

SENATE JOURNAL
— 1991 —
VOLUME I
REGULAR SESSION
FIFTY-SECOND LEGISLATURE
STATE OF WASHINGTON
AT
OLYMPIA, the State Capitol

1991 Regular Session Convened January 14, 1991
Adjourned Sine Die April 28, 1991

Compiled, Edited and Indexed by
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Minute and Journal Clerk

JOEL PRITCHARD, *President of the Senate*
ELLEN CRASWELL, *President Pro Tempore*
ALAN BLUECHEL, *Vice President Pro Tempore*

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Caucus Chair GEORGE L. SELLAR
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Sergeant at Arms JOHN E. COLWILL
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Reader VIC YELLE

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**JOURNAL OF THE SENATE
STATE OF WASHINGTON
1991 REGULAR SESSION
FIFTY-SECOND LEGISLATURE**

FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 14, 1991

Pursuant to law, the Senate of the 1991 Regular Session of the Fifty-second Legislature of the state of Washington was called to order at 12:00 noon by Lieutenant Governor Joel Pritchard, President of the Senate.

The Sergeant at Arms Color Guard, consisting of Pages Kira Keeney and Mark Gardner, presented the Colors.

The President lead the Senate in the Pledge of Allegiance.

Reverend Michael J. Ryan, pastor of St. Michael's Catholic Church of Olympia, offered the prayer.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Nelson and McMullen to escort the Honorable Barbara Durham, Justice of the Supreme Court of the state of Washington, to the Senate Chamber and a seat upon the rostrum.

PRESIDENT WELCOMES JUSTICE DURHAM

President Pritchard: "We are honored today to have Justice Barbara Durham, a member of our Supreme Court, who was elected in 1985 and joined the Court. She is a distinguished person in her own right. We are delighted she could be with us today to administer the oath of office."

EDITOR'S NOTE: The following appointments were made after the 1990 Legislative Session.

APPOINTMENTS TO UNEXPIRED TERMS

October 2, 1990

The Honorable Booth Gardner
Governor of the State of Washington
Legislative Building
Olympia, Washington 98504

Dear Governor Gardner:

The Boards of County Commissioners of Grays Harbor, Wahkiakum, Pacific and Cowlitz Counties did meet jointly at 4:30 p.m., October 2, 1990, at the Pearsall Multi-Purpose Building, 2109 Sumner Avenue, Aberdeen, Washington, to select a successor to the late Senator Arlie DeJarnatt.

Pursuant to Article II, Section 15 of the Washington State Constitution as amended by Amendment 52, the Boards of Commissioners of Pacific, Grays Harbor, Wahkiakum and Cowlitz Counties do hereby appoint Sid Snyder to fill the 19th Legislative District Senate vacancy left by the death of Senator DeJarnatt.

Sincerely,
BOARD OF COMMISSIONERS
PACIFIC COUNTY, WASHINGTON
 J. D. "Dave" Wolfenbarger
 Richard Sande
 Ann Saari

BOARD OF COMMISSIONERS
COWLITZ COUNTY, WASHINGTON
 Van A. Youngquist
 Richard Maruhn
 Joan LeMieux

BOARD OF COMMISSIONERS
GRAYS HARBOR COUNTY, WASHINGTON
 William S. Pine
 Robert W. Paylor
 William F. Vogler

BOARD OF COMMISSIONERS
WAHAKIAKUM COUNTY, WASHINGTON
 Mark Doumit
 Ron Ozment

OATH OF OFFICE FOR UNEXPIRED TERM

OATH OF SENATOR FOR THE STATE OF WASHINGTON

I do solemnly swear that I will uphold the constitution and laws of the United States of America, the Constitution and Laws of the state of Washington, and the rules of the Washington State Senate, and that I will faithfully perform the duties of State Senator to the best of my ability, so help me God.

SENATOR SID SNYDER

Subscribed and sworn to before me this 5th day of October, 1990

RICHARD P. GUY
Supreme Court Justice

BOARD OF COUNTY COMMISSIONERS
BENTON COUNTY
P. O. BOX 190
PROSSER, WASHINGTON 99350

October 16, 1990

Mr. Gordon Golob
Secretary of the Senate
Olympia, Washington 98504

Dear Mr. Golob:

We are pleased and honored to have appointed Shirley Hankins to the 8th District Senate seat vacated by the untimely death of Senator Max Benitz.

The enclosed September 19, 1990, minutes show when the appointment was made by motion. The minutes and the resolution signed on October 1, 1990, shall serve as the legal notice for your records of that appointment.

Thank you very much.

Sincerely,
BOARD OF BENTON COUNTY COMMISSIONERS
Sandi Strawn,
Chairman

RESOLUTION IN THE MATTER OF APPOINTMENTS

RE: THE APPOINTMENT OF SHIRLEY W. HANKINS TO THE
STATE SENATE, DISTRICT 8

WHEREAS, the unexpected death of Senator Max Benitz created a vacancy in the District 8 seat of the State Senate; and

WHEREAS, Senator Benitz's term does not expire until 12/31/90; and

WHEREAS, pursuant to Article II, Section 15 of the Washington State Constitution, the Benton County Republican Central Committee nominated three (3) persons and submitted those names in order of preference to the Commissioners, NOW, THEREFORE,

BE IT RESOLVED that the Board of Benton County Commissioners herein appoint Shirley W. Hankins, 2120 Duportail #8, Richland, Washington 99352 to serve as State Senator to fill the unexpired Senate term of our mutual friend, the late Senator Max Benitz, until certification of the results of the November 6, 1990 election.

DATED THIS 1ST DAY OF OCTOBER, 1990

Sandi Strawn,
Chairman of the Board

Robert Drake, Member
R. E. Isaacson, Member

CONSTITUTING THE BOARD OF
COUNTY COMMISSIONERS
OF BENTON COUNTY, WASHINGTON

WASHINGTON STATE SENATE
SENATOR MIKE KREIDLER
22nd District

January 8, 1991

The Honorable Booth Gardner
Office of the Governor
Second Floor, Legislative Building
Olympia, Washington 98504

Dear Governor Gardner:

This letter is to officially notify you that I have been called to active duty in the United States Army in support of Operation Desert Shield. I have reported to my United States Army unit and commenced inprocessing this morning.

Due to this unusual circumstance, I respectfully request that an extended leave of absence be granted and a temporary replacement for the State Senate be named to represent the people of the 22nd Legislative District pursuant to RCW 73.16.041. I fully expect to resume my duties as State Senator at the conclusion of my active duty commitment to the United States Army.

I understand that the process is unprecedented in our state's history. I believe the citizens of the 22nd Legislative District deserve to be represented during the upcoming legislative session and hope that this can be accomplished through your cooperation and best offices.

MIKE KREIDLER
State Senator

THURSTON COUNTY
BOARD OF COUNTY COMMISSIONERS

January 14, 1991

Mr. Gordon Golob
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504

Dear Mr. Secretary:

As you know, Senator Mike Kreidler was called to active duty in the United States Army in support of Operation Desert Shield. He has requested that a temporary replacement be appointed during the term of his active duty.

Pursuant to RCW 73.16.041, the precinct committee officers of the 22nd Legislative District submitted the names of three individuals for consideration

by the Thurston County Commissioners. And as provided by law, we have met to deliberate on this matter.

We have granted Senator Kreidler an extended leave of absence for the term of his active duty, and we are pleased to notify you that we are hereby appointing Lela Kreidler as State Senator for the 22nd Legislative District for the same period.

Sincerely,
BOARD OF COUNTY COMMISSIONERS
Thurston County, Washington

Diane Oberquell, Chairman
George L. Barner, Jr. Commissioner
Les Eldridge, Commissioner

MESSAGE FROM THE SECRETARY OF STATE

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

I, Ralph Munro, Secretary of State of the State of Washington, do hereby certify that the following is a full, true, and correct list of the persons elected to the office of State Senator at the State General Election held in the state of Washington on the sixth day of November, 1990, as shown by the official returns of said election now on file in the office of the Secretary of State, together with a list of "holdover" Senators:

LIST OF STATE SENATORS ELECTED NOVEMBER 6, 1990

<u>DISTRICT</u>	<u>NAME</u>	<u>COUNTIES REPRESENTED</u>
No. 6	James E. West(R)	Spokane, Part
No. 7	Scott H. Barr, Jr.(R)	Ferry, Lincoln, Pend Oreille, Stevens, Okanogan, part, and Spokane, part
No. 8	Jim Jesernig(D)	Benton, part
No. 13	Frank (Tub) Hansen(D)	Adams, part, Grant, part, Kittitas, part, and Yakima, part
No. 15	Irving Newhouse(R)	Benton, part, and Yakima, part
No. 19	Sid Snyder(D)	Cowlitz, part, Grays Harbor, part Pacific, and Wahkiakum, part
No. 21	Gary Nelson(R)	Snohomish, part
No. 26	Bob Oke(R)	Kitsap, part, and Pierce, part
No. 29	A.L.(Slim) Rasmussen(D)	Pierce, part
No. 30	Peter von Reichbauer(R)	King, part, and Pierce, part
No. 31	Pamela Roach(R)	King, part, and Pierce, part
No. 32	Al Williams(D)	King, part
No. 33	Adam Smith(D)	King, part
No. 34	Phil Talmadge(D)	King, part

No. 35	Brad Owen(D)	Grays Harbor, part, Kitsap, part, Mason, and Thurston, part
No. 36	Ray Moore(D)	King, part
No. 37	Dwight Pelz(D)	King, part
No. 38	Larry L. Vognild(D)	Snohomish, part
No. 42	Ann Anderson(R)	Whatcom, part
No. 43	Janice Niemi(D)	King, part
No. 44	Timothy Erwin(R)	King, part, and Snohomish, part
No. 45	Alan Bluechel(R)	King, part
No. 46	Nita Rinehart(D)	King, part
No. 47	Sylvia Skratek(D)	King, part
No. 48	Dan McDonald(R)	King, part

LIST OF HOLDOVER STATE SENATORS

<u>DISTRICT</u>	<u>NAME</u>	<u>COUNTIES REPRESENTED</u>
No. 1	Patty Murray(D)	King, part, and Snohomish, part
No. 2	Ken Madsen(D)	Pierce, part, and Thurston, part
No. 3	Lois Stratton(D)	Spokane, part
No. 4	Bob McCaslin(R)	Spokane, part
No. 5	Gerald Saling(R)	Spokane, part
No. 9	E.G. "Pat" Patterson(R)	Adams, part, Asotin, Columbia, Franklin, part, Garfield, and Whitman
No. 10	Jack Metcalf(R)	Island, Skagit, part, and Snohomish, part
No. 11	Leo K. Thorsness(R)	King, part
No. 12	George L. Sellar (R)	Chelan, Douglas, Grant, part, Kittitas, part, and Okanogan, part
No. 14	Jim Matson(R)	Yakima, part
No. 16	Jeannette Hayner(R)	Benton, part, Franklin, part, and Walla Walla
No. 17	Dean Sutherland(D)	Clark, part, Klickitat, and Skamania
No. 18	Linda Smith(R)	Clark, part, and Cowlitz, part
No. 20	Neil Amondson(R)	Lewis, and Thurston, part
No. 22	Mike Kreidler(D)	Thurston, part
No. 23	Ellen Craswell(R)	Kitsap, part
No. 24	Paul Conner(D)	Clallam, Grays Harbor, part, and Jefferson
No. 25	Marc Gaspard(D)	Pierce, part
No. 27	Lorraine Wojahn(D)	Pierce, part
No. 28	Stanley C. Johnson(R)	Pierce, part
No. 39	Cliff Bailey(R)	Snohomish, part
No. 40	Patrick R. McMullen(D)	San Juan, Skagit, part, and Whatcom, part
No. 41	Emilio Cantu(R)	King, part

No. 49

Al Bauer(D)

Clark, part

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the state of Washington at Olympia, this fourteenth day of January, 1991.

(Seal)

RALPH MUNRO,
Secretary of State

ROLL CALL

The Acting Secretary called the roll of the holdover members of the Senate: Senators Neil Amondson, Cliff Bailey, Albert Bauer, Emilio Cantu, Paul H. Conner, Ellen Craswell, Marcus S. Gaspard, Jeannette Hayner, Stanley C. Johnson, Mike Kreidler, Ken Madsen, Jim Matson, Bob McCaslin, Patrick R. McMullen, Jack Metcalf, Patty Murray, E. G. "Pat" Patterson, Gerald L. Saling, George L. Sellar, Linda A. Smith, Lois J. Stratton, Dean Sutherland, Leo K. Thorsness, R. Lorraine Wojahn.

All members were present except Senator Murray.

MOTION

On motion of Senator McMullen, Senator Murray was excused.

ROLL CALL

The Acting Secretary called the roll of the following re-elected Senators and all were present: Senators Ann Anderson, Scott Barr, Alan Bluechel, Frank "Tub" Hansen, Dan McDonald, Ray Moore, Gary A. Nelson, Irv Newhouse, Janice Niemi, Brad Owen, A. L. "Slim" Rasmussen, Nita Rinehart, Sid Snyder, Phil Talmadge, Larry L. Vognild, Peter von Reichbauer, James E. West, Al Williams.

The Acting Sergeant at Arms escorted each of the newly re-elected members of the Senate to the bar of the Senate to receive the oath of office.

Justice Barbara Durham of the Washington State Supreme Court thereupon administered the oath of office to each of the newly re-elected members.

The President presented each of the newly re-elected Senators a certificate of election.

The Acting Sergeant at Arms escorted each of the newly re-elected members to their seats in the Senate Chamber.

ROLL CALL

The Acting Secretary of the Senate called the roll of the following newly elected members of the Senate and all were present: Tim Erwin, Jim Jesernig, Bob Oke, Dwight Pelz, Pam Roach, Sylvia Skratek, Adam Smith.

The Acting Sergeant at Arms escorted each of the newly elected members of the Senate to the bar of the Senate to receive their oath of office.

Justice Barbara Durham of the Washington State Supreme Court thereupon administered the oath of office to each of the newly elected members.

The President presented to each of the newly elected Senators a certificate of election.

The Acting Sergeant at Arms escorted each of the newly elected members to their seats in the Chamber.

ROLL CALL

The Acting Secretary of the Senate called the roll of the following newly appointed member of the Senate, Lela Kreidler, and she was present.

The President requested the Acting Sergeant at Arms and Senator/Lieutenant Colonel Mike Kreidler to escort the newly appointed member of the Senate to the bar of the Senate to receive her oath of office.

Justice Barbara Durham of the Washington State Supreme Court thereupon administered the oath of office to the newly appointed member.

The President presented the newly appointed Senator with a certificate of appointment.

The Acting Sergeant at Arms and Senator/Lieutenant Colonel Mike Kreidler escorted Senator Lela Kreidler to her seat in the Chamber.

ELECTION OF PRESIDENT PRO TEMPORE

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

REMARKS BY SENATOR AMONDSON

Senator Amondson: "Mr. President and members of the Senate. I nominate Senator Ellen Craswell to the office of President Pro Tempore. I would like to speak on the behalf of Senator Craswell.

"Mr. President and ladies and gentlemen of the Senate. It is with a great deal of honor that I nominate Senator Craswell for this position. I think the Senator from the twenty-third district qualifies and upholds the tributes we look for in a person for this position.

"She is fair, she is honest, she is competent and she believes in those things that many others believe in as well and to uphold those values as well. She uses quite good judgment and has sound policy abilities and has a great deal of tenacity to stick with the issues she believes in.

"As the Senate looks forward to the 1991 Session and the bi-partisan cooperation, I think we can all look to Senator Craswell for her leadership and for her helping hand. It gives me a great deal of pleasure--and I urge all of you members to elect the first woman President Pro Tempore."

REMARKS BY SENATOR McCASLIN

Senator McCaslin: "Thank you Mr. President and ladies and gentlemen of the Senate. Senator Craswell and I came into the Senate together--we were elected in 1980 and our first term was in 1981. However, she served four terms in the House, so she was house broken and it took me a few years to get used to the Senate and some of the people from the House.

"She has done an outstanding job as a State Representative and as a State Senator. She holds a special place in my heart because we work together so well. She has been wrong on a few occasions, but after all some of you are wrong on a few occasions. She has done an outstanding job as Vice President Pro Tempore the previous two years.

"She is honest, she is intelligent, she is dedicated and hard working and above all she is fair. I think that is critical and important for the woman or man who is either acting as President or is President Pro Tempore. I believe she is well respected on both sides of the aisle. She may be the first woman elected, but she is a fine outstanding Senator and will do an excellent job. I am extremely proud to second the nomination of State Senator Ellen Craswell as President Pro Tempore."

REMARKS BY SENATOR THORSNESS

Senator Thorsness: "I, too, would like to add my support and second for Senator Craswell. Certainly last year, without doubt, she proved that she is qualified to do the job and we get the side benefit of dignity and eloquence and certainly some gentle firmness and most importantly fairness. I am proud to support her, also, and urge your support."

REMARKS BY SENATOR GASPARD

Senator Gaspard: "Mr. President, it is with honor and pleasure that I place the name of Senator Lorraine Wojahn to be nominated as the President Pro Tempore of the Senate.

"Mr. President and members of the Senate. Lorraine is a colleague of ours in which we have had a great deal of trust and developed friendship, but most important a great deal of admiration over the years. Lorraine, for many years, has served, I think, as the conscience of the Legislature, not only when she has served here in the Senate, but in the House of Representatives. She has always asked the question, 'Is it right,' as the final test, not only for her support, but also for our support for issues and certainly for the critical debates that take place.

"Lorraine has been a long-time advocate--consumer advocate--from the time that she was instrumental in banning the use of flammable fabrics in the

manufacture of childrens' clothing. There was a time when she required inserts in the bacon packages to show the product's lean and fat content.

"She also has a distinguished career on a number of other issues that are too many to name. Lorraine was the prime sponsor of the land mark education gender bill in 1975. She authored the successful displaced homemaker's act to prepare older women left alone and ineligible for social security benefits to compete in the workplace. She won health care insurance coverage for mastectomy reconstruction surgery, a procedure that she has insisted, and rightly so, is not cosmetic but essential to recovery. She has served on the Governor's task force for community protection and has helped draft that piece of legislation for predatory offenders--those offenders can now be locked up for life--and Lorraine was instrumental in that legislation.

