . . . . .	82
SHB 2937	Fire protection contracts . . . . .	86
ESHB 2947	PERS/TRS early retirement . . . . .	87
HB 2961	Thurston county special excise tax . . . . .	89
ESHB 2964	Traffic safety education . . . . .	89
ESHB 2985	LEOFF past service credit . . . . .	92
ESSB 5092	Employee benefits/active duty . . . . .	96
SB 5105	Collective bargaining . . . . .	96
SB 5510	Retirement/withdrawn contributions . . . . .	101
SSB 5557	Recording of surveys . . . . .	101
ESSB 5727	Interim zoning permits . . . . .	103
ESSB 5728	Land use threshold determination . . . . .	103
ESB 6028	Water conservation revenue bonds . . . . .	110
SSB 6085	Water/sewer extension review . . . . .	116
ESB 6103	Electronic monitoring . . . . .	118
ESB 6128	Residential shoreline erosion . . . . .	120
SSB 6135	Name change orders/filing . . . . .	122
SSB 6138	District court references . . . . .	123
SSB 6141	Antiharassment petitions . . . . .	123
SB 6199	Boating offense compact . . . . .	128
ESB 6213	Special election dates . . . . .	129
SB 6226	Firemen's pension fund . . . . .	130
ESB 6273	Pesticide regulation . . . . .	131
SB 6276	District judges compensation . . . . .	132
ESSB 6286	Pension contribution rates . . . . .	133
SB 6295	Driving under influence . . . . .	134
SB 6296	Infant mortality reviews . . . . .	134
SSB 6321	Whistleblower programs . . . . .	137

## Topical Index

Bill Number	Title	Page
E2SSB 6347	Domestic violence . . . . .	140
SB 6351	RCW obsolete sections . . . . .	141
SSB 6386	Radon testing in residences . . . . .	142
ESB 6401	Corridor designations . . . . .	144
ESB 6407	Construction contracts . . . . .	144
ESB 6408	Capital projects financing . . . . .	145
SSB 6428	At-risk children & families . . . . .	146
SB 6444	TV reception improvement districts . . . . .	148
SB 6452	Special events funding . . . . .	149
<b>NATURAL RESOURCES</b>		
HB 2294	Coastal crab fishery study . . . . .	20
SHB 2330	Forest land base maintenance . . . . .	25
EHB 2360	Fisheries informational material . . . . .	31
SHB 2594	Wildlife/recreational lands management . . . . .	51
SHB 2833	Regulating reclaimed water . . . . .	76
SHB 2865	Wild mushrooms harvest . . . . .	79
ESHB 2990	State trust lands purchase . . . . .	93
SHJM 4033	Forests/families protection . . . . .	94
SSB 5557	Recording of surveys . . . . .	101
ESB 5675	Skagit river salmon restoration . . . . .	102
ESSB 5727	Interim zoning permits . . . . .	103
ESSB 5728	Land use threshold determination . . . . .	103
ESB 6128	Residential shoreline erosion . . . . .	120
ESSB 6132	Shellfish protection . . . . .	121
ESB 6161	Disposition of public lands . . . . .	125
SB 6221	Western Washington pheasant hunting . . . . .	129
ESB 6401	Corridor designations . . . . .	144
SSJM 8024	Timber salvage sales . . . . .	152
<b>PARKS AND ECOLOGY</b>		
ESHB 2389	Oil spill prevention/clean-up . . . . .	33
SHB 2391	Biomedical waste regulation . . . . .	35
HB 2543	Recreational boating code . . . . .	48
SHB 2560	Senior environmental corps . . . . .	50
SHB 2594	Wildlife/recreational lands management . . . . .	51
HB 2633	Moderate-risk waste facilities . . . . .	54
SHB 2635	Litter/recycling assessment . . . . .	54
ESHB 2640	Sludge management program . . . . .	56
SHB 2768	Ecology technical assistance . . . . .	70
SHB 2796	Water well construction . . . . .	71
SHB 2833	Regulating reclaimed water . . . . .	76
ESHB 2990	State trust lands purchase . . . . .	93
E2SSB 5724	Paper mill waste regulation . . . . .	102
ESSB 5727	Interim zoning permits . . . . .	103
ESSB 5728	Land use threshold determination . . . . .	103
ESB 6128	Residential shoreline erosion . . . . .	120
ESSB 6132	Shellfish protection . . . . .	121
SB 6199	Boating offense compact . . . . .	128

Bill Number	Title	Page
SB 6357	Solid waste and recycling .....	141
<b>STATE GOVERNMENT</b>		
ESHB 1631	African-American affairs commission .....	7
SHB 1736	Real property improvement .....	8
ESHB 2025	Employee payroll deductions .....	10
HB 2259	Pension fund designations .....	13
EHB 2260	Retirement law corrections .....	13
HB 2261	Pension board memberships .....	14
ESHB 2293	CPA licensing requirements .....	19
SHB 2319	Election administration .....	24
EHB 2360	Fisheries informational material .....	31
SHB 2498	Regulatory fairness .....	43
SHB 2659	Public works contracts .....	58
SHB 2673	Moved buildings .....	60
SHB 2735	Volunteerism/citizen service .....	66
SHB 2814	State information resources .....	73
SHB 2867	Law enforcement/fire fighters insurance .....	80
ESHB 2876	Public disclosure laws .....	82
HB 2932	Washington technology center .....	85
SHB 2937	Fire protection contracts .....	86
ESHB 2947	PERS/TRS early retirement .....	87
ESHB 2985	LEOFF past service credit .....	92
ESSB 5092	Employee benefits/active duty .....	96
2ESSB 5121	Whistleblower protection .....	97
SB 5510	Retirement/withdrawn contributions .....	101
ESSB 5727	Interim zoning permits .....	103
ESSB 5728	Land use threshold determination .....	103
2ESB 6004	Indian gaming compact review .....	107
SSB 6086	Veteran affairs advisory committee .....	116
SSB 6186	Unpaid leave/service credit .....	127
SB 6199	Boating offense compact .....	128
ESB 6273	Pesticide regulation .....	131
ESSB 6286	Pension contribution rates .....	133
SB 6289	Fax/phone use at hearings .....	133
E2SSB 6347	Domestic violence .....	140
SSB 6386	Radon testing in residences .....	142
ESB 6407	Construction contracts .....	144
SSB 6428	At-risk children & families .....	146
SSB 6461	Master license system .....	150
SSB 6494	Hanford lease .....	151
SCR 8429	Sentencing alternatives .....	153
<b>TRANSPORTATION</b>		
SHB 2281	Passenger train crew size .....	17
HB 2417	Disabled parking permits .....	37
HB 2516	Unlawful bus conduct .....	46
ESHB 2553	Supplemental transportation budget .....	49
ESHB 2609	Airport expansions .....	52

## Topical Index

---

Bill Number	Title	Page
ESHB 2610	Regional transportation council .....	53
ESHB 2643	Vehicle licensing/registration .....	57
SHB 2660	Vehicle license registration .....	59
SHB 2714	Public transportation benefit areas .....	65
HB 2727	Transportation excises taxes .....	66
HB 2746	Tow truck impound charges .....	68
HB 2844	Impounded vehicle claims .....	78
HB 2896	Ferry bonds .....	83
ESHB 2964	Traffic safety education .....	89
SSB 5116	Student transportation safety .....	97
SSB 5425	Old vehicle equipment .....	100
SB 6078	State route 901 .....	116
SSB 6306	Puget Island ferry .....	135
SSB 6460	For hire vehicle provisions .....	150

**Numerical Index**

Bill Number	Title	Page
<b>INITIATIVES</b>		
INIT 120	Reproductive privacy . . . . .	1
<b>HOUSE BILLS</b>		
ESHB 1150	Port commissioner elections . . . . .	2
EHB 1185	Federal lien recording . . . . .	2
SHB 1258	Nursing home administration . . . . .	3
2ESHB 1378	Superior court fees . . . . .	4
SHB 1392	Acupuncturist licensure . . . . .	4
SHB 1481	Natural death act amendment . . . . .	5
ESHB 1495	Land development regulations . . . . .	6
ESHB 1631	African-American affairs commission . . . . .	7
HB 1664	Sign language requirement . . . . .	7
HB 1732	Warrant servers . . . . .	8
SHB 1736	Real property improvement . . . . .	8
2ESHB 1932	School excess levy limits . . . . .	10
ESHB 2025	Employee payroll deductions . . . . .	10
EHB 2053	Electrical licensing exemptions . . . . .	11
SHB 2055	Criminal history background checks . . . . .	12
SHB 2212	Holocaust study requirement . . . . .	12
HB 2259	Pension fund designations . . . . .	13
EHB 2260	Retirement law corrections . . . . .	13
HB 2261	Pension board memberships . . . . .	14
ESHB 2262	Community protection act . . . . .	14
SHB 2263	Correctional facility references . . . . .	15
ESHB 2268	Inmate work programs . . . . .	16
ESHB 2274	Employee privacy . . . . .	16
SHB 2281	Passenger train crew size . . . . .	17
SHB 2284	County law libraries . . . . .	18
EHB 2287	Port district creation . . . . .	18
HB 2290	Fire sprinkler system contractors . . . . .	19
ESHB 2293	CPA licensing requirements . . . . .	19
HB 2294	Coastal crab fishery study . . . . .	20
HB 2295	Lake Washington Technical College . . . . .	21
SHB 2299	Lease-purchase agreement act . . . . .	21
SHB 2302	Public works projects . . . . .	22
ESHB 2305	Fire commissioner districts . . . . .	23
HB 2314	Medical service provision . . . . .	23
EHB 2316	IMPACT sunset termination . . . . .	24
SHB 2319	Election administration . . . . .	24
SHB 2330	Forest land base maintenance . . . . .	25
ESHB 2333	Guide and service dogs . . . . .	26
ESHB 2337	Malpractice insurance/retired physicians . . . . .	27
SHB 2344	Street gang activity penalties . . . . .	27
EHB 2347	High voltage transmission access . . . . .	28
SHB 2348	Child sex abuse victims . . . . .	28
HB 2350	General assistance programs . . . . .	29

## Numerical Index

---

Bill Number	Title	Page
HB 2358	Psychologist disciplinary committee . . . . .	30
SHB 2359	Academic and vocational integration program . . . . .	30
EHB 2360	Fisheries informational material. . . . .	31
HB 2368	Deputy sheriff practicing law. . . . .	31
SHB 2370	Process servers registration . . . . .	31
HB 2371	Conservation districts special assessment . . . . .	31
SHB 2373	Concealed weapon permits. . . . .	32
HB 2374	Senior volunteer programs . . . . .	33
ESHB 2389	Oil spill prevention/clean-up . . . . .	33
SHB 2391	Biomedical waste regulation . . . . .	35
SHB 2394	Limitations for jurors . . . . .	35
HB 2398	Volunteer fire fighters fund . . . . .	36
HB 2417	Disabled parking permits . . . . .	37
HB 2448	Pesticide licensing. . . . .	37
SHB 2457	Agricultural nuisances . . . . .	37
ESHB 2459	Superior court judges . . . . .	38
SHB 2465	Telecommunications charges . . . . .	39
ESHB 2466	Juvenile issues task force . . . . .	39
ESHB 2470	Supplemental operating budget . . . . .	41
SHB 2479	Medicare supplemental insurance . . . . .	41
ESHB 2490	Community placement escape . . . . .	42
SHB 2495	Rural hospital districts . . . . .	42
SHB 2498	Regulatory fairness. . . . .	43
SHB 2501	Landlord claims/tenant property . . . . .	44
SHB 2502	Organic agricultural products. . . . .	45
HB 2514	Senior citizen/property tax relief . . . . .	46
HB 2516	Unlawful bus conduct. . . . .	46
ESHB 2518	School employees' background . . . . .	47
HB 2543	Recreational boating code . . . . .	48
SHB 2551	Special education services projects . . . . .	48
ESHB 2552	Supplemental capital budget. . . . .	48
ESHB 2553	Supplemental transportation budget. . . . .	49
HB 2554	Erotic sound recordings . . . . .	49
SHB 2555	Limited dental practices . . . . .	50
SHB 2560	Senior environmental corps . . . . .	50
SHB 2594	Wildlife/recreational lands management . . . . .	51
ESHB 2609	Airport expansions . . . . .	52
ESHB 2610	Regional transportation council . . . . .	53
HB 2633	Moderate-risk waste facilities . . . . .	54
SHB 2635	Litter/recycling assessment. . . . .	54
SHB 2639	Nonprofit homes for aging . . . . .	55
ESHB 2640	Sludge management program. . . . .	56
ESHB 2643	Vehicle licensing/registration. . . . .	57
HB 2655	Municipal criminal justice account . . . . .	58
SHB 2659	Public works contracts . . . . .	58
SHB 2660	Vehicle license registration . . . . .	59
HB 2662	Disqualified candidates. . . . .	59
SHB 2672	Cellular communications . . . . .	60

Bill Number	Title	Page
SHB 2673	Moved buildings . . . . .	60
SHB 2676	Economic development projects . . . . .	61
EHB 2680	Tax assessment/collection . . . . .	61
HB 2681	Overpaid taxes refund . . . . .	63
HB 2682	Unclaimed property recovery . . . . .	63
SHB 2686	Contractor licensing . . . . .	63
ESHB 2702	Harassment offenses . . . . .	64
SHB 2714	Public transportation benefit areas . . . . .	65
SHB 2720	Longshore and harbor workers . . . . .	65
HB 2727	Transportation excises taxes . . . . .	66
SHB 2735	Volunteerism/citizen service . . . . .	66
SHB 2745	Protection/antiharassment . . . . .	67
HB 2746	Tow truck impound charges . . . . .	68
SHB 2747	Bottled water regulation . . . . .	68
SHB 2766	Sheriff's services fees . . . . .	69
SHB 2768	Ecology technical assistance . . . . .	70
SHB 2784	Domestic relations amendments . . . . .	70
SHB 2796	Water well construction . . . . .	71
HB 2811	AIDS nursing supplies . . . . .	71
EHB 2812	Aircraft maintenance training . . . . .	72
EHB 2813	LEOFF retirement system . . . . .	72
SHB 2814	State information resources . . . . .	73
EHB 2821	Timber impact area community . . . . .	74
SHB 2831	Pesticide records/posting . . . . .	74
SHB 2833	Regulating reclaimed water . . . . .	76
HB 2841	Unclaimed property act . . . . .	76
ESHB 2842	System improvements mitigation . . . . .	77
HB 2844	Impounded vehicle claims . . . . .	78
SHB 2845	Auto salespersons overtime . . . . .	78
SHB 2857	Retired school employee health insurance . . . . .	78
SHB 2865	Wild mushrooms harvest . . . . .	79
SHB 2867	Law enforcement/fire fighters insurance . . . . .	80
SHB 2873	Radioactive waste disposal . . . . .	80
SHB 2874	Funeral expenses . . . . .	81
ESHB 2876	Public disclosure laws . . . . .	82
SHB 2887	Appellate court filing fees . . . . .	83
HB 2896	Ferry bonds . . . . .	83
ESHB 2928	Open space laws . . . . .	83
HB 2932	Washington technology center . . . . .	85
SHB 2937	Fire protection contracts . . . . .	86
HB 2944	Consumer credit transactions . . . . .	87
ESHB 2947	PERS/TRS early retirement . . . . .	87
ESHB 2950	General obligation bonds . . . . .	88
HB 2961	Thurston county special excise tax . . . . .	89
ESHB 2964	Traffic safety education . . . . .	89
SHB 2967	Intermediate care facilities . . . . .	90
SHB 2983	Public assistance job training . . . . .	91
ESHB 2985	LEOFF past service credit . . . . .	92

## Numerical Index

---

Bill Number	Title	Page
ESHB 2990	State trust lands purchase .....	93
SHB 2993	Rural health access account .....	94
<b>HOUSE JOINT MEMORIALS</b>		
SHJM 4033	Forests/families protection .....	94
<b>SENATE BILLS</b>		
ESSB 5092	Employee benefits/active duty .....	96
SB 5105	Collective bargaining .....	96
SSB 5116	Student transportation safety .....	97
2ESSB 5121	Whistleblower protection .....	97
SSB 5305	Student suspension .....	98
2SSB 5318	Money laundering penalties .....	99
SSB 5342	Payment by annuity/self-insurance .....	100
SSB 5425	Old vehicle equipment .....	100
SSB 5465	Pharmacy assistant ratio .....	100
SB 5510	Retirement/withdrawn contributions .....	101
SSB 5557	Recording of surveys .....	101
ESB 5675	Skagit river salmon restoration .....	102
E2SSB 5724	Paper mill waste regulation .....	102
ESSB 5727	Interim zoning permits .....	103
ESSB 5728	Land use threshold determination .....	103
SSB 5953	Common schools improvement .....	104
ESB 5961	Fiscal matters .....	106
ESSB 5986	Tenant duties expanded .....	107
2ESB 6004	Indian gaming compact review .....	107
ESB 6008	Repeal RCW 11.92.095 .....	109
SB 6010	Church day cares/B&O exemption .....	109
ESB 6023	International trade in forest products .....	109
ESB 6027	Horticultural research .....	110
ESB 6028	Water conservation revenue bonds .....	110
SB 6032	Emergency medical services committee .....	111
ESB 6033	Emergency medical services certification .....	111
SSB 6042	Condominium act .....	111
ESB 6054	Chiropractic practice .....	112
SSB 6055	Crime lab reports as evidence .....	113
ESSB 6069	Bone marrow donor program .....	113
SB 6070	Physician's assistant supervision .....	114
SB 6074	Unemployment insurance .....	114
SSB 6076	Rural health facilities .....	115
SB 6078	State route 901 .....	116
SSB 6085	Water/sewer extension review .....	116
SSB 6086	Veteran affairs advisory committee .....	116
ESB 6093	Pesticide application notification .....	117
ESB 6103	Electronic monitoring .....	118
ESSB 6104	Assault against a child .....	118
SSB 6111	Family preservation services .....	119
SSB 6120	Sales representative and principal .....	120
ESB 6128	Residential shoreline erosion .....	120