"I think we can all look back to all the rolls of achievement through the years, but it is her dogged commitment to fairness and the common sense approach that she uses to solutions to the state's increasing complex issues that make her well qualified to represent the Senate as its President Pro Tempore."

"Lorraine Wojahn, it is an honor to place your name in nomination."

MOTION

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

ROLL CALL

The Acting Secretary called the roll and Senator Ellen Craswell was elected President Pro Tempore by the following vote: Craswell, 25, Wojahn, 24.

Voting Craswell: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Thorsness, von Reichbauer, West - 25.

Voting Wojahn: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 24.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Hayner and Rasmussen as a committee of honor to escort Senator Craswell to the rostrum.

Justice Barbara Durham of the Washington State Supreme Court administered the oath of office to Senator Craswell.

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

ELECTION OF VICE PRESIDENT PRO TEMPORE

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

REMARKS BY SENATOR NELSON

Senator Nelson: "Mr. President, I would place in nomination the name of Senator Alan Bluechel for the office of Vice President Pro Tempore.

"Thank you, Mr. President and members of the Senate. Senator Bluechel is beginning his twenty-fifth year in the Washington State Legislature and is beginning his seventeenth year in the State Senate. He did an outstanding job in the prior three years of being the President Pro Tempore in this Chamber. He has extended his abilities and his activity beyond just the internal workings of our Senate.

"He has been exceptionally instrumental in forming the Pacific Northwest Economic Region, which we know has a prior name of Pacific Northwest Legislative Leader's Forum. In addition, he has been the person who inaugurated the Washington Two Thousand Activity that the Legislature has been following over the past few years. Not only has Senator Bluechel presided in an outstanding fashion within these Chambers and in these two groups, but he has been recognized nationally for the work that he has done in performing work within national organizations that represent Legislatures across this country. He has done so with distinction and I am sure that he will continue with the same distinction in the office of Vice President Pro Tempore."

REMARKS BY SENATOR McDONALD

Senator McDonald: "Mr. President and fellow members of the Senate, I will be short. I think that Alan Bluechel's energy, his ability and his fairness make him a candidate for the Vice President Pro Tempore and he ought to be elected unanimously by the State Senate."

REMARKS BY SENATOR McMULLEN

Senator McMullen: "Thank you, Mr. President and ladies and gentlemen. I would also like to second the nomination of Senator Bluechel. I think we are all aware of how well he performed the job the last couple of years. His length of service, his experience and his ability to handle this body, I think is well known to us all and we would ask for an unanimous vote for Senator Bluechel at this time."

MOTION

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

ROLL CALL

The Acting Secretary called the roll and Senator Bluechel was elected Vice President Pro Tempore by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting Bluechel: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, West, Williams, Wojahn - 49.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Bailey and Bauer as a committee of honor to escort Senator Bluechel to the rostrum.

Justice Barbara Durham of the Washington State Supreme Court administered the oath of office to Senator Bluechel.

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

ELECTION OF SECRETARY OF THE SENATE

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

REMARKS BY SENATOR SELLAR

Senator Sellar: "Thank you, Mr. President. It is with a great honor that I place the name of Gordon Golob in nomination for the office of Secretary of the Senate. Gordon has a law degree from the Willamette University. He has a distinguished record both in private practice of law as well as governmental practice of law. He has served us as the Secretary of the Senate in the last few years, I think, with distinction. He has a distinguished military career and he is currently a Colonel in the United States Air Force Reserve. He has authored a number of manuscripts and it is with a great deal of pleasure that I nominate Gordon Golob for the office of Secretary of the Senate."

REMARKS BY SENATOR SNYDER

Senator Snyder: "Mr. President and members of the Senate. I rise to second the nomination of Gordon Golob as Secretary of the Senate. Having had some experience in the job myself, I know that I felt that Gordon was the best choice three years ago that the Republicans could have made for the job and I feel the same way today. He has administered the office in a fair and just manner. He learned well; he worked his way up through the ranks around here and I am very proud to join Senator Sellar in seconding the nomination of Gordon Golob."

MOTION

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

There being no objection, the President declared that Gordon Golob was elected as Secretary of the Senate.

APPOINTMENT OF SPECIAL COMMITTEE

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

Justice Barbara Durham of the Washington State Supreme Court administered the oath of office to Gordon Golob.

The committee of honor escorted Secretary of the Senate Gordon Golob to his seat in the Senate Chamber and the committee was discharged.

ELECTION OF SERGEANT AT ARMS

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

REMARKS BY SENATOR ANDERSON

Senator Anderson: "Thank you, Mr. President. Ladies and gentlemen, I would like to place the name of John Colwill for the position of Sergeant at Arms.

"Thank you, Mr. President. Ladies and gentlemen, most of us in the Chamber do know who John is. He has been with the Senate as an Assistant Sergeant at Arms since 1985. Prior to that, John has had a long service in law enforcement. John was with the Washington State Patrol for approximately thirty-eight years, having worked his way up through the ranks of the State Patrol to retire as a Captain in 1984.

"I think as we have worked with John over the last few years, we have found that he is very very responsive to the requests of the members. He is a very honorable person and has served us well and I am very pleased today to place his name in nomination for the new Sergeant at Arms."

There being no objection, the President declared that John Colwill was elected Sergeant At Arms of the Senate.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Metcalf and Conner as a committee of honor to escort John Colwill to the rostrum.

Justice Barbara Durham of the Washington State Supreme Court administered the oath of office to John Colwill.

The committee of honor escorted Sergeant at Arms John Colwill to his seat in the Senate Chamber and the committee was discharged.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Amondson and Owen to escort Lakefair Queen Audra Housley, Lacey Mayor Kay Boyd, Olympia Mayor Rex Derr and Tumwater Mayor Peter Fluetsch to the rostrum.

The President introduced each of the honored guests.

With permission of the Senate, business was suspended to permit Queen Audra and the Mayors of the local area, to welcome the Senators to Olympia.

The committee of honor escorted the guests from the Senate Chamber and the committee was discharged.

MOTION

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

SENATE RESOLUTION 1991-8600

By Senators Hayner, Sellar, Gaspard and Snyder

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

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Resolution 1991-8600, the President appointed Senators Roach, Jesernig, Erwin and Rinehart to notify the House of Representatives that the Senate is organized and ready to transact business.

MOTION

On motion of Senator Newhouse, the appointees were confirmed. The committee retired to the House of Representatives.

COMMITTEE FROM THE HOUSE

A committee from the House of Representatives consisting of Representatives Cooper, Spanel, Broback and Brough appeared before the bar of the Senate and notified the Senate that the House is organized and ready to transact business.

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

MOTION

On motion of Senator Newhouse, the Senate reverted to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5000 by Senators Bauer, McCaslin, Sutherland, Snyder, Nelson, Rasmussen, Conner and Thorsness

AN ACT Relating to exempting property from execution; and adding a new section to chapter 6.15 RCW.

Referred to Committee on Law and Justice.

SB 5001 by Senators Barr, Nelson, Rasmussen, Conner and Snyder

AN ACT Relating to exemption from execution; amending RCW 4.24.141; and adding a new section to chapter 6.17 RCW.

Referred to Committee on Law and Justice.

SB 5002 by Senators von Reichbauer, Pelz, Talmadge, Gaspard, Thorsness, L. Smith and Johnson

AN ACT Relating to credit cards; adding a new section to chapter 63.14 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SB 5003 by Senators L. Smith, L. Kreidler, Conner and Snyder

AN ACT Relating to adult family homes; adding new sections to chapter 70.128 RCW; and prescribing penalties.

Referred to Committee on Health and Long-Term Care.

SB 5004 by Senators L. Kreidler and Nelson

AN ACT Relating to public records as evidence; and amending RCW 5.44.040.

Referred to Committee on Law and Justice.

SB 5005 by Senators L. Kreidler, Moore, Conner, Gaspard, Bauer and Snyder

AN ACT Relating to senior citizen real property tax exemption; amending RCW 84.36.381; and creating a new section.

Referred to Committee on Ways and Means.

SB 5006 by Senators Patterson and Hansen

AN ACT Relating to automobile insurance; and amending RCW 48.19.460 and 48.19.490.

Referred to Committee on Financial Institutions and Insurance.

SB 5007 by Senators Barr, Gaspard, Anderson, Newhouse, Bailey, Hansen, Bauer and Conner

AN ACT Relating to extending processor liens to producers of milk; and amending RCW 20.01.010.

Referred to Committee on Agriculture and Water Resources.

SB 5008 by Senators Bluechel, Gaspard, Hayner, Snyder, Matson, Vognild, Cantu, McMullen, von Reichbauer, Nelson, McDonald, Barr, Sellar, Bailey, Moore, Conner and Bauer

AN ACT Relating to the establishment of The Pacific Northwest Economic Region; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 5009 by Senators Barr, Newhouse, Bailey, Anderson and Hansen

AN ACT Relating to pesticide posting and record keeping; amending RCW 17.21.100, 49.70.117, and 49.70.119; and declaring an emergency.

Referred to Committee on Agriculture and Water Resources.

SB 5010 by Senators Moore, West and Conner

AN ACT Relating to occupational therapy; amending RCW 74.09.700; and reenacting and amending RCW 74.09.520.

Referred to Committee on Health and Long-Term Care.

SB 5011 by Senator Metcalf

AN ACT Relating to shoreline aquaculture decision appeals; and amending RCW 90.58.

Referred to Committee on Environment and Natural Resources.

SB 5012 by Senator Conner

AN ACT Relating to the uniform disciplinary act; and amending RCW 18.130.180.

Referred to Committee on Health and Long-Term Care.

SB 5013 by Senator Conner

AN ACT Relating to the establishment of a deadline for a decision on an application to withdraw ground water; and adding a new section to chapter 90.44 RCW.

Referred to Committee on Agriculture and Water Resources.

SB 5014 by Senators Metcalf, Snyder, Oke, Thorsness, Rasmussen, Conner and Hansen

AN ACT Relating to enhancement of recreational fishing for coho salmon; amending RCW 75.08.230; adding new sections to chapter 75.50 RCW; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SB 5015 by Senators Metcalf, Oke and Thorsness

AN ACT Relating to volunteer cooperative projects; and amending RCW 4.24.21

Referred to Committee on Environment and Natural Resources.

SB 5016 by Senator Metcalf

AN ACT Relating to the excise tax on mussels and clams; and amending RCW 82.27.020.

Referred to Committee on Environment and Natural Resources.

SB 5017 by Senators Conner and Moore

AN ACT Relating to waste reduction; and adding a new section to chapter 70.95C RCW.

Referred to Committee on Environment and Natural Resources.

SB 5018 by Senators L. Smith, Sutherland, Conner, Bauer and Snyder

AN ACT Relating to the levy of additional taxes by emergency medical service districts; and amending RCW 84.52.052.

Referred to Committee on Governmental Operations.

REPORT OF COMMITTEE

The Senate Committee composed of Senators Roach, Jesernig, Erwin and Rinehart appeared before the bar of the Senate and reported that the House of Representatives had been notified that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

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

MESSAGES FROM THE GOVERNOR
 GUBERNATORIAL APPOINTMENTS

April 2, 1990

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

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

Robert "Mac" Crow, reappointed April 2, 1990, for a term ending September 30, 1995, as a member of the Board of Regents for Washington State University.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

April 2, 1990

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

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

Richard A. Davis, appointed April 2, 1990, for a term ending September 30, 1995, as a member of the Board of Regents for Washington State University.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

April 18, 1990

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

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

George W. Johnson, reappointed April 18, 1990, for a term ending April 15, 1995, as a member of the Indeterminate Sentence Review Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

April 19, 1990

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

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

Paul Isaki, appointed April 19, 1990, for a term ending at the Governor's pleasure as Director of the Department of Trade and Economic Development.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

June 18, 1990

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

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

Robert M. Tull, reappointed June 18, 1990, for a term beginning July 1, 1990, and continuing until June 30, 1997, as a member of the Gambling Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

July 2, 1990

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

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

Frank R. Sanchez, appointed July 2, 1990, for a term ending September 30, 1994, as a member of the Board of Trustees for Central Washington University.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

July 10, 1990

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

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

Al Brisbois, appointed July 10, 1990, for a term ending September 30, 1991, as a member of the Board of Trustees for Eastern Washington University.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

July 10, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Tim Douglas, appointed July 10, 1990, for a term ending July 5, 1994, as a member of the Puget Sound Water Quality Authority.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

July 10, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Duane Fagergren, appointed July 10, 1990, for a term ending July 5, 1993, as a member of the Puget Sound Water Quality Authority.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

July 10, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jerry K. Ficklin, appointed July 10, 1990, for a term ending July 5, 1994, as a member of the Puget Sound Water Quality Authority.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

July 10, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dean Lydig, appointed July 10, 1990, for a term January 19, 1993, as a member of the Wildlife Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

July 24, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Annette S. McGee, appointed July 24, 1990, for a term beginning September 1, 1990, and continuing until June 30, 1996, as a member of the Pollution Control/Shorelines Hearings Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

August 2, 1990

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

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

Jeanne A. Pelkey, reappointed August 2, 1990, for a term ending July 1, 1995, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

August 2, 1990

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

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

Cynthia L. Roney, appointed August 2, 1990, for a term ending July 1, 1993, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

August 13, 1990

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

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

Mark E. Soelling, appointed August 13, 1990, for a term ending December 5, 1991, as a member of the Western State Hospital Advisory Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

August 29, 1990

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

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

Robert G. Waldo, appointed August 29, 1990, for a term beginning immediately and continuing at the Governor's pleasure as Chair of the Energy Facilities Site Evaluation Council.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

September 11, 1990

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

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

Peter G. Chacon, appointed September 11, 1990, for a term ending June 17, 1995, as a member of the Human Rights Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

September 11, 1990

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

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

Dr. Helen Donigan, appointed September 11, 1990, for a term ending June 17, 1993, as a member of the Human Rights Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

September 11, 1990

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

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

Janet L. Gaunt, reappointed September 11, 1990, for a term ending September 8, 1995, as Chair of the Public Employment Relations Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

September 11, 1990

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

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

Alice B. Tawresey, appointed September 11, 1990, for a term ending June 30, 1992, as a member of the Transportation Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Transportation.

September 26, 1990

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

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

Debbie Aldrich, appointed September 26, 1990, for a term ending September 30, 1994, as member of the Board of Trustees for Skagit Valley Community College District No. 4.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 26, 1990

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

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

Karyn Clarke, reappointed September 26, 1990, for a term beginning October 1, 1990, and continuing until September 30, 1995, as a member of the Board of Trustees for Tacoma Community College District No. 22.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 26, 1990

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

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

Deanna Cook, reappointed September 26, 1990, for a term beginning October 1, 1990, and continuing until September 30, 1995, as a member of the Board of Trustees for Centralia Community College District No. 12.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 26, 1990

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

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

Dr. Daniel Deane, reappointed September 26, 1990, for a term beginning October 1, 1990, and continuing until September 30, 1995, as a member of the Board of Trustees for Big Bend Community College District No. 18.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 26, 1990
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Dr. Richard T. Graham, reappointed September 26, 1990, for a term beginning October 1, 1990, and continuing until September 30, 1995, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 26, 1990
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Susan M. Johnson, reappointed September 26, 1990, for a term beginning October 1, 1990, and continuing until September 30, 1995, as a member of the Board of Trustees for Shoreline Community College District No. 7.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 26, 1990
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Dorothy Knechtel, reappointed September 26, 1990, for a term beginning October 1, 1990, and continuing until September 30, 1995, as a member of the Board of Trustees for Spokane Community College District No. 17.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 26, 1990
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Janice Ludwig, reappointed September 26, 1990, for a term beginning October 1, 1990, and continuing until September 30, 1995, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 26, 1990

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

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

Arlene Miller, reappointed September 26, 1990, for a term beginning October 1, 1990, and continuing until September 30, 1995, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 26, 1990

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

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

Karen Miller, reappointed September 26, 1990, for a term beginning October 1, 1990, and continuing until September 30, 1995, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 26, 1990

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

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

John Mitchell, reappointed September 26, 1990, for a term beginning October 1, 1990, and continuing until September 30, 1995, as a member of the Board of Trustees for Olympic Community College District No. 3.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 26, 1990

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

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

Craig A. Nelson, reappointed September 26, 1990, for a term beginning October 1, 1990, and continuing until September 30, 1995, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 26, 1990

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

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

Terry Ollis, reappointed September 26, 1990, for a term beginning October 1, 1990, and continuing until September 30, 1995, as a member of the Board of Trustees for Everett Community College District No. 5.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 26, 1990

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

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

Sally G. Schaefer, reappointed September 26, 1990, for a term beginning October 1, 1990, and continuing until September 30, 1995, as a member of the Board of Trustees for Clark Community College District No. 14.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 26, 1990

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

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

Norm Schut, reappointed September 26, 1990, for a term beginning October 1, 1990, and continuing until September 30, 1995, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 26, 1990

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

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

Ann H. Scroggs, reappointed September 26, 1990, for a term beginning October 1, 1990, and continuing until September 30, 1993, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 26, 1990

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

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

Laura Stoner, reappointed September 26, 1990, for a term beginning October 1, 1990, and continuing until September 30, 1995, as a member of the Board of Trustees for Pierce Community College District No. 11.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 26, 1990

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

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

Bernie Thomas, reappointed September 26, 1990, for a term beginning October 1, 1990, and continuing until September 30, 1995, as a member of the Board of Trustees for Whatcom Community College District No. 21.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 26, 1990

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

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

Dr. Gregory Trujillo, reappointed September 26, 1990, for a term beginning October 1, 1990, and continuing until September 30, 1995, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 26, 1990

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

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

Christine C. Wilson, reappointed September 26, 1990, for a term beginning October 1, 1990, and continuing until September 30, 1995, as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 2, 1990

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

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

Martha Choe, reappointed October 2, 1990, for a term ending September 30, 1996, as a member of the Board of Trustees for Western Washington University.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 2, 1990

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

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

Dennis Uyemura, appointed October 2, 1990, for a term ending September 30, 1995, as a member of the Board of Trustees for Bellevue College District No. 8.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 15, 1990

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

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

Janice H. Wigen, appointed October 15, 1990, for a term ending August 2, 1996, as a member of the Lottery Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

October 22, 1990

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

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

Christina Meserve, appointed October 22, 1990, for a term ending September 30, 1992, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 22, 1990

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

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

John Terrey, appointed October 22, 1990, for a term ending September 30, 1996, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 25, 1990

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

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

Judge B. J. McLean, reappointed October 25, 1990, for a term ending September 25, 1994, as a member of the Clemency and Pardons Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

November 19, 1990

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

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

Phyllis J. Campbell, appointed November 19, 1990, for a term ending September 30, 1996, as a member of the Board of Regents for Washington State University.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

November 19, 1990

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

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

Louis H. Pepper, reappointed November 19, 1990, for a term ending September 30, 1996, as a member of the Board of Regents for Washington State University.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 3, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judge Anne Ellington, reappointed December 3, 1990, for a term ending August 2, 1993, as Chair of the Sentencing Guidelines Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

December 3, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John Ladenburg, reappointed December 3, 1990, for a term ending August 2, 1993, as a member of the Sentencing Guidelines Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

December 3, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Pleas Green, appointed December 3, 1990, for a term ending August 2, 1991, as a member of the Sentencing Guidelines Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

December 3, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ida Ballasiotes, appointed December 3, 1990, for a term ending August 2, 1992, as a member of the Sentencing Guidelines Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

December 10, 1990

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lynn Kessler, appointed December 10, 1990, for a term ending September 30, 1995, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 10, 1990

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

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

Sharon Nelson, reappointed December 10, 1990, for a term beginning January 2, 1991, and ending January 1, 1997, as Chair of the Utilities and Transportation Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Transportation.