Bill Number	Title	Page
ESSB 6132	Shellfish protection . . . . .	121
SB 6133	Board of education membership . . . . .	122
SB 6134	District court seals . . . . .	122
SSB 6135	Name change orders/filing . . . . .	122
SSB 6138	District court references . . . . .	123
SB 6140	Traffic violator nonappearance . . . . .	123
SSB 6141	Antiharassment petitions . . . . .	123
SSB 6146	Public works projects . . . . .	124
SB 6155	Milk marketing orders . . . . .	124
ESB 6161	Disposition of public lands . . . . .	125
ESSB 6174	Homicide victims' families . . . . .	125
ESSB 6180	Education programs . . . . .	126
ESB 6184	Real estate brokers/sales . . . . .	126
SSB 6186	Unpaid leave/service credit . . . . .	127
SSB 6193	Stop-loss insurance . . . . .	127
SB 6199	Boating offense compact . . . . .	128
SB 6212	Fruit commission assessments . . . . .	128
ESB 6213	Special election dates . . . . .	129
SB 6220	Schools for 21st century . . . . .	129
SB 6221	Western Washington pheasant hunting . . . . .	129
SB 6226	Firemen's pension fund . . . . .	130
SSB 6241	Nonprofit organization life insurance . . . . .	130
ESB 6261	Child sexual exploitation . . . . .	130
SB 6270	Municipal criminal justice account . . . . .	131
ESB 6273	Pesticide regulation . . . . .	131
SB 6276	District judges compensation . . . . .	132
ESB 6284	Budget stabilization account . . . . .	132
ESB 6285	Higher ed tuition/fee waivers . . . . .	132
ESSB 6286	Pension contribution rates . . . . .	133
SB 6289	Fax/phone use at hearings . . . . .	133
ESB 6292	Brewer and winery sales . . . . .	134
SB 6295	Driving under influence . . . . .	134
SB 6296	Infant mortality reviews . . . . .	134
SSB 6306	Puget Island ferry . . . . .	135
ESB 6319	Mental illness/placement . . . . .	135
SSB 6321	Whistleblower programs . . . . .	137
ESSB 6326	Award for excellence . . . . .	137
SSB 6327	Excellence in education . . . . .	138
SSB 6328	Higher education bid procedures . . . . .	138
SB 6329	RCW obsolete sections . . . . .	139
SSB 6330	Drivers' license suspended/revoked . . . . .	139
SB 6339	Class F wine retailers license . . . . .	139
E2SSB 6347	Domestic violence . . . . .	140
SB 6351	RCW obsolete sections . . . . .	141
SSB 6354	Nursing home reimbursement . . . . .	141
SB 6357	Solid waste and recycling . . . . .	141
SSB 6377	TDD statewide relay system . . . . .	142
SSB 6386	Radon testing in residences . . . . .	142

## Numerical Index

---

Bill Number	Title	Page
SSB 6393	Food safety inspection program.....	143
SB 6396	Unauthorized insurance brokers.....	144
ESB 6401	Corridor designations.....	144
ESB 6407	Construction contracts.....	144
ESB 6408	Capital projects financing.....	145
ESB 6427	Unauthorized mailings.....	146
SSB 6428	At-risk children & families.....	146
ESB 6441	Construction lien rights.....	147
SB 6444	TV reception improvement districts.....	148
SSB 6451	Surety liability limits.....	149
SB 6452	Special events funding.....	149
SB 6457	Convention/trade center.....	149
SSB 6460	For hire vehicle provisions.....	150
SSB 6461	Master license system.....	150
SSB 6483	Weights and measures.....	151
SSB 6494	Hanford lease.....	151
<b>SENATE JOINT MEMORIALS</b>		
SSJM 8024	Timber salvage sales.....	152
<b>SENATE CONCURRENT RESOLUTIONS</b>		
SCR 8421	Redistricting.....	152
SCR 8422	Council on education reform/funding.....	153
SCR 8427	High technology education.....	153
SCR 8429	Sentencing alternatives.....	153

Bill Number To Session Law Table

INITIATIVES

INIT 120 Reproductive privacy . . . . . C 1 L 92

HOUSE BILLS

ESHB 1150 Port commissioner elections. . . . . C 146 L 92  
 EHB 1185 Federal lien recording. . . . . C 133 L 92  
 SHB 1258 Nursing home administration. . . . . C 53 L 92  
 2ESHB 1378 Superior court fees . . . . . C 54 L 92  
 SHB 1392 Acupuncturist licensure . . . . . C 110 L 92  
 SHB 1481 Natural death act amendment. . . . . C 98 L 92  
 ESHB 1495 Land development regulations. . . . . C 191 L 92 PV  
 ESHB 1631 African-American affairs commission. . . . . C 96 L 92  
 HB 1664 Sign language requirement. . . . . C 60 L 92  
 HB 1732 Warrant servers. . . . . C 99 L 92  
 SHB 1736 Real property improvement . . . . . C 223 L 92  
 2ESHB 1932 School excess levy limits. . . . . C 49 L 92  
 ESHB 2025 Employee payroll deductions. . . . . C 192 L 92  
 EHB 2053 Electrical licensing exemptions . . . . . C 240 L 92  
 SHB 2055 Criminal history background checks . . . . . C 104 L 92  
 SHB 2212 Holocaust study requirement . . . . . C 24 L 92  
 HB 2259 Pension fund designations . . . . . C 212 L 92  
 EHB 2260 Retirement law corrections. . . . . C 72 L 92  
 HB 2261 Pension board memberships. . . . . C 6 L 92  
 ESHB 2262 Community protection act . . . . . C 45 L 92  
 SHB 2263 Correctional facility references . . . . . C 7 L 92  
 ESHB 2268 Inmate work programs . . . . . C 123 L 92  
 ESHB 2274 Employee privacy. . . . . Vetoed  
 SHB 2281 Passenger train crew size . . . . . C 102 L 92  
 SHB 2284 County law libraries . . . . . C 62 L 92  
 EHB 2287 Port district creation . . . . . C 147 L 92  
 HB 2290 Fire sprinkler system contractors. . . . . C 116 L 92  
 ESHB 2293 CPA licensing requirements. . . . . C 103 L 92  
 HB 2294 Coastal crab fishery study . . . . . C 9 L 92  
 HB 2295 Lake Washington Technical College. . . . . C 2 L 92  
 SHB 2299 Lease-purchase agreement act . . . . . C 134 L 92  
 SHB 2302 Public works projects . . . . . C 135 L 92  
 ESHB 2305 Fire commissioner districts . . . . . C 74 L 92  
 HB 2314 Medical service provision . . . . . C 8 L 92  
 EHB 2316 IMPACT sunset termination . . . . . C 95 L 92  
 SHB 2319 Election administration. . . . . C 163 L 92 PV  
 SHB 2330 Forest land base maintenance . . . . . C 52 L 92  
 ESHB 2333 Guide and service dogs . . . . . C 10 L 92  
 ESHB 2337 Malpractice insurance/retired physicians. . . . . C 113 L 92

PV: Partial Veto

## Bill Number To Session Law Table

SHB 2344	Street gang activity penalties		Vetoed
EHB 2347	High voltage transmission access	C 11 L 92	
SHB 2348	Child sex abuse victims	C 188 L 92	PV
HB 2350	General assistance programs	C 136 L 92	
HB 2358	Psychologist disciplinary committee	C 12 L 92	
SHB 2359	Academic and vocational integration program	C 137 L 92	PV
EHB 2360	Fisheries informational material	C 13 L 92	
HB 2368	Deputy sheriff practicing law	C 225 L 92	
SHB 2370	Process servers registration	C 125 L 92	
HB 2371	Conservation districts special assessment	C 70 L 92	
SHB 2373	Concealed weapon permits	C 168 L 92	
HB 2374	Senior volunteer programs	C 65 L 92	PV
ESHB 2389	Oil spill prevention/clean-up	C 73 L 92	
SHB 2391	Biomedical waste regulation	C 14 L 92	
SHB 2394	Limitations for jurors	C 93 L 92	
HB 2398	Volunteer fire fighters fund	C 97 L 92	
HB 2417	Disabled parking permits	C 148 L 92	
HB 2448	Pesticide licensing	C 170 L 92	
SHB 2457	Agricultural nuisances	C 151 L 92	PV
ESHB 2459	Superior court judges	C 189 L 92	
SHB 2465	Telecommunications charges	C 68 L 92	
ESHB 2466	Juvenile issues task force	C 205 L 92	PV
ESHB 2470	Supplemental operating budget	C 232 L 92	PV
SHB 2479	Medicare supplemental insurance	C 138 L 92	
ESHB 2490	Community placement escape	C 75 L 92	
SHB 2495	Rural hospital districts	C 161 L 92	
SHB 2498	Regulatory fairness	C 197 L 92	PV
SHB 2501	Landlord claims/tenant property	C 211 L 92	
SHB 2502	Organic agricultural products	C 71 L 92	
HB 2514	Senior citizen/property tax relief	C 187 L 92	
HB 2516	Unlawful bus conduct	C 77 L 92	
ESHB 2518	School employees' background	C 159 L 92	
HB 2543	Recreational boating code	C 15 L 92	
SHB 2551	Special education services projects	C 180 L 92	
ESHB 2552	Supplemental capital budget	C 233 L 92	PV
ESHB 2553	Supplemental transportation budget	C 166 L 92	PV
HB 2554	Erotic sound recordings	C 5 L 92	
SHB 2555	Limited dental practices	C 59 L 92	
SHB 2560	Senior environmental corps	C 63 L 92	
SHB 2594	Wildlife/recreational lands management	C 153 L 92	
ESHB 2609	Airport expansions	C 190 L 92	
ESHB 2610	Regional transportation council	C 101 L 92	
HB 2633	Moderate-risk waste facilities	C 17 L 92	
SHB 2635	Litter/recycling assessment	C 175 L 92	
SHB 2639	Nonprofit homes for aging	C 213 L 92	
ESHB 2640	Sludge management program	C 174 L 92	
ESHB 2643	Vehicle licensing/registration	C 216 L 92	

PV: Partial Veto

HB 2655	Municipal criminal justice account	C 55 L 92	
SHB 2659	Public works contracts		Vetoed
SHB 2660	Vehicle license registration	C 222 L 92	PV
HB 2662	Disqualified candidates	C 181 L 92	
SHB 2672	Cellular communications	C 218 L 92	
SHB 2673	Moved buildings	C 79 L 92	
SHB 2676	Economic development projects		Vetoed
EHB 2680	Tax assessment/collection	C 206 L 92	
HB 2681	Overpaid taxes refund	C 169 L 92	
HB 2682	Unclaimed property recovery	C 48 L 92	
SHB 2686	Contractor licensing	C 217 L 92	
ESHB 2702	Harassment offenses	C 186 L 92	
SHB 2714	Public transportation benefit areas	C 16 L 92	
SHB 2720	Longshore and harbor workers	C 209 L 92	PV
HB 2727	Transportation excises taxes	C 154 L 92	
SHB 2735	Volunteerism/citizen service	C 66 L 92	
SHB 2745	Protection/antiharassment	C 143 L 92	
HB 2746	Tow truck impound charges	C 18 L 92	
SHB 2747	Bottled water regulation	C 34 L 92	
SHB 2766	Sheriff's services fees	C 164 L 92	
SHB 2768	Ecology technical assistance	C 19 L 92	
SHB 2784	Domestic relations amendments	C 229 L 92	
SHB 2796	Water well construction	C 67 L 92	
HB 2811	AIDS nursing supplies	C 182 L 92	
EHB 2812	Aircraft maintenance training	C 183 L 92	
EHB 2813	LEOFF retirement system	C 199 L 92	
SHB 2814	State information resources	C 20 L 92	
EHB 2821	Timber impact area community	C 21 L 92	
SHB 2831	Pesticide records/posting	C 173 L 92	
SHB 2833	Regulating reclaimed water	C 204 L 92	
HB 2841	Unclaimed property act	C 122 L 92	
ESHB 2842	System improvements mitigation	C 219 L 92	
HB 2844	Impounded vehicle claims	C 200 L 92	
SHB 2845	Auto salespersons overtime	C 94 L 92	
SHB 2857	Retired school employee health insurance	C 152 L 92	
SHB 2865	Wild mushrooms harvest	C 184 L 92	
SHB 2867	Law enforcement/fire fighters insurance	C 22 L 92	
SHB 2873	Radioactive waste disposal	C 61 L 92	
SHB 2874	Funeral expenses	C 108 L 92	
ESHB 2876	Public disclosure laws	C 139 L 92	
SHB 2887	Appellate court filing fees	C 140 L 92	
HB 2896	Ferry bonds	C 158 L 92	
ESHB 2928	Open space laws	C 69 L 92	PV
HB 2932	Washington technology center	C 142 L 92	
SHB 2937	Fire protection contracts	C 117 L 92	
HB 2944	Consumer credit transactions	C 193 L 92	PV
ESHB 2947	PERS/TRS early retirement	C 234 L 92	

PV: Partial Veto

## Bill Number To Session Law Table

ESHB 2950	General obligation bonds	C 235 L 92
HB 2961	Thurston county special excise tax	C 156 L 92
ESHB 2964	Traffic safety education	C 194 L 92
SHB 2967	Intermediate care facilities	C 80 L 92
SHB 2983	Public assistance job training	C 165 L 92 PV
ESHB 2985	LEOFF past service credit	C 157 L 92
ESHB 2990	State trust lands purchase	C 185 L 92
SHB 2993	Rural health access account	C 120 L 92

### SENATE BILLS

ESSB 5092	Employee benefits/active duty	C 119 L 92
SB 5105	Collective bargaining	C 36 L 92
SSB 5116	Student transportation safety	C 39 L 92 PV
2ESSB 5121	Whistleblower protection	C 118 L 92
SSB 5305	Student suspension	C 155 L 92
2SSB 5318	Money laundering penalties	C 210 L 92
SSB 5342	Payment by annuity/self-insurance	C 124 L 92
SSB 5425	Old vehicle equipment	C 46 L 92
SSB 5465	Pharmacy assistant ratio	C 40 L 92
SB 5510	Retirement/withdrawn contributions	C 195 L 92
SSB 5557	Recording of surveys	C 106 L 92 PV
ESB 5675	Skagit river salmon restoration	C 88 L 92 PV
E2SSB 5724	Paper mill waste regulation	C 201 L 92
ESSB 5727	Interim zoning permits	C 207 L 92
ESSB 5728	Land use threshold determination	C 208 L 92
SSB 5953	Common schools improvement	C 141 L 92 PV
ESB 5961	Fiscal matters	C 238 L 92
ESSB 5986	Tenant duties expanded	C 38 L 92
2ESB 6004	Indian gaming compact review	C 224 L 92
ESB 6008	Repeal RCW 11.92.095	C 172 L 92
SB 6010	Church day cares/B&O exemption	C 81 L 92
ESB 6023	International trade in forest products	C 121 L 92
ESB 6027	Horticultural research	C 23 L 92
ESB 6028	Water conservation revenue bonds	C 25 L 92
SB 6032	Emergency medical services committee	C 84 L 92
ESB 6033	Emergency medical services certification	C 128 L 92
SSB 6042	Condominium act	C 220 L 92
ESB 6054	Chiropractic practice	C 241 L 92 PV
SSB 6055	Crime lab reports as evidence	C 129 L 92
ESSB 6069	Bone marrow donor program	C 109 L 92
SB 6070	Physician's assistant supervision	C 28 L 92
SB 6074	Unemployment insurance	C 47 L 92
SSB 6076	Rural health facilities	C 27 L 92
SB 6078	State route 901	C 26 L 92
SSB 6085	Water/sewer extension review	C 162 L 92
SSB 6086	Veteran affairs advisory committee	C 35 L 92

PV: Partial Veto

ESB 6093	Pesticide application notification . . . . .	C 176 L 92	
ESB 6103	Electronic monitoring . . . . .	C 86 L 92	
ESSB 6104	Assault against a child . . . . .	C 145 L 92	
SSB 6111	Family preservation services . . . . .	C 214 L 92	
SSB 6120	Sales representative and principal . . . . .	C 177 L 92	
ESB 6128	Residential shoreline erosion . . . . .	C 105 L 92	
ESSB 6132	Shellfish protection . . . . .	C 100 L 92	
SB 6133	Board of education membership . . . . .	C 56 L 92	
SB 6134	District court seals . . . . .	C 29 L 92	
SSB 6135	Name change orders/filing . . . . .	C 30 L 92	
SSB 6138	District court references . . . . .	C 31 L 92	
SB 6140	Traffic violator nonappearance . . . . .	C 32 L 92	
SSB 6141	Antiharassment petitions . . . . .	C 127 L 92	
SSB 6146	Public works projects . . . . .	Vetoed	
SB 6155	Milk marketing orders . . . . .	C 58 L 92	
ESB 6161	Disposition of public lands . . . . .	C 167 L 92	
ESSB 6174	Homicide victims' families . . . . .	C 203 L 92	
ESSB 6180	Education programs . . . . .	C 196 L 92	
ESB 6184	Real estate brokers/sales . . . . .	C 92 L 92	
SSB 6186	Unpaid leave/service credit . . . . .	C 3 L 92	
SSB 6193	Stop-loss insurance . . . . .	C 226 L 92	
SB 6199	Boating offense compact . . . . .	C 33 L 92	
SB 6212	Fruit commission assessments . . . . .	C 87 L 92	
ESB 6213	Special election dates . . . . .	C 37 L 92	
SB 6220	Schools for 21st century . . . . .	C 112 L 92	
SB 6221	Western Washington pheasant hunting . . . . .	C 41 L 92	
SB 6226	Firemen's pension fund . . . . .	C 89 L 92	
SSB 6241	Nonprofit organization life insurance . . . . .	C 51 L 92	
ESB 6261	Child sexual exploitation . . . . .	C 178 L 92	
SB 6270	Municipal criminal justice account . . . . .	Vetoed	
ESB 6273	Pesticide regulation . . . . .	Vetoed	
SB 6276	District judges compensation . . . . .	C 76 L 92	
ESB 6284	Budget stabilization account . . . . .	C 236 L 92	
ESB 6285	Higher ed tuition/fee waivers . . . . .	C 231 L 92	
ESSB 6286	Pension contribution rates . . . . .	C 239 L 92	
SB 6289	Fax/phone use at hearings . . . . .	C 57 L 92	
ESB 6292	Brewer and winery sales . . . . .	C 78 L 92	
SB 6295	Driving under influence . . . . .	C 64 L 92	
SB 6296	Infant mortality reviews . . . . .	C 179 L 92	
SSB 6306	Puget Island ferry . . . . .	C 82 L 92	
ESB 6319	Mental illness/placement . . . . .	C 230 L 92	PV
SSB 6321	Whistleblower programs . . . . .	C 44 L 92	
ESSB 6326	Award for excellence . . . . .	C 83 L 92	
SSB 6327	Excellence in education . . . . .	C 50 L 92	PV
SSB 6328	Higher education bid procedures . . . . .	C 85 L 92	
SB 6329	RCW obsolete sections . . . . .	C 91 L 92	
SSB 6330	Drivers' license suspended/revoked . . . . .	C 130 L 92	