December 10, 1990

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

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

Clint Shinkle, appointed December 10, 1990, for a term ending September 30, 1992, as a member of the Board of Trustees for Green River Community College District No. 3.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 11, 1990

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

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

Thomas M. Burns, reappointed December 11, 1990, for a term beginning January 5, 1991, and ending January 4, 1997, as a member of the Personnel Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

December 11, 1990

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

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

Donald V. Hobbs, reappointed December 11, 1990, for a term beginning January 20, 1991, and ending January 19, 1995, as a member of the Pharmacy Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

December 11, 1990

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

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

Maureen E. Sandison, reappointed December 11, 1990, for a term beginning January 20, 1991, and ending January 19, 1995, as a member of the Pharmacy Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

December 20, 1990

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

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

William Glassford, IV, appointed December 20, 1990, for a term ending October 25, 1995, as a member of the Small Business Export Financial Assistance Center Board of Directors.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

December 20, 1990

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

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

James L. Walesby, appointed December 20, 1990, for a term ending October 25, 1991, as a member of the Small Business Export Financial Assistance Center Board of Directors.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

December 24, 1990

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

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

Vernon E. Stoner, appointed December 20, 1990, for a term beginning February 1, 1991, and ending at the Governor's pleasure, as Commissioner of the Washington State Department of Employment Security.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

January 7, 1991

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

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

Nora Porter, appointed January 7, 1991, for a term ending September 30, 1995, as a member of the Board of Trustees for Peninsula Community College District No. 1.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

January 8, 1991

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

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

Dustin C. McCreary, appointed January 8, 1991, for a term ending September 8, 1994, as a member of the Public Employment Relations Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

MESSAGE FROM THE SECRETARY OF STATE

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

I, Ralph Munro, Secretary of State of the State of Washington, do hereby certify that, according to the provisions of RCW 29.62.130, I have canvassed the returns of the 1,362,651 votes cast by the 2,225,101 registered voters of the state for and against the initiative and the constitutional amendments which were submitted to the vote of the people at the state general election held on the sixth day of November, 1990, from the returns received from the County Auditors for the thirty-nine counties of the state. The total number of votes cast for and against each of these measures was as follows:

JOURNAL OF THE SENATE

INITIATIVE MEASURE 547

"Shall state growth and environmental protection goals be implemented by measures including local comprehensive land use planning and development fees?"

Yes 327,339
No. 986,505

HOUSE JOINT RESOLUTION 4203

"Shall constitutional provisions governing the creation of new counties be amended to alter requirements for county formation, annexation, and consolidation?"

Yes 403,377
No. 810,098

HOUSE JOINT RESOLUTION 4231

"Shall a constitutional amendment permit voters at an election to approve excess property taxes for up to six-year periods?"

Yes 407,423
No. 848,026

SENATE JOINT RESOLUTION 8212

"Shall a constitutional amendment permit basing the tax value of low-income housing of five or more units upon current use?"

Yes 606,552
No. 608,338

I further certify that, according to the provisions of RCW 43.07.030, I have canvassed the returns of the 1,362,651 votes cast at the state general election held on the 6th day of November, 1990, for all federal, state-wide, judicial, joint judicial, and joint-legislative offices, and that the votes cast for candidates of these offices are as follows:

U.S. REPRESENTATIVE, 1st District

Sullivan (D). 92,447
Miller (R) 100,339

U.S. REPRESENTATIVE, 2nd District

Swift (D). 92,837
Smith (R) 75,669
McCord (Libertarian) 15,165

U.S. REPRESENTATIVE, 3rd District

Unsoeld (D)	95,645
Williams (R)	82,269

U.S. REPRESENTATIVE, 4th District

Hougen (D)	44,241
Morrison (R)	106,545

U.S. REPRESENTATIVE, 5th District

Foley (D)	110,234
Derby (R)	49,965

U.S. REPRESENTATIVE, 6th District

Dicks (D)	79,079
Mueller (R)	49,786

U.S. REPRESENTATIVE, 7th District

McDermott (D)	106,761
Penberthy (R)	35,511
Scherr (Socialist Workers)	5,370

U.S. REPRESENTATIVE, 8th District

Giles (D)	75,031
Chandler (R)	96,323

STATE SUPREME COURT, Position 1 (Unexpired term)

Guy (Nonpartisan)	796,872
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STATE SUPREME COURT, Position 2

Smith (Nonpartisan)	787,718
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STATE SUPREME COURT, Position 3

Durham (Nonpartisan)	802,241
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STATE SUPREME COURT, Position 4

Johnson (Nonpartisan)	796,943
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COURT OF APPEALS, Division 2, District 2

(Clallam, Grays Harbor, Jefferson, Kitsap, Mason, Thurston)

Alexander (Nonpartisan)	103,481
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COURT OF APPEALS, Division 3, District 1

(Ferry, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens)

Thompson (Nonpartisan)	99,237
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COURT OF APPEALS, Division 3, District 3

(Chelan, Douglas, Kittitas, Klickitat, Yakima)

Munson (Nonpartisan)	52,815
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STATE REPRESENTATIVE, 1st District, Position 1

Rüst (D)	18,999
Bye (R)	10,258

STATE REPRESENTATIVE, 1st District, Position 2

Cole (D)	17,863
Cropley (R)	11,308

STATE REPRESENTATIVE, 2nd District, Position 1

Rasmussen (D)	10,058
Fix (R)	4,973

STATE REPRESENTATIVE, 2nd District, Position 2

Dorn (D)	9,395
Smith (R)	5,160

STATE SENATOR, 7th District

Graffis (D)	12,249
Barr (R)	15,859

STATE REPRESENTATIVE, 7th District, Position 1

Reed (D)	10,697
Fuhrman (R)	17,174

STATE REPRESENTATIVE, 7th District, Position 2

McLaughlin (D)	11,159
Morton (R)	16,110

STATE REPRESENTATIVE, 9th District, Position 1

Moore (D)	10,593
Nealey (R)	11,102

STATE REPRESENTATIVE, 9th District, Position 2

Zalesky (D)	8,220
Prince (R)	13,069

STATE REPRESENTATIVE, 10th District, Position 1

Wilson (R)	19,069
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STATE REPRESENTATIVE, 10th District, Position 2

Haugen (D)	21,567
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STATE REPRESENTATIVE, 12th District, Position 1

Ballard (R)	19,330
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STATE REPRESENTATIVE, 12th District, Position 2

Moody (D)	9,335
McLean (R)	16,324

STATE SENATOR, 13th District

Hansen (D)	13,228
Smith (R)	10,650

STATE REPRESENTATIVE, 13th District, Position 1

Jones (D)	9,442
Chandler (R)	14,306

STATE REPRESENTATIVE, 13th District, Position 2

Bennett (D)	10,985
Hochstatter (R)	12,925

STATE SENATOR, 15th District

Baughner (D)	7,260
Newhouse (R)	9,808

STATE REPRESENTATIVE, 15th District, Position 1

Rayburn (D)	12,843
Roybal (R)	4,178

STATE REPRESENTATIVE, 15th District, Position 2

Finch (D)	7,454
Lisk (R)	9,545

STATE REPRESENTATIVE, 16th District, Position 1

Petersen (D)	9,563
Neher (R)	12,629

STATE REPRESENTATIVE, 16th District, Position 2

Grant (D)	15,551
Mildon (R)	6,942

STATE REPRESENTATIVE, 17th District, Position 1

Peery (D)	16,550
Quinn (R)	9,808

STATE REPRESENTATIVE, 17th District, Position 2

Myers (D)	20,934
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STATE REPRESENTATIVE, 18th District, Position 1

Morris (D)	21,253
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STATE REPRESENTATIVE, 18th District, Position 2

Cooper (D)	14,871
Smith (R)	13,561

STATE SENATOR, 19th District

Snyder (D)	18,141
Feasey (R)	6,808

STATE REPRESENTATIVE, District 19A

Riley (D)	6,820
Weber (R)	6,014

STATE REPRESENTATIVE, District 19B

Basich (D)	9,728
Adams (R)	2,665

STATE REPRESENTATIVE, 20th District, Position 1

Valz (D)	10,857
Bowman (R)	21,007

STATE REPRESENTATIVE, 20th District, Position 2

King (D)	9,521
Brumsickle (R)	21,745

STATE REPRESENTATIVE, 24th District, Position 1

Jones (D)	16,174
Goos (R)	16,169

STATE REPRESENTATIVE, 24th District, Position 2

Hargrove (D)	20,452
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STATE SENATOR, 26th District

Smitherman (D)	15,136
Oke (R)	17,230

STATE REPRESENTATIVE, 26th District, Position 1

Meyers (D)	18,405
Duke (R)	12,008

STATE REPRESENTATIVE, 26th District, Position 2

Pruitt (D)	22,306
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STATE SENATOR, 30th District

Moe (D)	13,798
von Reichbauer (R)	14,551

STATE REPRESENTATIVE, 30th District, Position 1

Myrick (D)	13,590
Mitchell (R)	14,029

STATE REPRESENTATIVE, 30th District, Position 2

Rose (D)	10,631
Brough (R)	16,813

STATE SENATOR, 31st District

Todd (D)	12,256
Roach (R)	12,601

STATE REPRESENTATIVE, 31st District, Position 1

Roland (D)	12,968
Thomas (R)	11,210

STATE REPRESENTATIVE, 31st District, Position 2

Crane (D)	11,705
Vance (R)	12,728

STATE SENATOR, 35th District

Owen (D)	16,749
Wood (R)	10,467

STATE REPRESENTATIVE, 35th District, Position 1

Vekich (D)	12,221
Johnson (R)	15,274

STATE REPRESENTATIVE, 35th District, Position 2

Sheldon (D)	18,037
Fox (R)	8,878

STATE REPRESENTATIVE, 40th District, Position 1

Spanel (D)	20,778
Kribs (R)	14,679

STATE REPRESENTATIVE, 40th District, Position 2

Johnson (D)	20,198
Youngsman (R)	15,163

STATE SENATOR, 44th District

Bender (D)	13,287
Erwin (R)	17,519

STATE REPRESENTATIVE, 44th District, Position 1

Cantwell (D)	18,745
Meyerson (R)	11,917

STATE REPRESENTATIVE, 44th District, Position 2

King (D)	13,521
Paris (R)	16,932

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the state of Washington, this fourth day of December, 1990.

(Seal)

RALPH MUNRO,
Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

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

We herewith respectfully transmit for your consideration a copy of Initiative to the Legislature Number 119, originally filed with this office on March 14, 1990. On January 2, 1991, the sponsor of the proposed initiative filed 12,103 signature petition sheets in support of the measure. We have completed our preliminary canvass of these petitions and have determined that they contain 218,317 signatures.

Accordingly, pursuant to the provisions of Article 2, section 1 of the State Constitution, we are provisionally certifying Initiative to the Legislature Number 119 to you at this time. We expect to complete verification of signatures no later than February 15, 1991 and we will provide the Legislature with a final certification as soon as possible thereafter.

IN WITNESS WHEREOF, I have set my hand and affixed the Seal of the state of Washington, this fourteenth day of January, 1991.

(Seal)

RALPH MUNRO,
Secretary of State

INITIATIVE TO THE LEGISLATURE NUMBER 119

AN ACT Relating to the natural death act; and amending RCW 70.122.010, 70.122.020, 70.122.030, 70.122.040, 70.122.050, 70.122.060, 70.122.070, 70.122.080, 70.122.090, 70.122.100, and 70.122.900.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 70.122.010 and 1979 c 112 s 2 are each amended to read as follows:

The ((legislature)) people find((s)) that adult persons have the fundamental right to control the decisions relating to the rendering of their own medical care, including the decision to have all life-sustaining procedures withheld or withdrawn in instances of a terminal condition, and including the right to death with dignity through voluntary aid-in-dying if suffering from a terminal condition.

The ((legislature)) people further find((s)) that modern medical technology has made possible the artificial prolongation of human life beyond natural limits.

The ((legislature)) people further find((s)) that, in the interest of protecting individual autonomy, such prolongation of life for persons with a terminal condition may cause loss of patient dignity, and unnecessary pain and suffering, while providing nothing medically necessary or beneficial to the patient.

The ((legislature)) people further find((s)) that there exists considerable uncertainty in the medical and legal professions as to the legality of terminating the use or application of life-sustaining procedures where the

patient has voluntarily and in sound mind evidenced a desire that such procedures be withheld or withdrawn.

The people further find that existing law does not allow willing physicians to render aid-in-dying to qualified patients who request it.

In recognition of the dignity and privacy which patients have a right to expect, the ~~((legislature))~~ people hereby declare~~((s))~~ that the laws of the state of Washington shall recognize the right of an adult person to make a written directive instructing such person's physician to withhold or withdraw life-sustaining procedures in the event of a terminal condition, and/or to request and receive aid-in-dying under the provisions of this chapter.

Sec. 2. RCW 70.122.020 and 1979 c 112 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions contained in this section shall apply throughout this chapter.

(1) "Attending physician" means the physician selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient.

(2) "Directive" means a written document voluntarily executed by the declarer in accordance with the requirements of RCW 70.122.030.

(3) "Health facility" means a hospital as defined in RCW ~~((70.38.020(7) or))~~ 70.41.020(2), a nursing home as defined in RCW ~~((70.38.020(8)))~~ 18.51.010, or a home health agency or hospice agency as defined in RCW 70.126.010.

(4) "Life-sustaining procedure" means any medical or surgical procedure or intervention which utilizes mechanical or other artificial means to sustain, restore, or supplant a vital function, which, when applied to a qualified patient, would serve only to artificially prolong the moment of death ~~((and where, in the judgment of the attending physician, death is imminent whether or not such procedures are utilized))~~. "Life-sustaining procedure" includes, but is not limited to, cardiac resuscitation, respiratory support, and artificially administered nutrition and hydration, but shall not include the administration of medication to relieve pain or the performance of any medical procedure deemed necessary to alleviate pain.

(5) "Physician" means a person licensed under chapter~~((s))~~ 18.71 or 18.57 RCW.

(6) "Qualified patient" means a patient diagnosed and certified in writing to be afflicted with a terminal condition by two physicians one of whom shall be the attending physician, who have personally examined the patient.

(7) "Terminal condition" means an incurable ~~((condition caused by injury, disease, or illness, which, regardless of the application of life-sustaining procedures, would, within reasonable medical judgment, produce death, and where the application of life-sustaining procedures serve only to postpone the moment of death of the patient))~~ or irreversible condition which, in the written opinion of two physicians having examined the patient and exercising reasonable medical judgment, will result in death within six months, or a condition in which the patient has been determined in writing by two physicians as having no reasonable probability of recovery from an irreversible coma or persistent vegetative state.

(8) "Adult person" means a person attaining the age of majority as defined in RCW 26.28.010 and 26.28.015.

(9) "Aid-in-dying" means aid in the form of a medical service provided in person by a physician that will end the life of a conscious and mentally competent qualified patient in a dignified, painless and humane manner, when requested voluntarily by the patient through a written directive in accordance with this chapter at the time the medical service is to be provided.

Sec. 3. RCW 70.122.030 and 1979 c 112 s 4 are each amended to read as follows:

(1) Any adult person may execute at any time a directive directing the withholding or withdrawal of life-sustaining procedures and/or requesting the provision of aid-in-dying when in a terminal condition. The directive shall be signed by the declarer in the presence of two witnesses not related to the declarer by blood or marriage and who would not be entitled to any portion of the estate of the declarer upon declarer's decease under any will of the declarer or codicil thereto then existing or, at the time of the directive, by operation of law then existing. In addition, a witness to a directive shall not be the attending physician, an employee of the attending physician or a health facility in which the declarer is a patient, or any person who has a claim against any portion of the estate of the declarer upon declarer's decease at the time of the execution of the directive. The directive, or a copy thereof, shall be made part of the patient's medical records retained by the attending physician, a copy of which shall be forwarded to the health facility upon the withdrawal of life-sustaining procedures, and/or provision of aid-in-dying. No person shall be required to execute a directive in accordance with this chapter. Any person who has not executed such a directive is ineligible for aid-in-dying under any circumstances. The directive shall be essentially in the following form, but in addition may include other specific directions:

DIRECTIVE TO PHYSICIANS

Directive made this day of (month, year).

I, being of sound mind, willfully, and voluntarily make known my desire that my life shall not be artificially prolonged under the circumstances set forth below, and do hereby declare that:

(a) If at any time I should have an incurable injury, disease, or illness certified to be a terminal condition by two physicians, and where the application of life-sustaining procedures would serve only to artificially prolong the moment of my death (~~and where my physician determines that my death is imminent whether or not life sustaining procedures are utilized,~~).

Declarant must initial one or both of the following:

..... I direct that such procedures be withheld or withdrawn, and that I be permitted to die naturally.

..... I direct that upon my request my physician provide aid-in-dying so that I might die in a dignified, painless and humane manner.

(b) In the absence of my ability to give directions regarding the use of such life-sustaining procedures, such as while in an irreversible coma or persistent vegetative state, it is my intention that this directive shall be honored by my family and physician(s) as the final expression of my legal right to refuse medical or surgical treatment and I accept the consequences (~~of~~) of such refusal.