PV: Partial Veto

## Bill Number To Session Law Table

---

SB 6339	Class F wine retailers license . . . . .	C	42 L 92	
E2SSB 6347	Domestic violence . . . . .	C	111 L 92	PV
SB 6351	RCW obsolete sections . . . . .	C	90 L 92	
SSB 6354	Nursing home reimbursement. . . . .	C	215 L 92	
SB 6357	Solid waste and recycling. . . . .	C	131 L 92	
SSB 6377	TDD statewide relay system. . . . .	C	144 L 92	
SSB 6386	Radon testing in residences . . . . .	C	132 L 92	
SSB 6393	Food safety inspection program . . . . .	C	160 L 92	
SB 6396	Unauthorized insurance brokers . . . . .	C	149 L 92	
ESB 6401	Corridor designations . . . . .	C	227 L 92	
ESB 6407	Construction contracts. . . . .	C	171 L 92	
ESB 6408	Capital projects financing. . . . .	C	221 L 92	
ESB 6427	Unauthorized mailings . . . . .	C	43 L 92	
SSB 6428	At-risk children & families. . . . .	C	198 L 92	PV
ESB 6441	Construction lien rights. . . . .	C	126 L 92	
SB 6444	TV reception improvement districts. . . . .	C	150 L 92	
SSB 6451	Surety liability limits. . . . .	C	115 L 92	
SB 6452	Special events funding . . . . .	C	202 L 92	
SB 6457	Convention/trade center . . . . .	C	4 L 92	
SSB 6460	For hire vehicle provisions . . . . .	C	114 L 92	
SSB 6461	Master license system . . . . .	C	107 L 92	
SSB 6483	Weights and measures. . . . .	C	237 L 92	
SSB 6494	Hanford lease. . . . .	C	228 L 92	

Session Law To Bill Number Table

C	1 L 92	Reproductive privacy . . . . .	INIT 120
C	2 L 92	Lake Washington Technical College . . . . .	HB 2295
C	3 L 92	Unpaid leave/service credit. . . . .	SSB 6186
C	4 L 92	Convention/trade center . . . . .	SB 6457
C	5 L 92	Erotic sound recordings . . . . .	HB 2554
C	6 L 92	Pension board memberships . . . . .	HB 2261
C	7 L 92	Correctional facility references . . . . .	SHB 2263
C	8 L 92	Medical service provision. . . . .	HB 2314
C	9 L 92	Coastal crab fishery study . . . . .	HB 2294
C	10 L 92	Guide and service dogs. . . . .	ESHB 2333
C	11 L 92	High voltage transmission access. . . . .	EHB 2347
C	12 L 92	Psychologist disciplinary committee . . . . .	HB 2358
C	13 L 92	Fisheries informational material. . . . .	EHB 2360
C	14 L 92	Biomedical waste regulation . . . . .	SHB 2391
C	15 L 92	Recreational boating code. . . . .	HB 2543
C	16 L 92	Public transportation benefit areas . . . . .	SHB 2714
C	17 L 92	Moderate-risk waste facilities. . . . .	HB 2633
C	18 L 92	Tow truck impound charges . . . . .	HB 2746
C	19 L 92	Ecology technical assistance. . . . .	SHB 2768
C	20 L 92	State information resources . . . . .	SHB 2814
C	21 L 92	Timber impact area community . . . . .	EHB 2821
C	22 L 92	Law enforcement/fire fighters insurance . . . . .	SHB 2867
C	23 L 92	Horticultural research . . . . .	ESB 6027
C	24 L 92	Holocaust study requirement . . . . .	SHB 2212
C	25 L 92	Water conservation revenue bonds. . . . .	ESB 6028
C	26 L 92	State route 901 . . . . .	SB 6078
C	27 L 92	Rural health facilities . . . . .	SSB 6076
C	28 L 92	Physician's assistant supervision . . . . .	SB 6070
C	29 L 92	District court seals . . . . .	SB 6134
C	30 L 92	Name change orders/filing . . . . .	SSB 6135
C	31 L 92	District court references . . . . .	SSB 6138
C	32 L 92	Traffic violator nonappearance. . . . .	SB 6140
C	33 L 92	Boating offense compact . . . . .	SB 6199
C	34 L 92	Bottled water regulation . . . . .	SHB 2747
C	35 L 92	Veteran affairs advisory committee . . . . .	SSB 6086
C	36 L 92	Collective bargaining . . . . .	SB 5105
C	37 L 92	Special election dates . . . . .	ESB 6213
C	38 L 92	Tenant duties expanded . . . . .	ESSB 5986
C	39 L 92	Student transportation safety . . . . .	SSB 5116
C	40 L 92	Pharmacy assistant ratio . . . . .	SSB 5465
C	41 L 92	Western Washington pheasant hunting . . . . .	SB 6221
C	42 L 92	Class F wine retailers license . . . . .	SB 6339
C	43 L 92	Unauthorized mailings . . . . .	ESB 6427
C	44 L 92	Whistleblower programs. . . . .	SSB 6321

PV: Partial Veto

## Session Law To Bill Number Table

C 45 L 92	Community protection act . . . . .	ESHB 2262
C 46 L 92	Old vehicle equipment. . . . .	SSB 5425
C 47 L 92	Unemployment insurance . . . . .	SB 6074
C 48 L 92	Unclaimed property recovery . . . . .	HB 2682
C 49 L 92	School excess levy limits . . . . .	2ESHB 1932
C 50 L 92 PV	Excellence in education. . . . .	SSB 6327
C 51 L 92	Nonprofit organization life insurance . . . . .	SSB 6241
C 52 L 92	Forest land base maintenance . . . . .	SHB 2330
C 53 L 92	Nursing home administration . . . . .	SHB 1258
C 54 L 92	Superior court fees. . . . .	2ESHB 1378
C 55 L 92	Municipal criminal justice account. . . . .	HB 2655
C 56 L 92	Board of education membership. . . . .	SB 6133
C 57 L 92	Fax/phone use at hearings . . . . .	SB 6289
C 58 L 92	Milk marketing orders. . . . .	SB 6155
C 59 L 92	Limited dental practices . . . . .	SHB 2555
C 60 L 92	Sign language requirement . . . . .	HB 1664
C 61 L 92	Radioactive waste disposal . . . . .	SHB 2873
C 62 L 92	County law libraries . . . . .	SHB 2284
C 63 L 92	Senior environmental corps. . . . .	SHB 2560
C 64 L 92	Driving under influence. . . . .	SB 6295
C 65 L 92 PV	Senior volunteer programs . . . . .	HB 2374
C 66 L 92	Volunteerism/citizen service . . . . .	SHB 2735
C 67 L 92	Water well construction. . . . .	SHB 2796
C 68 L 92	Telecommunications charges . . . . .	SHB 2465
C 69 L 92 PV	Open space laws . . . . .	ESHB 2928
C 70 L 92	Conservation district special assessment . . . . .	HB 2371
C 71 L 92	Organic agricultural products . . . . .	SHB 2502
C 72 L 92	Retirement law corrections . . . . .	EHB 2260
C 73 L 92	Oil spill prevention/clean-up. . . . .	ESHB 2389
C 74 L 92	Fire commissioner districts . . . . .	ESHB 2305
C 75 L 92	Community placement escape. . . . .	ESHB 2490
C 76 L 92	District judges compensation . . . . .	SB 6276
C 77 L 92	Unlawful bus conduct . . . . .	HB 2516
C 78 L 92	Brewer and winery sales . . . . .	ESB 6292
C 79 L 92	Moved buildings . . . . .	SHB 2673
C 80 L 92	Intermediate care facilities . . . . .	SHB 2967
C 81 L 92	Church day cares/B&O exemption. . . . .	SB 6010
C 82 L 92	Puget Island ferry. . . . .	SSB 6306
C 83 L 92	Award for excellence. . . . .	ESSB 6326
C 84 L 92	Emergency medical services committee. . . . .	SB 6032
C 85 L 92	Higher education bid procedures . . . . .	SSB 6328
C 86 L 92	Electronic monitoring . . . . .	ESB 6103
C 87 L 92	Fruit commission assessments . . . . .	SB 6212
C 88 L 92 PV	Skagit river salmon restoration. . . . .	ESB 5675
C 89 L 92	Firemen's pension fund. . . . .	SB 6226
C 90 L 92	RCW obsolete sections . . . . .	SB 6351
C 91 L 92	RCW obsolete sections . . . . .	SB 6329

PV: Partial Veto

C 92 L 92	PV	Real estate brokers/sales . . . . .	ESB 6184
C 93 L 92		Limitations for jurors . . . . .	SHB 2394
C 94 L 92		Auto salespersons overtime . . . . .	SHB 2845
C 95 L 92		IMPACT sunset termination. . . . .	EHB 2316
C 96 L 92		African-American affairs commission. . . . .	ESHB 1631
C 97 L 92		Volunteer fire fighters fund . . . . .	HB 2398
C 98 L 92		Natural death act amendment. . . . .	SHB 1481
C 99 L 92		Warrant servers . . . . .	HB 1732
C 100 L 92		Shellfish protection . . . . .	ESSB 6132
C 101 L 92		Regional transportation council . . . . .	ESHB 2610
C 102 L 92		Passenger train crew size . . . . .	SHB 2281
C 103 L 92		CPA licensing requirements . . . . .	ESHB 2293
C 104 L 92		Criminal history background checks . . . . .	SHB 2055
C 105 L 92		Residential shoreline erosion . . . . .	ESB 6128
C 106 L 92	PV	Recording of surveys . . . . .	SSB 5557
C 107 L 92		Master license system. . . . .	SSB 6461
C 108 L 92		Funeral expenses. . . . .	SHB 2874
C 109 L 92		Bone marrow donor program . . . . .	ESSB 6069
C 110 L 92		Acupuncturist licensure . . . . .	SHB 1392
C 111 L 92	PV	Domestic violence. . . . .	E2SSB 6347
C 112 L 92		Schools for 21st century . . . . .	SB 6220
C 113 L 92		Malpractice ins./retired physicians. . . . .	ESHB 2337
C 114 L 92		For hire vehicle provisions. . . . .	SSB 6460
C 115 L 92		Surety liability limits . . . . .	SSB 6451
C 116 L 92		Fire sprinkler system contractors . . . . .	HB 2290
C 117 L 92		Fire protection contracts . . . . .	SHB 2937
C 118 L 92		Whistleblower protection . . . . .	2ESSB 5121
C 119 L 92		Employee benefits/active duty . . . . .	ESSB 5092
C 120 L 92		Rural health access account . . . . .	SHB 2993
C 121 L 92		International trade in forest products . . . . .	ESB 6023
C 122 L 92		Unclaimed property act. . . . .	HB 2841
C 123 L 92		Inmate work programs . . . . .	ESHB 2268
C 124 L 92		Payment by annuity/self-insurance. . . . .	SSB 5342
C 125 L 92		Process servers registration. . . . .	SHB 2370
C 126 L 92		Construction lien rights. . . . .	ESB 6441
C 127 L 92		Antiharassment petitions. . . . .	SSB 6141
C 128 L 92		Emergency medical services certification . . . . .	ESB 6033
C 129 L 92		Crime lab reports as evidence . . . . .	SSB 6055
C 130 L 92		Drivers' license suspended/revoked. . . . .	SSB 6330
C 131 L 92		Solid waste and recycling. . . . .	SB 6357
C 132 L 92		Radon testing in residences . . . . .	SSB 6386
C 133 L 92		Federal lien recording. . . . .	EHB 1185
C 134 L 92		Lease-purchase agreement act . . . . .	SHB 2299
C 135 L 92		Public works projects . . . . .	SHB 2302
C 136 L 92		General assistance programs. . . . .	HB 2350
C 137 L 92	PV	Academic and vocational integration program . . . . .	SHB 2359
C 138 L 92		Medicare supplemental insurance . . . . .	SHB 2479

PV: Partial Veto

## Session Law To Bill Number Table

C 139 L 92	Public disclosure laws . . . . .	ESHB 2876
C 140 L 92	Appellate court filing fees . . . . .	SHB 2887
C 141 L 92 PV	Common schools improvement . . . . .	SSB 5953
C 142 L 92	Washington technology center . . . . .	HB 2932
C 143 L 92	Protection/antiharassment . . . . .	SHB 2745
C 144 L 92	TDD statewide relay system . . . . .	SSB 6377
C 145 L 92	Assault against a child . . . . .	ESSB 6104
C 146 L 92	Port commissioner elections . . . . .	ESHB 1150
C 147 L 92	Port district creation . . . . .	EHB 2287
C 148 L 92	Disabled parking permits . . . . .	HB 2417
C 149 L 92	Unauthorized insurance brokers . . . . .	SB 6396
C 150 L 92	TV reception improvement districts . . . . .	SB 6444
C 151 L 92 PV	Agricultural nuisances . . . . .	SHB 2457
C 152 L 92	Retired school employee health insurance . . . . .	SHB 2857
C 153 L 92	Wildlife/recreational lands management . . . . .	SHB 2594
C 154 L 92	Transportation excises taxes . . . . .	HB 2727
C 155 L 92	Student suspension . . . . .	SSB 5305
C 156 L 92	Thurston county special excise tax . . . . .	HB 2961
C 157 L 92	LEOFF past service credit . . . . .	ESHB 2985
C 158 L 92	Ferry bonds . . . . .	HB 2896
C 159 L 92	School employees' background . . . . .	ESHB 2518
C 160 L 92	Food safety inspection program . . . . .	SSB 6393
C 161 L 92	Rural hospital districts . . . . .	SHB 2495
C 162 L 92	Water/sewer extension review . . . . .	SSB 6085
C 163 L 92 PV	Election administration . . . . .	SHB 2319
C 164 L 92	Sheriff's services fees . . . . .	SHB 2766
C 165 L 92 PV	Public assistance job training . . . . .	SHB 2983
C 166 L 92 PV	Supplemental transportation budget . . . . .	ESHB 2553
C 167 L 92	Disposition of public lands . . . . .	ESB 6161
C 168 L 92	Concealed weapon permits . . . . .	SHB 2373
C 169 L 92	Overpaid taxes refund . . . . .	HB 2681
C 170 L 92	Pesticide licensing . . . . .	HB 2448
C 171 L 92	Construction contracts . . . . .	ESB 6407
C 172 L 92	Indian gaming compact review . . . . .	2ESB 6004
C 173 L 92	Pesticide records/posting . . . . .	SHB 2831
C 174 L 92	Sludge management program . . . . .	ESHB 2640
C 175 L 92	Litter/recycling assessment . . . . .	SHB 2635
C 176 L 92	Pesticide application notification . . . . .	ESB 6093
C 177 L 92	Sales representative and principal . . . . .	SSB 6120
C 178 L 92	Child sexual exploitation . . . . .	ESB 6261
C 179 L 92	Infant mortality reviews . . . . .	SB 6296
C 180 L 92	Special education services projects . . . . .	SHB 2551
C 181 L 92	Disqualified candidates . . . . .	HB 2662
C 182 L 92	AIDS nursing supplies . . . . .	HB 2811
C 183 L 92	Aircraft maintenance training . . . . .	EHB 2812
C 184 L 92	Wild mushrooms harvest . . . . .	SHB 2865
C 185 L 92	State trust lands purchase . . . . .	ESHB 2990

PV: Partial Veto

C 186 L 92	Harassment offenses . . . . .	ESHB 2702
C 187 L 92	Senior citizen/property tax relief . . . . .	HB 2514
C 188 L 92 PV	Child sex abuse victims . . . . .	SHB 2348
C 189 L 92	Superior court judges . . . . .	ESHB 2459
C 190 L 92	Airport expansions . . . . .	ESHB 2609
C 191 L 92 PV	Land development regulations . . . . .	ESHB 1495
C 192 L 92	Employee payroll deductions . . . . .	ESHB 2025
C 193 L 92 PV	Consumer credit transactions . . . . .	HB 2944
C 194 L 92	Traffic safety education . . . . .	ESHB 2964
C 195 L 92	Retirement/withdrawn contributions . . . . .	SB 5510
C 196 L 92	Education programs . . . . .	ESSB 6180
C 197 L 92 PV	Regulatory fairness . . . . .	SHB 2498
C 198 L 92 PV	At-risk children & families. . . . .	SSB 6428
C 199 L 92	LEOFF retirement system . . . . .	EHB 2813
C 200 L 92	Impounded vehicle claims . . . . .	HB 2844
C 201 L 92	Paper mill waste regulation . . . . .	E2SSB 5724
C 202 L 92	Special events funding . . . . .	SB 6452
C 203 L 92	Homicide victims' families . . . . .	ESSB 6174
C 204 L 92	Regulating reclaimed water . . . . .	SHB 2833
C 205 L 92 PV	Juvenile issues task force . . . . .	ESHB 2466
C 206 L 92	Tax assessment/collection. . . . .	EHB 2680
C 207 L 92	Interim zoning permits . . . . .	ESSB 5727
C 208 L 92	Land use threshold determination . . . . .	ESSB 5728
C 209 L 92 PV	Longshore and harbor workers. . . . .	SHB 2720
C 210 L 92	Money laundering penalties . . . . .	2SSB 5318
C 211 L 92	Landlord claims/tenant property. . . . .	SHB 2501
C 212 L 92	Pension fund designations . . . . .	HB 2259
C 213 L 92	Nonprofit homes for aging . . . . .	SHB 2639
C 214 L 92	Family preservation services . . . . .	SSB 6111
C 215 L 92	Nursing home reimbursement . . . . .	SSB 6354
C 216 L 92	Vehicle licensing/registration . . . . .	ESHB 2643
C 217 L 92	Contractor licensing . . . . .	SHB 2686
C 218 L 92	Cellular communications . . . . .	SHB 2672
C 219 L 92	System improvements mitigation. . . . .	ESHB 2842
C 220 L 92	Condominium act . . . . .	SSB 6042
C 221 L 92	Capital projects financing. . . . .	ESB 6408
C 222 L 92 PV	Vehicle license registration. . . . .	SHB 2660
C 223 L 92	Real property improvement . . . . .	SHB 1736
C 224 L 92	Repeal RCW 11.92.095 . . . . .	ESB 6008
C 225 L 92	Deputy sheriff practicing law . . . . .	HB 2368
C 226 L 92	Stop-loss insurance . . . . .	SSB 6193
C 227 L 92	Corridor designations . . . . .	ESB 6401
C 228 L 92	Hanford lease . . . . .	SSB 6494
C 229 L 92	Domestic relations amendments. . . . .	SHB 2784
C 230 L 92 PV	Mental illness/placement . . . . .	ESB 6319
C 231 L 92	Higher ed tuition/fee waivers . . . . .	ESB 6285
C 232 L 92 PV	Supplemental operating budget . . . . .	ESHB 2470

PV: Partial Veto

## Session Law To Bill Number Table

---

C 233 L 92 PV	Supplemental capital budget .....	ESHB 2552
C 234 L 92	PERS/TRS early retirement .....	ESHB 2947
C 235 L 92	General obligation bonds .....	ESHB 2950
C 236 L 92	Budget stabilization account .....	ESB 6284
C 237 L 92	Weights and measures .....	SSB 6483
C 238 L 92	Fiscal matters .....	ESB 5961
C 239 L 92	Pension contribution rates .....	ESSB 6286
C 240 L 92	Electrical licensing exemptions .....	EHB 2053
C 241 L 92 PV	Chiropractic practice .....	ESB 6054