(c) If I have been diagnosed as pregnant and that diagnosis is known to my physician, this directive shall have no force or effect during the course of my pregnancy.

(d) I understand the full import of this directive and I am emotionally and mentally competent to make this directive.

(e) I understand that I may add to or delete from or otherwise change the wording of this directive before I sign it, and that I may revoke this directive at any time.

Signed.....

City, County, and State of Residence

The declarer has been personally known to me and I believe him or her to be of sound mind.

Witness.....

Witness.....

(2) Prior to effectuating a directive the diagnosis of a terminal condition by two physicians shall be verified in writing, attached to the directive, and made a permanent part of the patient's medical records.

(3) Similar directives to physicians lawfully executed in other states shall be recognized within Washington state as having the same authority as in the state where executed.

Sec. 4. RCW 70.122.040 and 1979 c 112 s 5 are each amended to read as follows:

(1) A directive may be revoked at any time by the declarer, without regard to declarer's mental state or competency, by any of the following methods:

(a) By being canceled, defaced, obliterated, burned, torn, or otherwise destroyed by the declarer or by some person in declarer's presence and by declarer's direction.

(b) By a written revocation of the declarer expressing declarer's intent to revoke, signed, and dated by the declarer. Such revocation shall become effective only upon communication to the attending physician by the declarer or by a person acting on behalf of the declarer. The attending physician shall record in the patient's medical record the time and date when said physician received notification of the written revocation.

(c) By a verbal expression by the declarer of declarer's intent to revoke the directive. Such revocation shall become effective only upon communication to the attending physician by the declarer or by a person acting on behalf of the declarer. The attending physician shall record in the patient's medical record the time, date, and place of the revocation and the time, date, and place, if different, of when said physician received notification of the revocation.

(2) There shall be no criminal ((~~or~~), civil, or administrative liability on the part of any person for failure to act upon a revocation made pursuant to this section unless that person has actual or constructive knowledge of the revocation.

(3) If the declarer becomes comatose or is rendered incapable of communicating with the attending physician, the directive shall remain in effect for the duration of the comatose condition or until such time as the declarer's condition renders declarer able to communicate with the attending physician.

Sec. 5. RCW 70.122.050 and 1979 c 112 s 6 are each amended to read as follows:

No physician or health facility which, acting in good faith in accordance with the requirements of this chapter, causes the withholding or withdrawal of life-sustaining procedures from a qualified patient, shall be subject to civil liability therefrom. No licensed health personnel, acting under the direction of a physician, who participates in good faith in the withholding or withdrawal of life-sustaining procedures in accordance with the provisions of this chapter shall be subject to any civil liability. No physician, or licensed health personnel acting under the direction of a physician, or health facility ethics committee member who participates in good faith in the withholding or withdrawal of life-sustaining procedures and no physician who provides aid-in-dying to a qualified patient in accordance with the provisions of this chapter shall be subject to prosecution for or be guilty of any criminal act or of unprofessional conduct.

Sec. 6. RCW 70.122.060 and 1979 c 112 s 7 are each amended to read as follows:

(1) Prior to effectuating a withholding or withdrawal of life-sustaining procedures from or provision of aid-in-dying to a qualified patient pursuant to the directive, the attending physician shall make a reasonable effort to determine that the directive complies with RCW 70.122.030 and, if the patient is mentally competent, that the directive and all steps proposed by the attending physician to be undertaken are currently in accord with the desires of the qualified patient.

(2) The directive shall be conclusively presumed, unless revoked, to be the directions of the patient regarding the withholding or withdrawal of life-sustaining procedures and/or the provision of aid-in-dying. No physician, and no licensed health personnel acting in good faith under the direction of a physician, shall be criminally or civilly liable for failing to effectuate the directive of the qualified patient pursuant to this subsection, and no health facility may be required to permit the provision of aid-in-dying within its facility. If the physician or health care facility refuses to effectuate the directive, such physician or facility shall make a good faith effort to transfer the qualified patient to another physician who will effectuate the directive of the qualified patient or to another facility.

Sec. 7. RCW 70.122.070 and 1979 c 112 s 8 are each amended to read as follows:

(1) The withholding or withdrawal of life-sustaining procedures from or the provision of aid-in-dying to a qualified patient pursuant to the patient's directive in accordance with the provisions of this chapter shall not, for any purpose, constitute a suicide.

(2) The making of a directive pursuant to RCW 70.122.030 shall not restrict, inhibit, or impair in any manner the sale, procurement, or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an

existing policy of life insurance. No policy of life insurance shall be legally impaired or invalidated in any manner by the withholding or withdrawal of life-sustaining procedures from or the provision of aid-in-dying to an insured qualified patient, notwithstanding any term of the policy to the contrary.

(3) No physician, health facility, or other health provider, and no health ((care)) service plan, insurer issuing disability insurance, self-insured employee welfare benefit plan, or nonprofit hospital service plan, shall require any person to execute a directive as a condition for being insured for, or receiving, health care services.

Sec. 8. RCW 70.122.080 and 1979 c 112 s 10 are each amended to read as follows:

The act of withholding or withdrawing life-sustaining procedures or providing aid-in-dying, when done pursuant to a directive described in RCW 70.122.030 and which causes the death of the declarer, shall not be construed to be an intervening force or to affect the chain of proximate cause between the conduct of any person that placed the declarer in a terminal condition and the death of the declarer.

Sec. 9. RCW 70.122.090 and 1979 c 112 s 9 are each amended to read as follows:

Any person who willfully conceals, cancels, defaces, obliterates, or damages the directive of another without such declarer's consent shall be guilty of a gross misdemeanor. Any person who falsifies or forges the directive of another((;)) or willfully conceals or withholds personal knowledge of a revocation as provided in RCW 70.122.040, with the intent to cause a withholding or withdrawal of life-sustaining procedures or the provision of aid-in-dying contrary to the wishes of the declarer((;)) and thereby, because of any such act, directly causes life-sustaining procedures to be withheld or withdrawn or aid-in-dying to be provided and death to thereby be hastened, shall be subject to prosecution for murder in the first degree as defined in RCW 9A.32.030.

Sec. 10. RCW 70.122.100 and 1979 c 112 s 11 are each amended to read as follows:

Nothing in this chapter shall be construed to condone, authorize, or approve mercy killing, or to permit any affirmative or deliberate act or omission to end life other than to permit the natural process of dying and to permit death with dignity through the provision of aid-in-dying only by a physician when voluntarily requested in writing as provided in this chapter by a conscious and mentally competent qualified patient at the time aid-in-dying is to be provided.

Sec. 11. RCW 70.122.900 and 1979 c 112 s 1 are each amended to read as follows:

This act shall be known and may be cited as the "~~((Natural))~~ Death With Dignity Act((("))."

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

MESSAGE FROM THE SECRETARY OF STATE

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

We herewith respectfully transmit for your consideration a copy of Initiative to the Legislature Number 120, originally filed with this office on April 2, 1990. On January 3, 1991, the sponsor of the proposed initiative filed 15,281 signature petition sheets in support of the measure. We have completed our preliminary canvass of these petitions and have determined that they contain 242,004 signatures.

Accordingly, pursuant to the provisions of Article 2, section 1 of the State Constitution, we are provisionally certifying Initiative to the Legislature Number 120 to you at this time. We expect to complete verification of signatures no later than February 15, 1991 and we will provide the Legislature with a final certification as soon as possible thereafter.

IN WITNESS WHEREOF, I have set my hand and affixed the Seal of the State of Washington, this fourteenth day of January, 1991.

(Seal)

RALPH MUNRO,
Secretary of State

INITIATIVE TO THE LEGISLATURE NUMBER 120

AN ACT Relating to reproductive privacy; adding new sections to chapter 9.02 RCW; repealing RCW 9.02.010, 9.02.020, 9.02.030, 9.02.040, 9.02.060, 9.02.070, 9.02.080, and 9.02.090; and prescribing penalties.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** The sovereign people hereby declare that every individual possesses a fundamental right of privacy with respect to personal reproductive decisions.

Accordingly, it is the public policy of the state of Washington that:

(1) Every individual has the fundamental right to choose or refuse birth control;

(2) Every woman has the fundamental right to choose or refuse to have an abortion, except as specifically limited by this act;

(3) Except as specifically permitted by this act, the state shall not deny or interfere with a woman's fundamental right to choose or refuse to have an abortion; and

(4) The state shall not discriminate against the exercise of these rights in the regulation or provision of benefits, facilities, services, or information.

NEW SECTION. **Sec. 2.** The state may not deny or interfere with a woman's right to choose to have an abortion prior to viability of the fetus, or to protect her life or health.

A physician may terminate and a health care provider may assist a physician in terminating a pregnancy as permitted by this section.

NEW SECTION. Sec. 3. Unless authorized by section 2 of this act, any person who performs an abortion on another person shall be guilty of a class C felony punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. 4. The good faith judgment of a physician as to viability of the fetus or as to the risk to life or health of a woman and the good faith judgment of a health care provider as to the duration of pregnancy shall be a defense in any proceeding in which a violation of this chapter is an issue

NEW SECTION. Sec. 5. Any regulation promulgated by the state relating to abortion shall be valid only if:

(1) The regulation is medically necessary to protect the life or health of the woman terminating her pregnancy,

(2) The regulation is consistent with established medical practice, and

(3) Of the available alternatives, the regulation imposes the least restrictions on the woman's right to have an abortion as defined by this act.

NEW SECTION. Sec. 6. No person or private medical facility may be required by law or contract in any circumstances to participate in the performance of an abortion if such person or private medical facility objects to so doing. No person may be discriminated against in employment or professional privileges because of the person's participation or refusal to participate in the termination of a pregnancy.

NEW SECTION. Sec. 7. If the state provides, directly or by contract, maternity care benefits, services, or information to women through any program administered or funded in whole or in part by the state, the state shall also provide women otherwise eligible for any such program with substantially equivalent benefits, services, or information to permit them to voluntarily terminate their pregnancies.

NEW SECTION. Sec. 8. For purposes of this chapter:

(1) "Viability" means the point in the pregnancy when, in the judgment of the physician on the particular facts of the case before such physician, there is a reasonable likelihood of the fetus's sustained survival outside the uterus without the application of extraordinary medical measures.

(2) "Abortion" means any medical treatment intended to induce the termination of a pregnancy except for the purpose of producing a live birth.

(3) "Pregnancy" means the reproductive process beginning with the implantation of an embryo.

(4) "Physician" means a physician licensed to practice under chapter 18.57 or 18.71 RCW in the state of Washington.

(5) "Health care provider" means a physician or a person acting under the general direction of a physician.

(6) "State" means the state of Washington and counties, cities, towns, municipal corporations, and quasi-municipal corporations in the state of Washington.

(7) "Private medical facility" means any medical facility that is not owned or operated by the state.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

(1) RCW 9.02.010 and 1909 c 249 s 196, Code of 1881 s 821, 1873 p 188 s 42, 1869 p 209 s 40, & 1854 p 81 s 38;

- (2) RCW 9.02.020 and 1909 c 249 s 197;
- (3) RCW 9.02.030 and 1909 c 249 s 198;
- (4) RCW 9.02.040 and 1909 c 249 s 199;
- (5) RCW 9.02.060 and 1970 ex.s. c 3 s 1;
- (6) RCW 9.02.070 and 1970 ex.s. c 3 s 2;
- (7) RCW 9.02.080 and 1970 ex.s. c 3 s 3; and
- (8) RCW 9.02.090 and 1970 ex.s. c 3 s 5.

NEW SECTION. Sec. 10. This act shall not be construed to define the state's interest in the fetus for any purpose other than the specific provisions of this act.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. This act shall be known and may be cited as the Reproductive Privacy Act.

NEW SECTION. Sec. 13. Sections 1 through 8 and 10 through 12 of this act are each added to chapter 9.02 RCW.

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

MESSAGE FROM THE HOUSE

January 14, 1991

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4401, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4401 by Representatives Ebersole and Ballard.

Notifying the governor that the legislature is prepared to conduct business.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4401 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4401 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with House Concurrent Resolution No. 4401, the President appointed Senators Thorsness, Pelz and Oke to join a like committee from the House of Representatives to notify the Governor that the Legislature is organized and ready to conduct business.

MOTION

On motion of Senator Newhouse, the appointees were confirmed. The committee retired to the office of the Governor.

1991 PROPOSED STANDING COMMITTEE ASSIGNMENTS

The President announced the following proposed standing committee assignments:

AGRICULTURE (7) -- Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, *Hansen, Newhouse.

CHILDREN AND FAMILY SERVICES (5) -- Roach, Chairman; L. Smith, Vice Chairman; Craswell, *Stratton, Talmadge.

COMMERCE AND LABOR (9) -- Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, *Moore, Murray, Skratek.

EDUCATION (11) -- Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Murray, Oke, Pelz, *Rinehart, A. Smith, Talmadge.

ENERGY AND UTILITIES (9) -- Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, *Sutherland, Williams.

ENVIRONMENT AND NATURAL RESOURCES (9) -- Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, *Owen, Patterson, Snyder, Sutherland.

FINANCIAL INSTITUTIONS AND INSURANCE (11) -- von Reichbauer, Chairman; Johnson, Vice Chairman; Matson, McCaslin, Moore, Owen, *Pelz, Rasmussen, Sellar, Vognild, West.

GOVERNMENTAL OPERATIONS (5) -- McCaslin, Chairman; Roach, Vice Chairman; *Madsen, Matson, Sutherland.

HEALTH AND LONG-TERM CARE (7) -- West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, *Kreidler, Niemi, Wojahn.

HIGHER EDUCATION (9) -- Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, *Jesernig, Skratek, Stratton, von Reichbauer.

LAW AND JUSTICE (9) -- Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Kreidler, Madsen, Newhouse, *Rasmussen, A. Smith.

SUBCOMMITTEE ON CORRECTIONS -- Thorsness, Chairman.

RULES (18) -- ***Pritchard, Chairman; Craswell, Vice Chairman; Amondson, Anderson, Bauer, Bluechel, Cantu, *Gaspard, Hayner, Johnson, McMullen, Newhouse, Rasmussen, Sellar, Snyder, L. Smith, Vognild, Williams, Wojahn.

TRANSPORTATION (15) -- Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Hansen, **Madsen, McMullen, Oke, Sellar, Skratek, Snyder, Thorsness, *Vognild.

WAYS AND MEANS (23) -- McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Kreidler, Matson, Metcalf, Murray, Newhouse, *Niemi (Appropriations), Owen, *Rinehart (Capital), Saling, L. Smith, Talmadge, West, Williams, Wojahn.

- * Ranking Minority Member
- ** Asst. Ranking Minority Member
- *** Lt. Gov/Voting Member

MOTION

On motion of Senator Newhouse, the Standing Committee Assignments were approved.

MESSAGE FROM THE HOUSE

January 14, 1991

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4400, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4400 by Representatives Ebersole and Ballard.

Resolving to meet in joint session.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4400 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4400 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

REPORT OF COMMITTEE

The Senate Committee composed of Senators Thorsness, Pelz and Oke appeared before the bar of the Senate to report that the Governor had been notified, under the provisions of House Concurrent Resolution No. 4401, that the Legislature is organized and ready to transact business.

At 1:45 p.m., there being no objection, the President declared the Senate to be at recess until 4:45 p.m.

The Senate was called to order at 4:45 p.m. by President Pritchard.

The members of the Senate retired to the House Chamber for the purpose of a joint session.

JOINT SESSION

The Sergeant at Arms of the House and Senate announced the arrival of the Senate at the bar of the House.

The Speaker instructed the Sergeants at Arms of the House and Senate to escort the President of the Senate, Lieutenant Governor Joel Pritchard, President Pro Tempore Ellen Craswell, Vice President Pro Tempore Alan Bluechel, Majority Leader Jeannette Hayner and Democratic Leader Marcus Gaspard to seats on the rostrum.

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

The Speaker presented the gavel to President Pritchard.

REMARKS BY THE SPEAKER

Speaker King: "It is my pleasure at this time to turn over the gavel and this Joint Session of the Legislature over to Lieutenant Governor Pritchard."

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

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

APPOINTMENT OF SPECIAL COMMITTEES

The President of the Senate appointed Senators Oke and Adam Smith and Representatives Hine and Tate as a special committee to advise His Excellency, Governor Booth Gardner, that the Joint Session had assembled and to escort him from his chamber to the House Rostrum.

The President of the Senate appointed Senators Erwin, Roach, Lela Kreidler and Pelz and Representatives Wang, Brekke and Paris as a special committee to escort the Supreme Court Justices from the State Reception Room to seats within the House Chamber.

The President of the Senate appointed Senators Skratek, Snyder and West and Representatives Hargrove, Rust, Brumsickle and Forner as a special committee to escort the State Elected Officials from the State Reception Room to seats within the House Chamber.

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

The President of the Senate presented Speaker King.

REMARKS BY SPEAKER KING

Speaker King: "Thank you, Lieutenant Governor. It is a great honor for me today to introduce the Governor. I certainly wish the honor had come at a happier time. On the other hand, it is at times like this that people feel the greatest need for state and national leadership, a need for leadership that comes from moral character as well as intellectual ability. I think we can all be grateful that, at this critical moment in history, we could not have a more decent, caring, honorable or trusted state executive than Governor Booth Gardner or a more gracious or personally dedicated First Lady than Jean Gardner.

"The hardest thing about praising Governor Gardner and his accomplishments is knowing exactly where to begin. Some people would focus on his Chairmanship of the National Governors' Association, because that shows how much his peers respect him. Others would highlight his Chairmanship of the Education Commission of the States, because that shows he is a national leader on the issue that will ultimately make or break our children's future. Still others would emphasize the Governor's commitment to equity and fairness, because he has made Washington a national leader in reaching out to women and minorities and in giving them access to the highest reaches of state government. A great many people regard Governor Gardner's trade and economic development successes as his finest accomplishments. The Governor would be the last to claim personal credit for the remarkable progress of our state economy. But, fair is fair, and we know who would have gotten the blame had things progressed in the wrong direction.

"To my mind, Governor Gardner's greatest accomplishment is the love and respect felt for him by the overwhelming majority of the people of the state of Washington. I think Governor Gardner's extraordinary popularity is a tribute both to him and to our state, because it shows that the people of Washington know both decency and integrity when they see it. It shows that the people of Washington know compassion and humanity when they see it. In a word, people see that Booth Gardner has that rare combination of qualities that Dr. Martin Luther King, Jr. called "a tough mind and a tender

heart." That's just exactly the combination we need in difficult times such as these.

"Please join me in welcoming, and expressing our appreciation for, a world class Governor and a first class man, Governor Booth Gardner."

STATE OF THE STATE ADDRESS
BY GOVERNOR BOOTH GARDNER

Governor Gardner: "Thank you, Mr. Speaker, for that kind introduction. Mr. President, Mr. Chief Justice, distinguished Justices of the Supreme Court, members of the Legislature, honored elected officials and citizens of the state of Washington.

"This morning around nine o'clock, along with Lieutenant Governor Pritchard and Speaker King, I had the opportunity to share with the Supreme Court the taking of their oath of office and the swearing in of their Chief Justice Dore. That's tradition—it's been done for some time around here. Around one o'clock this afternoon eight members of the Legislature came to my office and announced that the Legislature was organized and ready to do business. That's tradition. We're here tonight for the State of the State Address—also tradition.

"Tradition is a powerful force. I know that it would lead you to believe that I will take the next thirty minutes to brag about the achievements of my administration and to sell you on my legislative agenda for the upcoming session. But even the powerful force of tradition could not persuade me to do that today, because to do so, to follow tradition, would imply that these are normal times and that we should continue to do business as usual. That is not the message that I wish to leave with you today.

"These are not normal times. Every one of us is holding our breath, praying for peace and worrying about the thousands of Washington women and men who are in Saudi Arabia. But no matter how much we worry about events so far from home, we have to stay focused on keeping the home fires burning. What worries me is that the home fire of democracy has burned too low.

"In our last election only thirty-nine percent of the eligible citizens of this state voted--the lowest percentage in our history. And that sad percentage wasn't just an aberration; it was part of an alarming trend of public disengagement from democracy itself. Democracy won't run on auto-pilot. Cynicism won't solve our problems. And people who believe that the world can get by without their help are suffering from a dangerous delusion.

"It's not hard for any of us to understand why people are worried--about the war, about the economy, about the future of our environment, our schools and our children. But it is really hard to understand why so many of us in this country take for granted our freedom when we read every day about the fate of Kuwait and the heroic struggles of the nations in Eastern Europe that are trying to create democracy after decades of tyranny.

"We must not let times such as these become normal. Our mission here in Olympia is to defend democracy with as much honor and courage as we demand from the young men and women we have sent overseas. That's why the coming legislative session will require something from each of us that is

beyond tradition. This is a time for soul-searching--a time for reaching deeper into ourselves to find the values that bind us together and for acting in ways that rebuild the bonds of trust between us.

"We are all in this together. We are all Americans, bound together by our belief in freedom and equality. We have our differences and disagreements. It's important that we talk openly and honestly about them. That has to be a part of how we govern ourselves. But the message that I want to leave with you tonight is a message about what we all have in common and how we must work together for our common future.

"In this legislative session, the most obvious challenge is our ability to find and sustain unity and, in doing that, the task of balancing our budget and living within our means. Balance is the key word.

"Let me say this specifically and directly to the one hundred forty-seven senators and representatives seated in front of me today. In the next one hundred and five days, we must agree on a budget that balances the needs of our schools, our colleges and universities, our environment and our social service system. The budget which I have submitted to you strikes such a balance. That's because I've already been through a process similar to the one which you're about to begin. I have read, studied, listened and agonized over how to be fair to everyone, how to preserve the gains we've made in the past few years, and how to keep our state both economically and socially healthy.

"I am confident that, when you listen to the public, study the numbers and think through the challenges, you'll come to the same conclusions I have. You will conclude that we cannot ask state employees and teachers to subsidize programs by going without salary increases. And you will conclude that, while we must cut expenditures to meet our commitments, we must do so carefully and in ways that make sense.

"But what we do with the budget is no more important than how we do it. Balancing the budget and planning for our future are not just matters of numbers and dollars. These are matters that affect whether people perceive us as agents of democracy or buffoonery. If we use this budget as a weapon with which to attack each other or as a vehicle for partisan advantage, we will earn the public's contempt. If we miss our deadline for getting the job done, we will face the public's wrath. In a year when we are forced to cut spending, voters expect us to use every available dollar wisely--not to spend money on keeping the Legislature in special sessions.

"When people compare our budget process to the federal budget process, we want them to talk about the contrasts, not the similarities. If we want to raise the public's esteem for politicians, we had better plan on finishing the public's business amicably and on time. We must act to restore public confidence in us and in the covenant between government and the people. We can do that only if we recognize the alienation so many citizens expressed during the federal budget debate and during the last election because that was an expression of longing for moral leadership. What we saw was the disaffection of people who hunger not for deals, but for a sense of national, democratic purpose. What they want from us is evidence that we listen and that we hear their message. And their message is plain and here it is:

'If you want us to believe in you and participate in governing, show us that it's worth our while. Give us some solid evidence that you really care about our lives, our children and our future. And more than that, show us that you understand that you are the stewards of our resources--our tax dollars, our economy and our beautiful natural environment.'

"As elected representatives, each of us is called not only to manage government, but to lead people. Whether we intend to or not, we lead by example. And so, my colleagues, let us make our example worthy of those we ask to follow us and vote for us.

"Now I would like to speak to the citizens of this state. I want you to know why we're here in Olympia and why the work of state government should be important to you.

"As Governor, my job requires me to see a lot of things that most of you do not see. Most of you have never seen nor held a crack baby in your arms. You have probably never toured a prison and felt the overwhelming weight of being surrounded by so many lost and empty lives. And most of you have never walked on a beach that has just been fouled by an oil spill. But you know in your bones that the challenges facing state government are more complicated and more critical than they have ever been before.

"For all of us, economic competition is keener. The world is getting smaller as the population is getting larger. It's no longer enough to respond to crises; we have to think ahead and take action to prevent them. You send us here to Olympia to deal with the hardest problems our society faces--problems that are getting worse at the same time that the federal budget is necessarily being pared back and the federal contribution to solving our problems is shrinking.

"Yet those of us who live in Washington State are the lucky ones. Our natural environment is the envy of other states. We live in the midst of a landscape of mountains, forests, farmlands and shorelines that inspire us with both awe and humility. With the exception of timber country, our state is in better shape economically than much of the rest of the country. We have our share of cynics and non-voters, but we have more than our share of citizens who are actively engaged in making democracy work. That's a strength that we can build on.

"All citizens have a right to expect that their voices will be heard and that their actions will make a difference. That's why I wanted all of you to meet some of your fellow citizens who have made themselves heard and are making a difference. I will ask each of the individuals that I am introducing to stand when they hear their name.

"First is Jim Coates from Aberdeen, Washington. Jim is a timber worker who now spends all his time helping his unemployed colleagues. He helps local food banks; he organizes community gardens; he gets together crews to cut firewood for people who need it; he makes sure that timber workers know what government resources are available to them. Here is an important local hero.

"Second is Lane Premo. Lane is an executive with the Southland Corporation, who volunteers his time to work with the state's Efficiency Commission. His work and the work of the other volunteers who help with

the Commission have resulted in savings of over one hundred and fifty million of our tax dollars. Thank you, Lane.

"Third is Darlene Madenwald, the President of the Washington Environmental Council. She leads an organization of citizens that has had a powerful impact not only on the laws we pass here, but also on the way we think and feel about wetlands, wild animals, clean air and water, and a host of other issues. There's a saying that "environmentalists may be hell to live with, but they make great ancestors." Think about it. Thank you, Darlene.

"Fourth is a group of students from the Moses Lake School District: Ronda Woinowsky, Sonya Garza, Laurie Vailancourt, Heather Mason, Kyla Delgado and Mary Mahaney. These are students who tutor other students, teach foreign language classes and help in the district's day-care program for latch-key kids. Now they may not be old enough to vote, but these students have learned an essential lesson--they know that their community needs them.

"These are citizens who have hope for the future because they are actively involved in shaping it. These are citizens who help govern themselves and their communities. We should all--elected officials and citizens alike--find both inspiration and common sense in their examples. I wanted you to meet them and to look them in the eye because these are people who know what every American ought to know: that each of us--every one of us--makes a difference.

"Every vote makes a difference. If you don't believe that ask Representative Evan Jones. But more than that, every person makes a difference when we recycle, when we take time to be with children and when we speak up in defense of what we believe.

"Our most precious and abundant resource lies in the hearts of people like these. And those of us who serve the public here in --elected officials and our staffs alike--should take note that these are the people we represent, and we are therefore challenged to be as good as they are.

"While I'm speaking to everyone, I also want to take a few moments and say a few words to all the reporters and the media executives in Washington state. Democracy depends on a continuing, open conversation between elected leaders and the citizens. In this age, you have become the intermediaries--the interpreters, if you will--in that conversation. This confers on you responsibilities to the citizens of this state no less serious than the responsibilities conferred on us. You are more than observers of the process; you are an essential part of it. Your work, your integrity, as much as ours, shapes citizens' sense of their own ability to participate in creating our common future.

"Democracy is hard work. For all of us--elected officials, citizens, press--democracy is hard work. It is especially hard work in times such as these when we don't have enough money to meet all of our needs, in times when the national economy is faltering, and in times when we fear for the lives of our loved ones on a faraway desert.

"These are times when we must draw on our deepest strengths. All of us--elected officials, citizens of every age and reporters alike--need to remember that, while politics and religion are necessarily separate, they are not unrelated. We are, after all, a part of a long chain of life. We are linked, every one of us to each other, and all of us to the land that has sustained the

progress of our ancestors, both through human history and through evolution. And God is not finished with us yet.

"Our future depends on our willingness to think of ourselves as the keepers and the creators of a civic and political culture that values every citizen, as the protectors of the land that nourishes us and as human beings whose life work is to learn to live together in peace.

"Peace be with us. Thank you very much."

The President of the Senate instructed the special committee to escort Governor Gardner to his chamber.

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

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

MOTION

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

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

The Speaker instructed the Sergeants at Arms of the House and Senate to escort the President of the Senate, Lieutenant Governor Joel Pritchard, President Pro Tempore Ellen Craswell, Vice President Pro Tempore Alan Bluechel, Majority Leader Jeannette Hayner and Democratic Leader Marcus Gaspard and members of the Washington State Senate from the House Chamber.

The President called the Senate to order at 5:40 p.m.

MOTION

At 5:40 p.m., on motion of Senator McCaslin, the Senate adjourned until 12:00 noon, Tuesday, January 15, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

SECOND DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, January 15, 1991

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

MOTION

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

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504

January 11, 1991

Mr. Gordon Golob
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504

Dear Gordon:

Enclosed is our Report to the Legislature on the Child Care Coordinating Committee, as required by Chapter 213, Laws of 1988.

If you have any questions regarding this report, please contact me at 753-3395.

Sincerely,
RICHARD J. THOMPSON, Secretary

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
1300 S. Evergreen Park Drive S.W.
Olympia, Washington 98504

January 14, 1991

Mr. Gordon Golob
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504

Dear Mr. Golob:

House Floor Resolution 89-4707 requested the Commission to conduct a study of alternative regulatory structures for solid waste collection service. The final report is enclosed for your review. We would be pleased to provide you with additional information as the Legislature considers how solid waste regulation can best meet the needs of Washington citizens. Specific questions on the study should be directed to Carol Monohon, Public Affairs Administrator, at 753-6420, or Steve McLellan, Policy Specialist, at 586-1183.

Sincerely,

SHARON L. NELSON	RICHARD D. CASAD	A. J. "BUD" PARDINI
Chairman	Commissioner	Commissioner

The Select Committee Report is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE HOUSE

January 14, 1991

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4400, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

January 14, 1991

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4401, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 4400,
HOUSE CONCURRENT RESOLUTION NO. 4401.

INTRODUCTION AND FIRST READING

SB 5019 by Senators von Reichbauer, Vognild, McDonald, Thorsness, Gaspard and Erwin

AN ACT Relating to the appointment of the secretary of transportation; and amending RCW 43.17.020 and 47.01.041.

Referred to Committee on Governmental Operations.

SB 5020 by Senator L. Smith

AN ACT Relating to per diem compensation; and amending RCW 85.05.410, 85.06.380, 85.08.320, and 85.24.080.

Referred to Committee on Governmental Operations.

SB 5021 by Senator Barr

AN ACT Relating to leasehold excise tax exemptions; and amending RCW 82.29A.130.

Referred to Committee on Ways and Means.

SB 5022 by Senators Gaspard, Bailey, Rinehart, von Reichbauer, Murray, Conner and Erwin.

AN ACT Relating to the Washington award for excellence in education program; amending RCW 28A.625.030, 28A.625.050, and 28A.625.060; reenacting and amending RCW 28A.625.020; adding new sections to chapter 28A.625 RCW; adding a new section to chapter 28B.80 RCW; repealing RCW 28A.625.040, 28A.625.070, and 28B.15.547; and declaring an emergency.

Referred to Committee on Education.

MOTION

At 12:07 p.m., on motion of Senator Newhouse, the Senate recessed until 10:00 a.m., Wednesday, January 16, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 16, 1991

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Saling, L. Smith and Williams. On motion of Senator Murray, Senator Williams was excused.

The Sergeant at Arms Color Guard, consisting of Pages Angie Warner and Scott Eversoul, presented the Colors. Reverend Dan Secrist, pastor of the Faith Assembly of God Church of Lacey, offered the prayer.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5023 by Senators Talmadge and Nelson

AN ACT Relating to the expense of defending against frivolous court actions; and amending RCW 4.84.185.

Referred to Committee on Law and Justice.

SB 5024 by Senators L. Smith, Bauer, Saling, Thorsness, Johnson, Roach, McCaslin, McDonald, Sellar, West, Rasmussen and Nelson

AN ACT Relating to pension exemptions for enforcement judgments; and amending RCW 6.15.020.

Referred to Committee on Law and Justice.

SB 5025 by Senators Craswell, Owen, Bailey, L. Smith, Roach, Stratton and Oke

AN ACT Relating to youth and family services; amending RCW 70.96A.095, 71.34.030, and 13.32A.250; adding a new chapter to Title 13 RCW; and making appropriations.

Referred to Committee on Children and Family Services.

SB 5026 by Senators Nelson, Talmadge and Thorsness

AN ACT Relating to jury service; creating new sections; and making an appropriation.

Referred to Committee on Law and Justice.

SB 5027 by Senators Nelson, Rasmussen and Thorsness

AN ACT Relating to jurisdiction of small claims departments; and amending RCW 12.40.010 and 12.40.080.

Referred to Committee on Law and Justice.

SB 5028 by Senators Nelson and Talmadge

AN ACT Relating to domestic relations; and amending RCW 26.09.010.

Referred to Committee on Law and Justice.

SB 5029 by Senators Nelson, Talmadge, Thorsness and Rasmussen

AN ACT Relating to nonpartisan and judicial elections; amending RCW 29.21.150, 29.30.085, and 29.80.020; adding a new section to chapter 29.21 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Law and Justice.

SB 5030 by Senators Nelson, Talmadge and Thorsness

AN ACT Relating to the protection of recording rights; amending RCW 19.25.010, 19.25.020, 19.25.030, 19.25.040, 19.26.010, and 19.26.020; adding new sections to chapter 19.25 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5031 by Senators Nelson, Madsen, Thorsness, Talmadge, Rasmussen, Oke, Gaspard, A. Smith, Snyder, Wojahn and Johnson (by request of Attorney General)

AN ACT Relating to community involvement in stopping crime through creation of a Crime Stoppers assistance office; adding new sections to chapter 43.10 RCW; creating new sections; and making an appropriation.

Referred to Committee on Law and Justice.

SB 5032 by Senator Conner

AN ACT Relating to protecting the stratospheric ozone layer by eliminating unnecessary emissions of ozone-depleting chemicals; adding new sections to chapter 70.94 RCW; and creating new sections.

Referred to Committee on Environment and Natural Resources.

SB 5033 by Senator Rasmussen

AN ACT Relating to the disclosure of credit union audit reports; and amending RCW 31.12.565.

Referred to Committee on Financial Institutions and Insurance.

SB 5034 by Senators Rasmussen and Barr

AN ACT Relating to highways; directing construction of a Naches Pass tunnel; adding new sections to Title 47 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

SB 5035 by Senators Rasmussen, Madsen and Nelson

AN ACT Relating to a skilled nursing care center for veterans; adding a new section to chapter 43.60A RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5036 by Senators Barr, Conner, Bailey and Hansen

AN ACT Relating to a livestock market net worth requirement; amending RCW 16.65.030, 16.65.370, 16.65.420, and 16.65.450; and adding a new section to chapter 16.65 RCW.

Referred to Committee on Agriculture and Water Resources.

SB 5037 by Senators Anderson, Conner, Newhouse, Hansen, Bailey and Barr

AN ACT Relating to the registration of plant protection products for minor uses; adding new sections to chapter 15.58 RCW; making an appropriation; and providing an expiration date.

Referred to Committee on Agriculture and Water Resources.

SB 5038 by Senators Barr and Nelson

AN ACT Relating to dogs; amending RCW 16.08.070 and 16.08.090; adding new sections to chapter 16.08 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5039 by Senators Barr and Conner

AN ACT Relating to the establishment of a biological control program; adding a new chapter to Title 17 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Agriculture and Water Resources.

SB 5040 by Senators Hansen, Barr, Rasmussen and Vognild

AN ACT Relating to establishing a six percent lid on the rate of increase in fees for water and air-related permits; adding a new section to chapter 90.03 RCW; adding a new section to chapter 90.44 RCW; adding a new section to chapter 90.48 RCW; and adding a new section to chapter 70.94 RCW.

Referred to Committee on Agriculture and Water Resources.

SJM 8000 by Senator Conner

Requesting that Congress extend the coastal states seaward boundaries.

Referred to Committee on Environment and Natural Resources.

SJR 8200 by Senators Nelson, Talmadge, Thorsness and Rasmussen

Amending the Constitution to remove the special provisions for superior court elections.

Referred to Committee on Law and Justice.

MOTION

At 10:08 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:34 a.m. by President Pro Tempore Craswell.

MOTION

At 11:34 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, January 17, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 17, 1991

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

The President lead the Senate in the Pledge of Allegiance.

Justice James Dolliver offered the prayer.