# Gubernatorial Appointments Confirmed

---

## Executive Agencies

---

### Office of Marine Safety

Barbara Herman, Administrator

---

## Members of Boards, Councils and Commissions

---

### Washington State University

John Ellis  
Scott Lukins

### State Board for Community and Technical Colleges

Mitchell Bower, Jr.  
Clyde H. Hupp  
Richard R. Sonstelie

### Higher Education Facilities Authority

Ray Tobiason

### Clark Community College District No. 14

Sally G. Schaefer

### Columbia Basin Community College District No. 19

Janice Ludwig

### Everett Community College District No. 5

Kathleen Gutierrez

### Olympic Community College District No. 3

Lawrence R. Robertson

### Skagit Valley Community College District No. 4

Debbie Aldrich

### Spokane Community College District No. 17

Roberta J. Greene  
Dorothy Knechtel

### Yakima Valley Community College District No. 16

Dr. Gregory Trujillo

### Bates Technical College District No. 28

Carl R. Brown  
Theresa Ceccarelli  
Roland W. Dewhurst  
Robert E. Hunt, Jr.  
John I. McGinnis

### Clover Park Technical College District No. 29

Ted Bolton  
Phil Hayes  
Janet Kovatch

### Lake Washington Technical College District No. 26

Carol Bender  
Delores I. Brown  
Fredrica Denton  
Robert Patterson

### Spokane Joint Center Board of Governors

David A. Clack  
Richard A. Davis  
Gerald P. Leahy  
Maurice L. McGrath  
Michael C. Ormsby  
Thomas L. Perko  
Shirley Rector  
Carol A. Wendle

### Board of Industrial Insurance Appeals

S. Frederick Feller, Chair

### Interagency Committee for Outdoor Recreation

Joe C. Jones  
Donna M. Mason

### Parks and Recreation Commission

Glenna S. Hall  
Bruce W. Hilyer  
Robert C. Petersen

■ 1992 Regular Session of the Fifty-Second Legislature ■

House of Representatives

**Democratic Leadership**

Joseph E. King ..... Speaker  
John L. O'Brien ..... Speaker Pro Tempore  
Brian Ebersole ..... Majority Leader  
Lorraine A. Hine ..... Democratic Caucus Chair  
Randy Dorn ..... Assistant Majority Leader  
Jesse Wineberry ..... Majority Whip  
Grace Cole ..... Assistant Majority Whip  
Judi Roland ..... Assistant Majority Whip  
George Orr ..... Assistant Majority Whip  
Lane Bray ..... Assistant Majority Whip  
Marilyn Rasmussen . Democratic Caucus Vice Chair  
/Secretary

**Republican Leadership**

Clyde Ballard ..... Minority Leader  
Eugene Prince ..... Republican Caucus Chair  
Louise Miller ..... Minority Floor Leader  
Rose Bowman ..... Minority Whip  
Duane Sommers .. Assistant Minority Floor Leader  
Randy Tate ..... Assistant Minority Floor Leader  
Bill Brumsickle .... Republican Caucus Vice Chair  
Christopher Vance ..... Assistant Minority Whip  
Todd Mielke ..... Assistant Minority Whip  
Sarah Casada ..... Assistant Minority Whip  
  
Alan Thompson ..... Chief Clerk  
Dennis Karras ..... Deputy Chief Clerk  
Greg Pierce ..... Assistant Chief Clerk  
Ross Young ..... Sergeant at Arms

Senate

**Officers**

Joel Pritchard ..... President  
Ellen Craswell ..... President Pro Tempore  
Alan Bluechel ..... Vice President Pro Tempore  
Gordon A. Golob ..... Secretary  
W.D. "Nate" Naismith ..... Deputy Secretary  
John E. Colwill ..... Sergeant at Arms

**Caucus Officers**

**Republican Caucus**

Jeannette Hayner ..... Majority Leader  
George L. Sellar ..... Caucus Chair  
Irv Newhouse ..... Majority Floor Leader  
Ann Anderson ..... Majority Whip  
Emilio Cantu ..... Deputy Majority Leader  
Neil Amondson ..... Majority Asst. Floor Leader  
Linda A. Smith ..... Majority Assistant Whip

**Democratic Caucus**

Marcus S. Gaspard ..... Democratic Leader  
Sid Snyder ..... Caucus Chair  
Patrick R. McMullen .... Democratic Floor Leader  
R. Lorraine Wojahn ..... Caucus Vice Chair  
Albert Bauer ..... Democratic Deputy Leader  
Patty Murray ..... Democratic Whip  
Phil Talmadge .... Democratic Organization Chair  
Adam Smith ..... Democratic Assistant Whip

## Standing Committee Assignments

### House Agriculture & Rural Development

Margaret Rayburn, Chair  
 Pete Kremen, Vice Chair  
 Gary Chandler  
 Bill Grant  
 Peggy Johnson  
 Rob Johnson  
 Barbara Lisk  
 Alex McLean  
 Darwin Nealey  
 Marilyn Rasmussen  
 Judi Roland

### House Appropriations

Gary Locke, Chair  
 Jay R. Inslee, Vice Chair  
 Harriet Spanel, Vice Chair  
 Marlin J. Appelwick  
 Jennifer Belcher  
 Rose Bowman  
 Dennis Braddock  
 Joanne Brekke  
 Ron Carlson  
 Randy Dorn  
 Brian Ebersole  
 Roy A. Ferguson  
 Steve Fuhrman  
 Lorraine A. Hine  
 Barbara Lisk  
 Fred O. May  
 Alex McLean  
 Todd Mielke  
 Bob Morton  
 Darwin Nealey  
 Kim Peery  
 Wes Pruitt  
 Nancy S. Rust  
 Jean Silver  
 Helen Sommers  
 Art Sprenkle  
 Georgette Valle  
 Christopher Vance  
 Art Wang  
 Jesse Wineberry

### Senate Agriculture & Water Resources

Scott Barr, Chair  
 Ann Anderson, Vice Chair  
 Cliff Bailey  
 Paul H. Conner  
 Marcus S. Gaspard  
 Frank "Tub" Hansen+  
 Wanda Hansen++  
 Irv Newhouse

see Senate Ways & Means

### House Capital Facilities & Financing

Helen Sommers, Chair  
 Marilyn Rasmussen,  
 Vice Chair  
 John Beck  
 Dennis Braddock  
 Jean Marie Brough  
 Sarah Casada  
 Karen Fraser  
 Mike Heavey  
 Ken Jacobsen  
 Richard Neher  
 Val Ogden  
 Kim Peery  
 Karen Schmidt  
 Jean Silver  
 Art Wang

### House Commerce & Labor

Mike Heavey, Chair  
 Grace Cole, Vice Chair  
 Rosa Franklin  
 Steve Fuhrman  
 Evan Jones  
 Richard King  
 Barbara Lisk  
 John O'Brien  
 Margarita Prentice  
 Christopher Vance  
 Sim Wilson

### House Education

Kim Peery, Chair  
 Greg Fisher, Vice Chair  
 John Betrozoff  
 Art Broback  
 Jean Marie Brough  
 Bill Brumsickle  
 Ron Carlson  
 Grace Cole  
 Randy Dorn  
 Peggy Johnson  
 Evan Jones  
 Jeanne Kohl  
 Richard Neher  
 George Orr  
 Marilyn Rasmussen  
 Judi Roland  
 Helen Sommers  
 Georgette Valle  
 Christopher Vance

see Senate Ways & Means

### Senate Commerce & Labor

Jim Matson, Chair  
 Ann Anderson, Vice Chair  
 Alan Bluechel  
 Bob McCaslin  
 Dan McDonald  
 Patrick R. McMullen  
 Ray Moore  
 Patty Murray  
 Sylvia Skratek

### Senate Education

Cliff Bailey, Chair  
 Tim Erwin, Vice Chair  
 Ann Anderson  
 Ellen Craswell  
 Jack Metcalf  
 Patty Murray  
 Bob Oke  
 Dwight Pelz  
 Nita Rinehart  
 Adam Smith  
 Phil Talmadge

## Standing Committee Assignments

### House Energy & Utilities

Bill Grant, Chair  
 Holly Myers, Vice Chair  
 Lane Bray  
 Sarah Casada  
 David Cooper  
 Ruth Fisher  
 Harold Hochstatter  
 Ken Jacobsen  
 Fred O. May  
 Louise Miller  
 Margaret Rayburn

### House Environmental Affairs

Nancy Rust, Chair  
 Georgette Valle,  
 Vice Chair  
 Lane Bray  
 Joanne Brekke  
 Betty Edmondson  
 Greg Fisher  
 Jim Horn  
 Jeanne Kohl  
 Richard Neher  
 Wes Pruitt  
 Duane Sommers  
 Art Sprenkle  
 Steve Van Luven

### House Financial Institutions & Insurance

Dennis Dellwo, Chair  
 Paul Zellinsky, Sr.,  
 Vice Chair  
 Calvin Anderson  
 Art Broback  
 Randy Dorn  
 Jay R. Inslee  
 Rob Johnson  
 Ron Meyers  
 Todd Mielke  
 Marshall Paris, Sr.  
 Karen Schmidt  
 Pat Scott  
 Shirley Winsley

### Senate Energy & Utilities

Leo K. Thorsness, Chair  
 Gerald L. Saling,  
 Vice Chair  
 Jim Jesernig  
 Gary A. Nelson  
 E.G. "Pat" Patterson  
 Pam Roach  
 Lois J. Stratton  
 Dean Sutherland  
 Al Williams