MOTION

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

MOTION

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

SENATE RESOLUTION 1991-8602

By Senators Hayner, Gaspard, Snyder, Vognild, McCaslin, Newhouse, Conner, Rasmussen, Madsen, Sellar, Saling, Owen, Williams, Talmadge, Thorsness, Anderson, Cantu, Murray, Bluechel, Bailey, Stratton, West, Sutherland, McMullen, Johnson, Hansen, Jesernig, Patterson, Craswell, Bauer, Amondson, Skratek, Roach, Matson, Erwin, Metcalf, Barr, L. Smith, von Reichbauer, Oke and Nelson

WHEREAS, On January 16, 1991, the United States joined with twenty-seven other countries in a military action to liberate occupied Kuwait; and

WHEREAS, This military action was undertaken in accordance with twelve United Nations resolutions and with the consent of the United States Congress; and

WHEREAS, The military action taken followed months of diplomatic efforts undertaken by the United Nations, the United States, and many other countries; and

WHEREAS, Amongst the troops in the Middle East are hundreds of Washington State citizens;

NOW, THEREFORE, BE IT RESOLVED, That, in the spirit of national unity, the Senate hereby expresses its support for United States military personnel in the Middle East and around the world and prays for their personal safety and their families' peace of mind; and

BE IT FURTHER RESOLVED, That the Senate today echoes the words spoken by Abraham Lincoln one hundred twenty-six years ago: "Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away."

Senators Hayner and Gaspard spoke to Senate Resolution 1991-8602.

MOTION

On motion of Senator Newhouse, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 16, 1991

GA 9048 DOROTHY L. AIKEN, appointed December 11, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Yakima Valley Community College District No. 16. Reported by the Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton, von Reichbauer.

Passed to Committee on Rules.

January 16, 1991

GA 9081 KATHLEEN GUTIERREZ, appointed June 6, 1989, for a term ending September 30, 1991, as a member of the Board of Trustees for Everett Community College District No. 5. Reported by the Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton, von Reichbauer.

Passed to Committee on Rules.

January 16, 1991

GA 9085 MINH-ANH HODGE, reappointed October 20, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Columbia Basin Community College District No. 19. Reported by the Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton, von Reichbauer.

Passed to Committee on Rules.

January 16, 1991

GA 9097 PRISCILLA DEE McMILLAN, reappointed October 1, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Spokane Community College District No. 17. Reported by the Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton, von Reichbauer.

Passed to Committee on Rules.

January 16, 1991

GA 9103 MICHAEL C. ORMSBY, reappointed September 30, 1989, for a term ending September 30, 1995, as a member of the Board of Trustees for Eastern Washington University. Reported by the Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton, von Reichbauer.

Passed to Committee on Rules.

January 16, 1991

GA 9119 PHILIP E. SHARPE, JR., appointed December 11, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Whatcom Community College District No. 21. Reported by the Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton, von Reichbauer.

Passed to Committee on Rules.

January 16, 1991

GA 9126 BARBARA A. STEPHENSON, appointed December 11, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Olympic Community College District No. 3. Reported by the Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton, von Reichbauer.

Passed to Committee on Rules.

MOTION

On motion of Senator Newhouse, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5041 by Senators Sellar, Owen, Patterson, West, Vognild, Bauer and Thorsness

AN ACT Relating to the use of Washington state patrol approved audio headsets and earphones by motorcyclists; and amending RCW 46.37.480.

Referred to Committee on Transportation.

SB 5042 by Senators Cantu, Madsen, Hayner, Sutherland, Thorsness, von Reichbauer, Rasmussen, Pelz, Craswell, Conner, Bluechel, L. Smith, Roach, Johnson, Saling, Bailey, Bauer, Snyder, Anderson, Gaspard, Oke, Erwin, Amondson, Wojahn and A. Smith (by request of Governor Gardner)

AN ACT Relating to the commission on efficiency and accountability; and amending 1987 c 480 s 6 (uncodified).

Referred to Committee on Governmental Operations.

SB 5043 by Senators Nelson, Bailey, Vognild and Amondson (by request of Secretary of State).

AN ACT Relating to facsimile filing of election documents; and adding new sections to chapter 29.04 RCW.

Referred to Committee on Governmental Operations.

SB 5044 by Senators West, Gaspard, Roach, Vognild, Erwin, Snyder, Talmadge, Stratton and Johnson

AN ACT Relating to industrial insurance; and adding new sections to chapter 51.32 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5045 by Senators Madsen, Barr and Conner

AN ACT Relating to investigation of customer complaints regarding drinking water quality; amending RCW 80.04.015; and reenacting and amending RCW 80.04.110.

Referred to Committee on Energy and Utilities.

SB 5046 by Senators Snyder, Madsen, Jesernig, McMullen, Murray, Stratton, A. Smith and Conner

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

Referred to Committee on Transportation.

SB 5047 by Senators Bauer, McCaslin, Sutherland, L. Smith, Moore, Snyder, Niemi and Wojahn

AN ACT Relating to a state tartan; and adding a new section to chapter 1.20 RCW.

Referred to Committee on Governmental Operations.

SB 5048 by Senators Madsen, Rasmussen, Sutherland, A. Smith and Conner

AN ACT Relating to the death penalty for crimes committed in furtherance of serious violations of the uniform controlled substances act; and amending RCW 10.95.020.

Referred to Committee on Law and Justice.

SB 5049 by Senator Madsen

AN ACT Relating to disposal of abandoned junk vehicles; amending RCW 46.55.230; and adding a new section to chapter 46.55 RCW.

Referred to Committee on Transportation.

SB 5050 by Senators McCaslin and Madsen (by request of Washington State Patrol)

AN ACT Relating to security and protection of the lieutenant governor; and amending RCW 43.43.035.

Referred to Committee on Governmental Operations.

SB 5051 by Senators Newhouse, Rasmussen, Nelson, Talmadge, A. Smith and Conner (by request of Washington State Patrol)

AN ACT Relating to firearms in state capitol buildings; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5052 by Senators Moore, Nelson and Thorsness

AN ACT Relating to collection of public debts; and amending RCW 19.16.100 and 19.16.500.

Referred to Committee on Law and Justice.

SB 5053 by Senators Nelson, Rasmussen and Roach

AN ACT Relating to juvenile driving privileges; and amending RCW 46.20.265.

Referred to Committee on Law and Justice.

SB 5054 by Senators Madsen, Nelson, Oke, Erwin, Sutherland, Skratek, A. Smith, Bauer, Thorsness and Conner.

AN ACT Relating to crimes committed while armed with a firearm; amending RCW 9.94A.310 and 9.94A.450; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5055 by Senators Rasmussen and Amondson

AN ACT Relating to hazardous waste recordings; adding a new section to chapter 70.105D RCW; and adding a new section to chapter 90.76 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5056 by Senators Sutherland and Bauer

AN ACT Relating to age discrimination; amending RCW 49.44.090; and repealing RCW 49.60.205.

Referred to Committee on Commerce and Labor.

SB 5057 by Senator Metcalf

AN ACT Relating to minimum length of commercial troll caught chinook salmon; and adding a new section to chapter 75.12 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5058 by Senators Anderson, Snyder, Rasmussen, Roach and Conner

AN ACT Relating to taxation of commercial fishing; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways and Means.

SB 5059 by Senators Metcalf, Rasmussen, Anderson, Oke, Roach and Conner

AN ACT Relating to the enhancement of pink salmon; adding new sections to chapter 75.08 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 5060 by Senators Metcalf, Owen, Talmadge, Snyder, Gaspard, A. Smith and Conner

AN ACT Relating to environmental policy; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Environment and Natural Resources.

SB 5061 by Senators L. Smith, Stratton, Craswell and Johnson

AN ACT Relating to monitoring out-of-home placement of children; amending RCW 74.13.031; and reenacting and amending RCW 13.34.130.

Referred to Committee on Children and Family Services.

SB 5062 by Senators Nelson, Rasmussen and Thorsness

AN ACT Relating to plat requirements; and amending RCW 58.17.160.

Referred to Committee on Energy and Utilities.

SB 5063 by Senators Nelson, Hayner and Thorsness

AN ACT Relating to mandatory arbitration; and reenacting and amending RCW 7.06.020.

Referred to Committee on Law and Justice.

SB 5064 by Senators Nelson, Rasmussen, Oke, Johnson, Bailey and Thorsness

AN ACT Relating to drivers' licenses; amending RCW 46.04.580, 46.20.308, 46.20.311, 46.20.311, 46.20.391, 46.61.515, and 46.68.060; adding a new section

to chapter 46.04 RCW; adding new sections to chapter 46.20 RCW; creating new sections; prescribing penalties; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5065 by Senators Nelson, Metcalf, McCaslin, Bailey, Erwin, Stratton, Thorsness and Conner

AN ACT Relating to admissibility of a child's statement; and amending RCW 9A.44.120.

Referred to Committee on Law and Justice.

SB 5066 by Senators Rasmussen, Nelson, McCaslin and Thorsness

AN ACT Relating to dedications; and amending RCW 58.17.040 and 58.17.165.

Referred to Committee on Governmental Operations.

SB 5067 by Senators Nelson, Talmadge, Oke, Rasmussen, Bailey, Craswell, Roach, Thorsness, McCaslin, Johnson, Anderson and Conner

AN ACT Relating to changing the blood and breath alcohol standards for intoxication; amending RCW 46.61.502, 46.61.504, 46.61.506, and 9.41.098; and reenacting and amending RCW 88.02.095.

Referred to Committee on Law and Justice.

SB 5068 by Senators Nelson, Rasmussen, Bailey, Metcalf, Erwin, Oke, Craswell, McCaslin, Thorsness and Sellar

AN ACT Relating to vehicular offenses; amending RCW 46.61.520 and 46.61.522; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5069 Senators Nelson, Rasmussen, Talmadge, Oke, Bailey, Craswell, Thorsness, McCaslin, Johnson, Roach, Metcalf, Vognild and Conner

AN ACT Relating to changing the blood and breath alcohol content standards for intoxication for those persons under the age of twenty-one; amending RCW 46.61.502, 46.61.504, 46.61.506, and 9.41.098; and reenacting and amending RCW 88.02.095.

Referred to Committee on Law and Justice.

SB 5070 by Senators Nelson, Oke and Craswell

AN ACT Relating to industrial insurance compensation; amending RCW 51.08.180 and 51.08.013; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5071 by Senators Nelson, Rasmussen, Oke, Roach, Bailey, Craswell, Thorsness, McCaslin, Johnson, Barr, Anderson and Conner

AN ACT Relating to sobriety checkpoints; and adding a new chapter to Title 46 RCW.

Referred to Committee on Law and Justice.

SB 5072 by Senators Nelson, Rasmussen and Talmadge

AN ACT Relating to indigent defense; adding new sections to chapter 10.101 RCW; adding a new section to chapter 43.63A RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5073 by Senators Nelson, Oke, Thorsness, McCaslin, Bailey and Barr

AN ACT Relating to restricting the burning of natural and synthetic fabrics used in flags; and amending RCW 70.94.477 and 70.94.775.

Referred to Committee on Environment and Natural Resources.

SJM 8001 by Senators Moore, Pelz, Conner, Rinehart, Niemi and Skratek

Expressing concern about the Persian Gulf.

WITHDRAWN.

SJM 8002 by Senators Metcalf, Conner and Roach

Requesting that the coast guard prohibit dumping of ballast water in United States waters.

Referred to Committee on Environment and Natural Resources.

MOTION

On motion of Senator Newhouse, and at the request of the sponsors, Senate Joint Memorial No. 8001 was withdrawn.

MOTION

At 12:11 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, January 18, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 18, 1991

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Conner, Craswell, McDonald, Owen, Sellar and Talmadge. On motion of Senator Murray, Senator Owen was excused.

The Sergeant at Arms Color Guard, consisting of Pages Anna Minder and Sean Schoenfeldt, presented the Colors. Reverend Dan Secrist, pastor of the Faith Assembly Church of Lacey, offered the prayer.

MOTION

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

INTRODUCTION OF SPECIAL GUEST

The President introduced honored guest Ambassador Della Newman, United States Ambassador to New Zealand, who was seated on the rostrum.

With permission of the Senate, business was suspended to permit Ambassador Newman to address the Senate.

The Sergeant at Arms escorted the honored guest from the Senate Chamber.

**REPORT OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENT**

January 17, 1991

GA 9077 **KRISTINE M. GEBBIE**, appointed August 31, 1989, for a term ending at the Governor's pleasure, as Secretary of the Department of Health.

Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 5074 by Senators Metcalf, Talmadge and Skratek

AN ACT Relating to protecting Puget Sound and other water bodies of Washington; amending RCW 90.70.011, 90.70.060, 90.70.025, 90.70.070, 43.88.030, 82.02.090, 36.70A.070, 17.21.030, 15.58.100, 90.48.037, 43.21B.300, 90.48.140, 43.131.369, 43.131.370, and 90.70.902; reenacting and amending RCW 70.146.060; adding new sections to chapter 90.48 RCW; adding a new section to chapter 70.146 RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 15.58 RCW; creating new sections; making appropriations; providing an effective date; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 5075 by Senators Nelson, Talmadge, von Reichbauer, Erwin and Skratek

AN ACT Relating to review of the Washington condominium act; creating a new section; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5076 by Senator L. Kreidler

AN ACT Relating to automobile license fee exemption for disabled state employees; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

SB 5077 by Senators Nelson and Rasmussen

AN ACT Relating to recording security interests; and amending RCW 7.28.230.

Referred to Committee on Law and Justice.

SB 5078 by Senators McCaslin, Sutherland, Rasmussen and West

AN ACT Relating to payments to local governments; amending RCW 84.56.020; adding a new section to chapter 84.56 RCW; and adding a new section to chapter 36.94 RCW.

Referred to Committee on Governmental Operations.

SB 5079 by Senators L. Smith, Stratton, Roach and Anderson

AN ACT Relating to placement of dependent children; amending RCW 13.34.180 and 13.34.190; reenacting and amending RCW 13.34.130; adding new

sections to chapter 13.34 RCW; creating a new section; and repealing RCW 13.34.145 and 13.34.150.

Referred to Committee on Children and Family Services.

SB 5080 by Senators L. Smith, Bauer, Snyder, Sutherland and Amondson

AN ACT Relating to age discrimination; and amending RCW 49.44.090 and 49.60.205.

Referred to Committee on Commerce and Labor.

SB 5081 by Senators L. Smith, Bauer and Oke

AN ACT Relating to steelhead catch record cards; and amending RCW 77.32.360.

Referred to Environment and Natural Resources.

SB 5082 by Senators Bauer, L. Smith and Oke

AN ACT Relating to professional salmon fishing guides; amending RCW 75.28.010; and adding a new section to chapter 75.28 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5083 by Senators L. Smith, Snyder, Oke and Rasmussen

AN ACT Relating to the reestablishment of salmon hatcheries; adding new sections to chapter 75.52 RCW; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SB 5084 by Senators Rasmussen and Roach

AN ACT Relating to compensation for jurors; and amending RCW 2.36.150.

Referred to Committee on Law and Justice.

SB 5085 by Senators Rasmussen, Roach, Vognild, Williams, Gaspard, Wojahn, Snyder, Stratton, Pelz and A. Smith

AN ACT Relating to exemptions and deferrals for senior citizens and persons retired for reasons of physical disability; amending RCW 84.36.381, 84.36.385, and 84.38.030; and creating new sections.

Referred to Committee on Ways and Means.

SB 5086 by Senators Amondson, Snyder, Bailey, Wojahn, Hayner, McMullen, Anderson, L. Kreidler, McDonald, Vognild,

Newhouse, Craswell, Johnson, Owen, L. Smith, Oke, Conner, Rasmussen, Bauer, Moore, Stratton, McCaslin, Barr, Matson, Roach, Thorsness, Metcalf, Sellar, Nelson, Sutherland and West

AN ACT Relating to counseling and testing for HIV diseases of persons charged with criminal offenses; amending RCW 70.24.105 and 70.24.340; adding new sections to chapter 70.24 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5087 by Senators Roach and Stratton (by request of Department of Social and Health Services)

AN ACT Relating to reports of abuse of children or adult dependent or developmentally disabled persons; amending RCW 26.44.030; and repealing RCW 26.44.070.

Referred to Committee on Children and Family Services.

SB 5088 by Senators Talmadge, Skratek, A. Smith and Rasmussen

AN ACT Relating to public disclosure of gifts to public officials; and amending RCW 42.17.020 and 42.17.241.

Referred to Committee on Governmental Operations.

SB 5089 by Senators Talmadge, Skratek and Rasmussen

AN ACT Relating to open public meetings; and amending RCW 42.30.010, 42.30.020, 42.30.030, 42.30.060, 42.30.070, and 42.30.080.

Referred to Committee on Governmental Operations.

SB 5090 by Senators Roach and Stratton (by request of Department of Social and Health Services)

AN ACT Relating to foster family home licenses; and amending RCW 74.15.110.

Referred to Committee on Children and Family Services.

SB 5091 by Senators Matson and Newhouse

AN ACT Relating to funding criminal justice enhancement for Yakima county; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5092 by Senators Roach, Snyder, Stratton, Amondson, L. Kreidler, McCaslin, Erwin, Newhouse, Niemi, Sellar, Craswell, Gaspard,

Hayner, Skratek, L. Smith, Talmadge, Oke, Bauer, Rasmussen, Thorsness, Johnson, Wojahn, Cantu and West

AN ACT Relating to employee benefits while on active duty during operation Desert Shield; amending RCW 28B.10.407, 41.26.190, 41.26.520, 41.32.260, 41.32.810, 41.40.170, and 41.40.710; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 43.43 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5093 by Senators Talmadge and Metcalf

AN ACT Relating to fire risk affecting both residential and forest land areas; amending RCW 36.70.330 and 36.70A.070; adding a new section to chapter 58.17 RCW; and adding a new section to chapter 76.04 RCW.

Referred to Committee on Governmental Operations.

SB 5094 by Senators Talmadge, Metcalf, Stratton and A. Smith

AN ACT Relating to public notice of significant releases of hazardous substances; and adding a new section to chapter 70.105D RCW.

Referred to Committee on Environment and Natural Resources.

SB 5095 by Senator Talmadge

AN ACT Relating to educational reform; amending RCW 28A.150.030, 28A.195.010, 28A.150.250, 28A.150.290, 28A.335.160, 28A.150.220, 28A.190.030, 28A.330.100, 28A.500.010, 84.52.053, 28A.150.100, 28A.150.260, 28A.405.310, 28A.400.300, 28A.405.100, 28A.185.010, 28A.185.020, 28A.185.030, 28A.150.370, 84.52.053, 28A.215.100, 28A.215.180, 28A.215.010, 28A.215.020, 28A.215.040, 28A.315.540, and 28A.315.450; reenacting and amending RCW 28A.400.200; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.500 RCW; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.215 RCW; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 28A.315 RCW; adding a new section to chapter 28A.320 RCW; creating new sections; repealing RCW 84.52.0531, 28A.405.350, 28A.300.010, 28A.150.200, 28A.150.210, 28A.150.220, 28A.150.230, 28A.150.240, 28A.150.250, 28A.150.260, 28A.150.270, 28A.150.280, 28A.150.290, and 28A.150.295; and providing contingent effective dates.

Referred to Committee on Education.

MOTION

At 10:22 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, January 21, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 21, 1991

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senator Bauer. On motion of Senator Murray, Senator Bauer was excused.

The Sergeant at Arms Color Guard, consisting of Pages Darren Drabek and Brittany Hagen, presented the Colors. Reverend Dr. Dimino, pastor of the Emmanuel Baptist Church of Olympia, offered the prayer.

MOTION

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

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
1300 S. Evergreen Park Drive, S.W.
Olympia, Washington 98504
January 18, 1991

Mr. Gordon Golob
Secretary of the Senate
Legislative Building
Olympia, Washington 98504
Dear Mr. Golob:

Substitute Senate Bill No. 6827 enacted by the Legislature directed the Washington Utilities and Transportation Commission to study the feasibility of a state wide enhanced 9-1-1 network. The final report is enclosed for your review. We would be pleased to provide you with additional information as the Legislature considers how best to meet the E 9-1-1 needs of Washington citizens. Specific questions on the study should be directed to Carol Monohon, Public Affairs Administrator, at 753-6420 or Ernie Heller, Acting Director Utilities Division, at 586-6588.

Sharon L. Nelson
Chairman

Richard D. Casad
Commissioner

Sincerely,
A. J. "Bud" Pardini
Commissioner

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

WASHINGTON STATE LEGISLATURE
LONG-TERM CARE COMMISSION
SENATOR JAMES WEST, REPRESENTATIVE DENNIS BRADDOCK
CO-CHAIRMEN
Room 245A, John L. O'Brien Building
Olympia, Washington 98504

January 17, 1991

Gordon Golob, Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504

Alan Thompson, Chief Clerk
House of Representatives
Olympia, Washington 98504

Gentlemen:

We submit the attached recommendations to the Legislature from the Long-Term Care Commission. This document is the result of thousands of volunteer hours and citizen participation in developing proposals for improving our long-term care system. While each of the proposals reflected in the enclosed package of recommendations are not necessarily supported by all Commission members, the Commission voted unanimously to forward the entire package for your consideration. The Commission expects that the debates framed by these recommendations will continue into this legislative session and beyond.

Sincerely,
JAMES WEST, Co-Chair
State Senator

DENNIS BRADDOCK, Co-Chair
State Representative

The Select Committee Report is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE HOUSE

January 18, 1991

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4402, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5096 by Senators Barr, Hansen, Anderson, Newhouse, Conner, Bailey, Matson, Patterson, Amondson, Sellar, Bauer, McMullen and L. Smith

AN ACT Relating to the duties and responsibilities of the department of agriculture; amending RCW 15.04.010; adding new sections to chapter 15.04 RCW; and adding a new section to chapter 34.05 RCW.

Referred to Committee on Agriculture and Water Resources.

SB 5097 by Senators Barr, Hansen, Anderson, Gaspard, Newhouse, Conner, Bailey, Matson, Patterson, Amondson, Sellar, Bauer and L. Smith

AN ACT Relating to agricultural nuisances; and amending RCW 7.48.305 and 7.48.310.

Referred to Committee on Agriculture and Water Resources.

SB 5098 by Senators Barr, Hansen, Newhouse, Gaspard, Bailey, Conner, Amondson, Bauer and L. Smith

AN ACT Relating to extending the coverage of processor liens; and amending RCW 20.01.010.

Referred to Committee on Agriculture and Water Resources.

SB 5099 by Senators Metcalf and Owen

AN ACT Relating to recreational fisheries enforcement; amending RCW 75.10.020; and adding new sections to chapter 75.10 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5100 by Senator Metcalf

AN ACT Relating to prohibition of bear snares; and adding a new section to chapter 77.16 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5101 by Senator Metcalf

AN ACT Relating to mitigation of negative impacts to wildlife; adding a new section to chapter 43.21C RCW; adding a new chapter to Title 77 RCW; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 5102 by Senators Metcalf, Owen, Sutherland, Snyder, McMullen, L. Kreidler and Roach

AN ACT Relating to game and game fish penalties; amending RCW 77.21.010; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 5103 by Senators Craswell, Nelson, McMullen and Matson (by request of Department of Licensing)

AN ACT Relating to registration of engineers; and amending RCW 18.43.020, 18.43.040, 18.43.050, 18.43.060, 18.43.070, 18.43.130, and 18.43.100.

Referred to Committee on Commerce and Labor.

SB 5104 by Senators Moore, Amondson and Metcalf

AN ACT Relating to pilot examinations; and reenacting and amending RCW 88.16.090.

Referred to Committee on Transportation.

SB 5105 by Senators Rasmussen, Moore and West

AN ACT Relating to collective bargaining for superior court employees; and amending RCW 41.56.020 and 41.56.030.

Referred to Committee on Commerce and Labor.

SB 5106 by Senators Patterson, Vognild and Conner (by request of Office of Financial Management and Governor Gardner)

AN ACT Relating to the transportation budget; and amending 1990 c 298 s 20 (uncodified) and 1990 c 298 s 25 (uncodified).

Referred to Committee on Transportation.

SB 5107 by Senators Nelson, A. Smith and Newhouse

AN ACT Relating to corporations; amending RCW 11.36.021, 18.08.420, 18.100.050, 18.100.116, 18.100.130, 18.100.133, 18.100.134, 19.02.100, 23.78.020, 23.78.030, 23.78.050, 23.78.060, 23.78.080, 23.78.100, 23.86.070, 23.86.145, 23.86.200, 23.86.210, 23.86.220, 23.86.230, 23.86.330, 23.86.340, 23.86.360, 23B.01.200, 23B.01.210, 23B.01.220, 23B.01.280, 23B.01.400, 23B.01.410, 23B.01.570, 23B.02.050, 23B.04.010, 23B.07.040, 23B.07.060, 23B.08.240, 23B.10.070, 23B.14.200, 23B.15.040, 23B.15.300, 23B.16.010, 23B.16.220, 24.03.035, 24.03.070, 24.06.905, 24.36.050, 24.36.090, 25.10.020, 25.10.600,

31.24.030, 31.24.150, 33.48.025, 33.48.030, 43.07.120, 43.07.130, 43.07.140, 43.07.190, 50.04.165, and 61.24.010; and repealing RCW 23A.32.050.

Referred to Committee on Law and Justice.

SB 5108 by Senators von Reichbauer, McCaslin, Moore, Vognild, Matson, Rasmussen, Pelz and Owen (by request of Attorney General)

AN ACT Relating to the regulation of promotional advertising of prizes; amending RCW 19.105.365 and 64.36.320; creating a new chapter in Title 19 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SB 5109 by Senators West, Amondson, Moore, Stratton, McCaslin and L. Kreidler

AN ACT Relating to prescribing prescription drugs; amending RCW 69.41.030; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5110 by Senators Bluechel, Bauer, McDonald, McMullen, Cantu, Gaspard, Bailey, Craswell, Wojahn, Sutherland, Vognild, Rasmussen, Johnson, Conner, Snyder, A. Smith, Talmadge, L. Smith, Madsen, Stratton, Murray, Rinehart, Pelz, Oke, Erwin, McCaslin and Skratek

AN ACT Relating to exemptions and deferrals for senior citizens and persons retired for reasons of physical disability; amending RCW 84.36.381, 84.36.385, and 84.38.030; and creating new sections.

Referred to Committee on Ways and Means.

SB 5111 by Senators Madsen, Wojahn, Rasmussen, Amondson, A. Smith, Snyder, Gaspard and Skratek

AN ACT Relating to cost of corrections; and amending RCW 72.09.110.

Referred to Committee on Law and Justice.

SB 5112 by Senator Madsen

AN ACT Relating to fisheries patrol officers; and amending RCW 75.10.010.

Referred to Committee on Environment and Natural Resources.

SB 5113 by Senators Murray, Skratek, Gaspard, A. Smith, Rinehart, Madsen, Talmadge, Wojahn, Rasmussen, Snyder and Erwin (by request of Task Force on Student Transportation Safety)

AN ACT Relating to student pedestrian safety; amending RCW 58.17.110 and 82.02.090; adding new sections to chapter 28A.160; creating a new section; making appropriations; and providing an expiration date.

Referred to Committee on Education.

SB 5114 by Senators Murray, Bailey, Bauer, Thorsness, Erwin, Gaspard, A. Smith, Rinehart, Madsen, Talmadge, Wojahn, Rasmussen, Conner and Snyder (by request of Task Force on Student Transportation Safety)

AN ACT Relating to student transportation; adding a new section to chapter 46.37 RCW; creating new sections; and making appropriations.

Referred to Committee on Education.

SB 5115 by Senators Murray, Bailey, Thorsness, Gaspard, A. Smith, Rinehart, Talmadge and Erwin (by request of Task Force on Student Transportation Safety)

AN ACT Relating to school pedestrian safety; adding a new section to chapter 28A.230 RCW; creating a new section; and making appropriations.

Referred to Committee on Education.

SB 5116 by Senators Murray, Bailey, Thorsness, Gaspard, A. Smith, Rinehart, Madsen, Talmadge, Bauer and Erwin (by request of Task Force on Student Transportation Safety)

AN ACT Relating to transportation safety; adding new sections to chapter 46.61 RCW; creating a new section; and making an appropriation.

Referred to Committee on Education.

SB 5117 by Senators Matson, Amondson, Hayner, Saling, Thorsness, McDonald, Bailey, Cantu, Newhouse, Nelson, Johnson, Barr, Bluechel, Craswell, McCaslin and Patterson

AN ACT Relating to signature requirements for initiatives and referendums; and amending RCW 29.79.120.

Referred to Committee on Governmental Operations.

SB 5118 by Senators Anderson, Oke, Snyder, Metcalf, L. Smith, Vognild, Rasmussen, Conner, Thorsness and Wojahn

AN ACT Relating to a fisheries hotline; and adding a new section to chapter 75.12 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5119 by Senators Metcalf, Erwin, Thorsness, Barr, Bailey, Amondson, Oke, Cantu and Saling

AN ACT Relating to term limitations; adding a new section to chapter 43.01 RCW; adding a new section to chapter 44.01 RCW; creating a new section; and providing for submission of this act to a vote of the people.

Referred to Committee on Governmental Operations.

SB 5120 by Senators Nelson, Rasmussen, Thorsness, Stratton, Saling, McCaslin, Hayner, Erwin, L. Smith, Newhouse, Amondson, Johnson, Bailey, Gaspard, Vognild, Matson, West, Owen, Bauer, Snyder, Roach and Oke

AN ACT Relating to child support; amending RCW 26.19.010, 26.19.020, 26.19.060, 26.19.090, and 26.09.170; adding new sections to chapter 26.19 RCW; and repealing RCW 26.19.040.

Referred to Committee on Law and Justice.

SB 5121 by Senators Metcalf, Talmadge, McCaslin, Owen, Thorsness, Vognild, Rinehart, Sellar, L. Smith, Sutherland, Roach, Amondson, Hayner, Rasmussen, Bailey, Moore, Barr, Oke, Wojahn, Nelson, von Reichbauer, Bauer, Gaspard, L. Kreidler, Johnson, Stratton, Skratek and Erwin

AN ACT Relating to improper governmental action; amending RCW 42.40.020, 42.40.040, 42.40.050, 49.60.180, 49.60.225, 43.09.050, and 43.88.160; prescribing penalties; and making an appropriation.

Referred to Committee on Governmental Operations.

SB 5122 by Senators McCaslin, Patterson, Rasmussen, Thorsness, Hansen, Metcalf, Barr, Hayner, Amondson, Matson, Craswell, Vognild, Stratton, Roach, Oke and Erwin

AN ACT Relating to regulatory takings and other unconstitutional interferences with the use of private property by governmental bodies; and adding a new chapter to Title 64 RCW.

Referred to Committee on Governmental Operations.

SB 5123 by Senators Newhouse, Rasmussen, A. Smith, Niemi, Wojahn, Talmadge, Gaspard and Erwin

AN ACT Relating to prohibiting firearms near judicial proceedings; and amending RCW 9.41.300.

Referred to Committee on Law and Justice.

SJM 8001 by Senators Metcalf, Erwin, Bailey, Thorsness, Barr, Amondson, Oke, Cantu and Saling

Requesting that Congress propose a constitutional amendment to limit congressional and federal judicial terms to twelve years.

Referred to Committee on Governmental Operations.

SJR 8201 by Senators Madsen, Sutherland, Conner, Barr, Bauer and Roach

Amending the Constitution to authorize the county assessor to use assessment practices that provide that the true and fair value of real property be based on current use.

Referred to Committee on Governmental Operations.

SJR 8202 by Senators Matson, Amondson, Hayner, Saling, Thorsness, Bailey, Bluechel, Cantu, Newhouse, Nelson, McCaslin, Patterson, Craswell and Johnson

Modifying the signature requirements for initiatives and referendums.

Referred to Committee on Governmental Operations.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4402 by Representatives Ebersole and Ballard

Establishing Legislative cutoff dates.

WHEREAS, It is of paramount importance to establish cutoff dates for the consideration of legislation during the 1991 Regular Session of the Fifty-Second Legislature;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, the Senate concurring, That the following cutoff dates apply to all bills, memorials, and joint resolutions with the exception of budgets, matters necessary to implement budgets, and initiatives to the legislature:

(1) Wednesday, March 6, 1991, the fifty-second day, will be the final day to read in committee reports in the house of origin with the exception of reports from the Senate Ways and Means and House fiscal committees;

(2) Monday, March 11, 1991, the fifty-seventh day, will be the final day to read in Senate Ways and Means and House fiscal committee reports in the house of origin;

(3) Wednesday, March 20, 1991, the sixty-sixth day, at 5:00 p.m., will be the final time to consider bills in their house of origin;

(4) Friday, April 5, 1991, the eighty-second day, will be the final day to read in committee reports on bills from the opposite house with the exception of reports from the Senate Ways and Means and House fiscal committees;

(5) Monday, April 8, 1991, the eighty-fifth day, will be the final day to read in Senate Ways and Means and House fiscal committee reports on bills from the opposite house; and

BE IT FURTHER RESOLVED, That after 5:00 p.m. on Friday, April 19, 1991, the ninety-sixth day, neither house may consider any bills, memorials, or joint resolutions except initiatives to the legislature, messages pertaining to amendments, matters of differences between the two houses, conference and free conference reports, and matters incident to the interim and to the closing of the business of the 1991 Regular Session of the Legislature.

HOLD.

INITIATIVES TO THE LEGISLATURE

SI 119 Natural Death Act

Referred to Committee on Health and Long-Term Care.

SI 120 Reproduction privacy

Referred to Committee on Health and Long-Term Care.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4402 was advanced to second reading and placed on the second reading calendar.

MOTION

At 10:11 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:09 a.m. by President Pritchard.

There being no objection, the Senate resumed consideration of House Concurrent Resolution No. 4402, which was placed on the second reading calendar earlier today.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4402, by Representatives Ebersole and Ballard.

Establishing Legislative cutoff dates.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4402 was advanced to third reading, the second reading considered the third, and the concurrent resolution was placed on final passage.

POINT OF INQUIRY

Senator Gaspard: "Senator Newhouse, just for clarification purposes, when we have the exceptions to the cutoff, we exempt the Initiatives, which I think by Constitution we have to do anyway, could you tell me if that applies to Alternatives to the Initiatives filed?"

Senator Newhouse: "Senator Gaspard, I would rule that 'yes' this will include the Alternatives to the Initiatives that someone might draft."

Senator Gaspard: "Thank you for the clarification."

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4402.

House Concurrent Resolution No. 4402 was adopted by voice vote.

MOTION

On motion of Senator Newhouse, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1991-8605

By Senators Hayner, Gaspard, Pelz, Vognild, Talmadge, Rasmussen and Sutherland

WHEREAS, On this day, we honor the Reverend Dr. Martin Luther King, Jr., who confirmed the strength of our country and its dedication to the proposition that all people are created equal and endowed by their Creator with the inalienable right to life, liberty, and the pursuit of happiness; and

WHEREAS, Dr. King understood that this nation yearns for a new birth of freedom and led us all through the valley of the shadow of injustice to the mountaintop of that freedom, to the mountaintop of truth to our ideals, and to the mountaintop of fidelity to our principles; and

WHEREAS, Dr. King understood the word of God, he knew that justice must overcome injustice, peace must overcome violence, and love must overcome hate;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby restates its dedication to work towards fulfillment of the legacy of hope left to us by Martin Luther King and to the pursuit of the principles of love, hope, peace, freedom and equality.

Senator Pelz spoke to Senate Resolution 1991-8605.

MOTION

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

SENATE RESOLUTION 1991-8604

By Senators Gaspard, von Reichbauer and Rasmussen

WHEREAS, The Legislature finds and declares that the 1992 Quincentennial of the first voyage of Christopher Columbus to the Americas is a time for all the people of the state of Washington to reflect upon and commemorate that momentous event; and

WHEREAS, That first voyage and the three voyages by Columbus and his crews that followed produced a series of historic encounters between the people and civilizations of the two hemispheres, enabling new nations and cultures to come into being; and

WHEREAS, American history texts tend to deemphasize early Hispanic contributions to United States history, and Hispanic contributions since that time have been underappreciated and underpromoted, including the discovery of the northwest coast of North America by Juan Perez; and

WHEREAS, The Washington State Spanish Quincentennial Foundation views the 1992 commemorations as a unique opportunity to reeducate all Americans of the true history of these discoveries from all perspectives and to use this information to establish a new harmony of all races; and

WHEREAS, Because of the efforts of the government of Spain, the Spain '92 Foundation, Mr. Luis Fernando Esteban of Iberia Airlines, the Washington State Spanish Quincentennial Foundation, and the Washington State Historical Society, ten Washington students were competitively selected to participate with five hundred other students from around the world in Aventura '92 an educational voyage that followed the route of the fourth voyage of Christopher Columbus from Spain to Mexico, Costa Rica, Panama, Columbia, Puerto Rico, and Portugal;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington that the following students are hereby honored for their selection and participation in a prestigious program to further understanding

among the peoples of the world and their contribution to the cause of international cooperation as part of the Spanish Quincentennial commemoration:

Students -- Alison Baar, Olympia; Todd Denett, Tacoma; Neita Gallegos, Mt. Vernon; Sonya Garza, Moses Lake; Vicente Gonzalez, Othello; Inti Linkletter, Federal Way; Carla Lobos, Sunnyside; Eddy Lucero, Redondo; Michael Schwager, Bellevue; and Chris "Pepe" Sherwin, Mercer Island;

BE IT FURTHER RESOLVED, That the Senate expresses its deep appreciation to the government of Spain, the Spain '92 Foundation, Mr. Luis Fernando Estaban, the Honorable Max Vekich, Iberia Airlines, and the Washington State Spanish Quincentennial Foundation for establishing such a valuable international education initiation.