### Senate Environment & Natural Resources

Jack Metcalf, Chair  
 Bob Oke, Vice Chair  
 Neil Amondson  
 Scott Barr  
 Paul H. Conner  
 Brad Owen  
 Sid Snyder  
 Susan Sumner\*\*  
 Dean Sutherland

### Senate Financial Institutions & Insurance

Peter von Reichbauer,  
 Chair  
 Stanley C. Johnson,  
 Vice Chair\*  
 Tim Erwin, Vice Chair  
 Jim Matson  
 Bob McCaslin  
 Ray Moore  
 Brad Owen  
 Dwight Pelz  
 A.L. "Slim" Rasmussen  
 George L. Sellar  
 Larry L. Vognild  
 James E. West

### House Fisheries & Wildlife

Richard King, Chair  
 Betty Sue Morris,  
 Vice Chair  
 Bob Basich  
 Grace Cole  
 Steve Fuhrman  
 Mary Margaret Haugen  
 Harold Hochstatter  
 George Orr  
 Mike Padden  
 Harriet Spanel  
 Sim Wilson

### House Health Care

Dennis Braddock, Chair  
 Bill Day, Vice Chair  
 Maria Cantwell  
 Sarah Casada  
 Betty Edmondson  
 Rosa Franklin  
 Betty Sue Morris  
 John Moyer  
 Marshall Paris, Sr.  
 Margarita Prentice  
 Art Sprenkle

### House Higher Education

Ken Jacobsen, Chair  
 Val Ogden, Vice Chair  
 Bob Basich  
 Dennis Dellwo  
 Karen Fraser  
 Curtis Ludwig  
 Fred O. May  
 Louise Miller  
 Eugene A. Prince  
 Timothy Sheldon  
 Harriet Spanel  
 Steve Van Luven  
 Jeannette Wood

### see Senate Environment & Natural Resources

### Senate Health & Long-Term Care

James E. West, Chair  
 Linda A. Smith,  
 Vice Chair  
 Neil Amondson  
 Stanley C. Johnson\*  
 Mike Kreidler  
 Janice Niemi  
 Susan Sumner\*\*  
 R. Lorraine Wojahn

### Senate Higher Education

Gerald L. Saling, Chair  
 E.G. "Pat" Patterson,  
 Vice Chair  
 Albert Bauer  
 Alan Bluechel  
 Emilio Cantu  
 Jim Jesernig  
 Sylvia Skratek  
 Lois J. Stratton  
 Peter von Reichbauer

# Standing Committee Assignments

<p><b>House Housing</b></p> <p>Dick Nelson, Chair Rosa Franklin, Vice Chair Clyde Ballard June Leonard Maryann Mitchell Val Ogden Jesse Wineberry Shirley Winsley</p>	<p>see Senate Commerce &amp; Labor</p>	<p><b>House Local Government</b></p> <p>Mary Margaret Haugen, Chair David Cooper, Vice Chair Lane Bray Betty Edmondson Roy Ferguson Rosa Franklin Jim Horn Maryann Mitchell Darwin Nealey Dick Nelson Margaret Rayburn Judi Roland Jeannette Wood John Wynne Paul Zellinsky, Sr.</p>	<p><b>Senate Governmental Operations</b></p> <p>Bob McCaslin, Chair Pam Roach, Vice Chair Ken Madsen Jim Matson Dean Sutherland</p>
<p><b>House Human Services</b></p> <p>June Leonard, Chair Mike Riley, Vice Chair Calvin Anderson John Beck Joanne Brekke James E. Hargrove Harold Hochstatter Richard King Holly Myers Randy Tate Shirley Winsley</p>	<p><b>Senate Children &amp; Family Services</b></p> <p>Pam Roach, Chair Linda A. Smith, Vice Chair Ellen Craswell Lois J. Stratton Phil Talmadge</p>	<p><b>House Natural Resources &amp; Parks</b></p> <p>Jennifer Belcher, Chair Pat Scott, Vice Chair John Beck Bill Brumsickle Dennis Dellwo Karen Fraser Jim Hargrove Bob Morton Mike Riley Timothy Sheldon John Wynne</p>	<p>see Senate Environment &amp; Natural Resources</p>
<p><b>House Judiciary</b></p> <p>Marlin J. Appelwick, Chair Curtis Ludwig, Vice Chair Jennifer Belcher Art Broback Elmira Forner Jim Hargrove Jay R. Inslee Gary Locke Ron Meyers Todd Mielke Holly Myers Mike Padden Marshall Paris, Sr. Mike Riley Pat Scott Duane Sommers Randy Tate Christopher Vance Jesse Wineberry</p>	<p><b>Senate Law &amp; Justice</b></p> <p>Gary A. Nelson, Chair Leo K. Thorsness, Vice Chair Tim Erwin Jeannette Hayner Mike Kreidler Ken Madsen Irv Newhouse A.L. "Slim" Rasmussen Adam Smith</p> <p><b>Subcommittee on Corrections</b></p> <p>Leo K. Thorsness, Chair</p>	<p><b>House Revenue</b></p> <p>Art Wang, Chair Karen Fraser, Vice Chair Marlin J. Appelwick Jennifer Belcher Bill Brumsickle Ron Carlson Bill Day Jeanne Kohl June Leonard Betty Sue Morris Bob Morton Larry Phillips Nancy Rust Jean Silver Steve Van Luven John Wynne</p>	<p>see Senate Ways &amp; Means</p>

# Standing Committee Assignments

## House Rules

Joseph E. King, Chair  
 John L. O'Brien,  
 Vice Chair  
 Clyde Ballard  
 Rose Bowman  
 Grace Cole  
 Randy Dorn  
 Brian Ebersole  
 Jim Hargrove  
 Lorraine A. Hine  
 Ron Meyers  
 Louise Miller  
 Holly Myers  
 Mike Padden  
 Eugene A. Prince  
 Pat Scott  
 Duane Sommers  
 Harriet Spanel  
 Randy Tate  
 Georgette Valle

## House State Government

Calvin Anderson, Chair  
 Wes Pruitt, Vice Chair  
 Rose Bowman  
 Gary Chandler  
 Ruth Fisher  
 Bill Grant  
 Alex McLean  
 John Moyer  
 John L. O'Brien  
 Timothy Sheldon

## House Trade & Economic Development

Maria Cantwell, Chair  
 Timothy Sheldon,  
 Vice Chair  
 John Betrozoff  
 Roy A. Ferguson  
 Elmira Former  
 Pete Kremen  
 Curtis Ludwig  
 John Moyer  
 Marilyn Rasmussen  
 Mike Riley  
 Judi Roland

## Senate Rules

Joel Pritchard, Chair  
 Ellen Craswell, Vice Chair  
 Neil Amondson  
 Ann Anderson  
 Albert Bauer  
 Alan Bluechel  
 Emilio Cantu  
 Marcus S. Gaspard  
 Jeannette Hayner  
 Stanley C. Johnson\*  
 Patrick R. McMullen  
 Irv Newhouse  
 Bob Oke  
 A.L. "Slim" Rasmussen  
 George L. Sellar  
 Sid Snyder  
 Linda A. Smith  
 Larry L. Vognild  
 Al Williams  
 R. Lorraine Wojahn

## see Senate Governmental Operations

## see Senate Commerce & Labor

## House Transportation

Ruth Fisher, Chair  
 Ron Meyers, Vice Chair  
 Bob Basich  
 John Betrozoff  
 Jean Marie Brough  
 Maria Cantwell  
 Gary Chandler  
 David Cooper  
 Bill Day  
 Greg Fisher  
 Elmira Former  
 Mary Margaret Haugen  
 Mike Heavey  
 Jim Horn  
 Peggy Johnson  
 Rob Johnson  
 Evan Jones  
 Pete Kremen  
 Maryann Mitchell  
 Dick Nelson  
 George Orr  
 Margarita Prentice  
 Eugene A. Prince  
 Karen Schmidt  
 Sim Wilson  
 Jeannette Wood  
 Paul Zellinsky  
 see House Appropriations,  
 Capital Facilities &  
 Financing, Revenue

## Senate Transportation

E.G. "Pat" Patterson, Chair  
 Gary A. Nelson,  
 Vice Chair  
 Peter von Reichbauer,  
 Vice Chair  
 Scott Barr  
 Paul H. Conner  
 Tim Erwin  
 Frank "Tub" Hansen+  
 Wanda Hansen++  
 Ken Madsen  
 Patrick R. McMullen  
 Bob Oke  
 George L. Sellar  
 Sylvia Skratek  
 Sid Snyder  
 Leo K. Thorsness  
 Larry L. Vognild

## Senate Ways & Means

Dan McDonald, Chair  
 Ellen Craswell, Vice Chair  
 Neil Amondson  
 Cliff Bailey  
 Albert Bauer  
 Alan Bluechel  
 Emilio Cantu  
 Marcus S. Gaspard  
 Jeannette Hayner  
 Stanley C. Johnson\*  
 Mike Kreidler  
 Jim Matson  
 Jack Metcalf  
 Patty Murray  
 Irv Newhouse  
 Janice Niemi  
 Brad Owen  
 Nita Rinehart  
 Gerald L. Saling  
 Linda A. Smith  
 Phil Talmadge  
 James E. West  
 Al Williams  
 R. Lorraine Wojahn

+Deceased 12/29/91  
 ++Appointed 1/27/92  
 \*Resigned 1/22/92  
 \*\*Appointed 2/13/92