Senator Gaspard spoke to Senate Resolution 1991-8604 and introduced the students from the state of Washington, seated in the gallery, who will be participating in Adventura '92.

MOTION

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

SENATE RESOLUTION 1991-8603

By Senators Wojahn, Metcalf, McMullen and Roach

WHEREAS, The Senate finds and declares that academic studies students undertake in school are the fundamental reason for our national, state, and local commitment to education; and

WHEREAS, Knowledge of history is of basic importance to an informed citizenry within a nation whose political and judicial processes operate with constant references to the past and its history; and

WHEREAS, The establishment of innovative programs to interest students in history courses should be recognized and encouraged; and

WHEREAS, Students from the state of Washington participate each year in just such an innovative program, the annual National History Day competition; and

WHEREAS, Washington State students, guided by dedicated and enthusiastic teachers, consistently have attained the highest ranks in the National History Day competition; and

WHEREAS, In 1990, a number of Washington State students won first place honors in the National History Day competition: Roselle Anderson, Enumclaw High School; Seung Kang, Coupeville High School; and Beth Russell, Coupeville High School;

NOW, THEREFORE, BE IT RESOLVED, That the President and members of the Washington State Senate do hereby recognize the achievements of these students and their teachers, and extend heartfelt congratulations and appreciation on behalf of the citizens of the state of Washington; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to Roselle Anderson, Seung Kang, Beth Russell, and the administrations of Enumclaw High School and Coupeville High School.

Senator Wojahn spoke to Senate Resolution 1991-8603 and introduced the students from the state of Washington, seated in the gallery, who participated in the National History Day competition.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Senate Bill No. 5000, Senate Bill No. 5001 and Senate Bill No. 5024.

On motion of Senator Newhouse, Senate Bill No. 5000, Senate Bill No. 5001 and Senate Bill No. 5024 were referred to the Committee on Governmental Operations.

MOTION

At 11:23 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Tuesday, January 22, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, January 22, 1991

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

MOTION

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

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

GA 9011 January 17, 1991
TIM DOUGLAS, appointed July 10, 1990, for a term ending July 5, 1994, as a member of the Puget Sound Water Quality Authority.
Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, Sutherland.

Passed to Committee on Rules.

GA 9012 January 17, 1991
DUANE FAGERGREN, appointed July 10, 1990, for a term ending July 5, 1993, as a member of the Puget Sound Water Quality Authority.
Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, Sutherland.

Passed to Committee on Rules.

January 17, 1991

GA 9013 JERRY FICKLIN, appointed July 10, 1989, for a term ending July 5, 1994, as a member of the Puget Sound Water Quality Authority.

Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, Sutherland.

Passed to Committee on Rules.

January 17, 1991

GA 9067 LESTER ELDRIDGE, reappointed July 6, 1989, for a term ending July 5, 1993, as a member of the Puget Sound Water Quality Authority.

Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, Sutherland.

Passed to Committee on Rules.

January 17, 1991

GA 9125 HUGH SPITZER, reappointed July 6, 1989, for a term ending July 5, 1993, as a member of the Puget Sound Water Quality Authority.

Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, Sutherland.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

January 14, 1991

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

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

Glenna S. Hall, reappointed January 14, 1991, for a term ending December 31, 1996, as a member of the Parks and Recreation Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

January 14, 1991

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

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

Anne Cox, reappointed January 14, 1991, for a term ending December 31, 1996, as a member of the Parks and Recreation Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

INTRODUCTION AND FIRST READING

SB 5124 by Senators Erwin, Gaspard, Amondson, Matson, Owen, Snyder, Nelson, von Reichbauer, Thorsness, Sellar, Johnson, Murray, McMullen, Bailey, Anderson and Talmadge

AN ACT Relating to licensing private security guards; adding a new section to chapter 43.101 RCW; adding a new chapter to Title 18 RCW; prescribing penalties; making appropriations; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 5125 by Senators Erwin, Gaspard, Amondson, Matson, Owen, Snyder, Nelson, von Reichbauer, Thorsness, Sellar, Johnson, Murray, McMullen, Bailey, Anderson and Talmadge

AN ACT Relating to private detective agencies and private detectives; adding a new section to chapter 43.101 RCW; adding a new chapter to Title 18 RCW; prescribing penalties; making appropriations; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 5126 by Senators Nelson, Madsen, Patterson, Rasmussen, Thorsness, Hayner, Johnson, A. Smith, Jesernig and L. Smith

AN ACT Relating to pen registers and trap and trace devices; reenacting and amending RCW 9.73.030; adding a new chapter to Title 9 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5127 Senators Craswell, Bailey, Vognild, Erwin, L. Smith, Stratton, Matson, Conner and Roach

AN ACT Relating to Indian child welfare cases; amending RCW 13.70.005, 13.70.010, and 13.70.110; reenacting and amending RCW 13.34.130; adding a

new section to chapter 13.70 RCW; repealing RCW 13.70.900; making an appropriation; and declaring an emergency.

Referred to Committee on Children and Family Services.

SB 5128 by Senators Madsen, Jesernig and Rasmussen

AN ACT Relating to notification of release of serious drug offenders; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Law and Justice.

SB 5129 by Senators Madsen and Vognild

AN ACT Relating to driving privileges of high school students; amending RCW 46.20.091; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Transportation.

SB 5130 by Senators Metcalf and Owen

AN ACT Relating to the department of wildlife; adding new sections to chapter 77.04 RCW; adding a new section to chapter 77.32 RCW; adding a new section to chapter 82.08 RCW; creating new sections; making an appropriation; and providing an effective date.

Referred to Environment and Natural Resources.

SB 5131 by Senators Conner, Rasmussen, Bauer and Vognild

AN ACT Relating to the veteran's assistance fund; and amending RCW 73.08.080.

Referred to Committee on Governmental Operations.

SB 5132 by Senators McCaslin, Nelson and Saling

AN ACT Relating to gubernatorial appointments; and amending RCW 43.06.030 and 43.06.092.

Referred to Committee on Governmental Operations.

SB 5133 by Senators McCaslin and Roach

AN ACT Relating to boundary review boards; amending RCW 36.93.051 and 36.93.061; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5134 by Senators McCaslin and Rasmussen

AN ACT Relating to continuing education for licensed real estate brokers and salespersons; and amending RCW 18.85.165.

Referred to Committee on Commerce and Labor.

SB 5135 by Senators McCaslin and Nelson

AN ACT Relating to onsite sewage systems; and adding a new section to chapter 43.20 RCW.

Referred to Committee on Governmental Operations.

SB 5136 by Senators McCaslin, Nelson and Roach

AN ACT Relating to local boards of health; and amending RCW 70.05.060.

Referred to Committee on Governmental Operations.

SB 5137 by Senator McCaslin

AN ACT Relating to cities, towns, and counties; and amending RCW 35.44.047 and 36.94.220.

Referred to Committee on Governmental Operations.

SB 5138 by Senators McCaslin, Nelson and Roach

AN ACT Relating to boundary review boards; amending RCW 35.02.037, 35.02.039, 35.02.070, 35.02.078, 35.02.086, 35.02.100, 35.02.150, 35.10.217, 35.10.450, 35.13.171, 35.13.310, 35.13.320, 35.13.330, 35.13.340, 35.21.790, 35.21.890, 35A.14.015, 35A.14.030, 35A.14.050, 35A.14.070, 35A.14.160, 35A.14.220, 35A.14.230, 35A.21.210, 36.94.170, 39.33.060, 52.02.040, 52.02.070, 52.02.080, 52.04.011, 52.06.010, 52.06.090, 56.02.060, 56.02.070, 56.36.030, 57.02.040, and 57.40.120; and repealing RCW 36.93.010, 36.93.020, 36.93.030, 36.93.040, 36.93.051, 36.93.061, 36.93.063, 36.93.065, 36.93.067, 36.93.070, 36.93.080, 36.93.090, 36.93.093, 36.93.100, 36.93.105, 36.93.110, 36.93.115, 36.93.120, 36.93.130, 36.93.140, 36.93.150, 36.93.152, 36.93.155, 36.93.160, 36.93.170, 36.93.180, 36.93.185, 36.93.190, 36.93.200, 36.93.210, 36.93.220, 36.93.900, 36.93.910, 36.93.920, 35.02.001, 35.07.001, 35.10.001, 35.13.001, 35.16.001, 35.43.035, 35.61.001, 35.67.022, 35.91.025, 35.92.027, 35A.02.001, 35A.03.001, 35A.05.001, 35A.14.001, 35A.15.001, 35A.16.001, 52.02.001, 52.04.001, 52.06.001, 52.08.001, 52.10.001, 53.48.001, 54.08.001, 54.16.035, 54.32.001, 56.04.001, 56.08.065, 56.24.001, 56.28.001, 56.32.001, 56.36.001, 57.04.001, 57.08.047, 57.24.001, 57.28.001, 57.32.001, 57.36.001, 57.40.001, 57.90.001, 85.38.001, 86.15.001, 87.03.001, 87.52.001, 87.53.001, and 87.56.001.

Referred to Committee on Governmental Operations.

SB 5139 by Senator McCaslin

AN ACT Relating to incorporation elections; and amending RCW 35.02.078.

Referred to Committee on Governmental Operations.

SB 5140 by Senators McCaslin, Patterson and L. Smith

AN ACT Relating to the use of physical force against intruders; adding a new section to chapter 9A.16 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 5141 by Senator McCaslin

AN ACT Relating to five-member boards of county commissioners; repealing 1990 c 252 s 9 (uncodified); and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5142 by Senators McCaslin and Sutherland

AN ACT Relating to exemptions from motor vehicle wrecker regulation; and amending RCW 46.80.010.

Referred to Committee on Transportation.

SB 5143 by Senators Metcalf, Murray and Conner

AN ACT Relating to recycling; amending RCW 43.19.538; adding a new section to chapter 43.78 RCW; adding a new section to chapter 47.28 RCW; adding a new section to chapter 19.27 RCW; adding a new section to Title 28A RCW; adding a new chapter to Title 43 RCW; creating new sections; and repealing RCW 43.19.537.

Referred to Committee on Environment and Natural Resources.

SB 5144 by Senator Metcalf

AN ACT Relating to presidential electors; amending RCW 29.71.020 and 29.71.040; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 5145 by Senators Metcalf, Skratek and Bailey

AN ACT Relating to storm water; amending RCW 90.70.060, 36.70A.070, 36.70A.150, 82.02.090, and 86.26.040; adding a new section to chapter 90.03 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; creating a new section; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 5146 by Senators McCaslin, Bauer, Sellar, McMullen, Amondson, Niemi, Madsen, Snyder, L. Smith, Johnson, Rasmussen, Gaspard, Pelz, Sutherland and Conner

AN ACT Relating to physical therapists; amending RCW 18.74.010, 18.74.012, and 18.74.023; repealing section 17, chapter 297, Laws of 1990; repealing section 18, chapter 297, Laws of 1990 (uncodified); providing effective dates; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5147 by Senators Nelson, A. Smith and Newhouse

AN ACT Relating to mediator privilege, confidentiality, and admissibility of evidence arising from mediation; adding a new section to chapter 5.60 RCW; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5148 by Senators Nelson, A. Smith and Newhouse

AN ACT Relating to limited partnerships; amending RCW 25.10.020, 25.10.030, 25.10.100, 25.10.110, 25.10.130, 25.10.140, 25.10.160, 25.10.180, 25.10.190, 25.10.210, 25.10.600, 25.10.370, 25.10.440, 23B.01.400, 23B.04.010, and 23B.13.020; adding new sections to chapter 25.10 RCW; adding new sections to chapter 23B.11 RCW; adding a new article to chapter 25.10 RCW; creating a new section; and repealing RCW 25.10.380.

Referred to Committee on Law and Justice.

SB 5149 by Senators Nelson and Rasmussen (by request of Public Disclosure Commission)

AN ACT Relating to gifts and public office funds; amending RCW 42.17.020, 42.17.090, 42.17.095, 42.17.240, and 42.17.243; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 5150 by Senators Nelson and Rasmussen (by request of Public Disclosure Commission)

AN ACT Relating to campaign finance reporting; and amending RCW 42.17.065, 42.17.080, 42.17.090, 42.17.095, 42.17.100, 42.17.105, 42.17.135, and 42.17.430.

Referred to Committee on Governmental Operations.

SB 5151 by Senators Hayner, Niemi, Thorsness, Nelson and Roach (by request of Department of Corrections)

AN ACT Relating to method of execution; and amending RCW 10.95.180.

Referred to Committee on Law and Justice.

SB 5152 by Senators Moore, Murray and Skratek (by request of Department of Labor and Industries)

AN ACT Relating to contractor registration requirements; and amending RCW 18.27.010 and 18.27.030.

Referred to Committee on Commerce and Labor.

SB 5153 by Senators McMullen, Moore and Murray (by request of Department of Labor and Industries)

AN ACT Relating to plumbing; amending RCW 18.106.010; adding a new section to chapter 18.106 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5154 by Senators Anderson, Murray, A. Smith, Moore, McMullen, Talmadge, Skratek, Pelz, Roach and Conner (by request of Department of Labor and Industries)

AN ACT Relating to the employment of minors; amending RCW 49.12.170; adding new sections to chapter 49.12 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5155 by Senators A. Smith, Moore, Murray, Skratek and Conner (by request of Department of Labor and Industries)

AN ACT Relating to penalties for violations of wage payment laws; amending RCW 49.46.100, 49.48.040, and 49.48.060; creating a new section; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 5156 by Senators McCaslin, Sutherland, Roach, Matson and Madsen

AN ACT Relating to candidate residency requirements; and adding a new section to chapter 29.30 RCW.

Referred to Committee on Governmental Operations.

SB 5157 by Senators Barr, Hansen and Rasmussen

AN ACT Relating to hunting or fishing rights off the reservation of Indians; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5158 by Senators Owen, Craswell, Oke, Sutherland and Conner

AN ACT Relating to management and enhancement of Hood Canal salmon resources; adding new sections to chapter 75.28 RCW; and creating new sections.

Referred to Committee on Environment and Natural Resources.

SB 5159 by Senators Moore, Vognild, Rinehart, Wojahn, Rasmussen and Bauer

AN ACT Relating to motor vehicle insurance; adding a new chapter to Title 46 RCW; and making an appropriation.

Referred to Committee on Financial Institutions and Insurance.

SB 5160 by Senator Matson

AN ACT Relating to rebuilding the Clear Creek dam; creating new sections; and making an appropriation.

Referred to Committee on Ways and Means.

SB 5161 by Senators Talmadge and Rasmussen

AN ACT Relating to the exemption for retail sales tax and use tax of prescribed supplies and equipment for diabetics; amending RCW 82.08.0283 and 82.12.0277; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5162 by Senators Talmadge, Rinehart, Sutherland and Pelz

AN ACT Relating to exemptions and deferrals for senior citizens and persons retired for reasons of physical disability; amending RCW 84.36.381, 84.36.385, and 84.38.030; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5163 by Senator Talmadge

AN ACT Relating to alternative dispute resolution; amending RCW 7.04.010, 7.06.010, 70.05.145, 7.06.040, 7.06.050, 4.48.040, 4.48.130, 4.84.250, 4.84.280,

3.66.020, 7.75.035, 26.12.010, 26.12.060, 43.08.250, 26.12.220, 13.40.150, and 13.40.190; reenacting and amending RCW 7.06.020 and 36.18.010; adding a new section to chapter 3.50 RCW; adding new sections to chapter 7.04 RCW; adding new sections to chapter 7.06 RCW; adding a new section to chapter 4.24 RCW; adding new sections to chapter 26.09 RCW; adding a new section to chapter 2.56 RCW; adding a new section to chapter 3.66 RCW; adding a new section to chapter 13.40 RCW; adding a new section to chapter 9.94A RCW; adding a new chapter to Title 7 RCW; repealing RCW 4.84.100; prescribing penalties; providing effective dates; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5164 by Senators Talmadge and Moore

AN ACT Relating to access to firearms by minors; adding new sections to chapter 9.41 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 5165 Senators Nelson and Talmadge; by request of Statute Law Committee

AN ACT Relating to the correction of references that are incorrect or obsolete as a result of the creation of the department of health by chapter 9, Laws of 1989 1st ex.s.; amending RCW 15.36.425, 16.70.010, 16.70.020, 18.06.010, 18.06.020, 18.06.030, 18.06.050, 18.06.060, 18.06.070, 18.06.080, 18.06.110, 18.06.120, 18.06.130, 18.06.140, 18.06.160, 18.06.170, 18.06.180, 18.06.190, 18.19.020, 18.19.030, 18.19.050, 18.19.070, 18.19.080, 18.19.090, 18.19.100, 18.19.110, 18.19.120, 18.19.130, 18.19.140, 18.19.150, 18.19.160, 18.19.170, 18.19.180, 18.20.020, 18.20.060, 18.25.006, 18.25.017, 18.25.020, 18.25.040, 18.25.070, 18.25.075, 18.25.100, 18.26.020, 18.26.050, 18.26.070, 18.29.021, 18.29.045, 18.29.060, 18.29.071, 18.29.100, 18.29.110, 18.29.120, 18.29.130, 18.29.140, 18.29.150, 18.29.160, 18.29.180, 18.32.010, 18.32.030, 18.32.037, 18.32.040, 18.32.100, 18.32.110, 18.32.120, 18.32.160, 18.32.170, 18.32.180, 18.32.190, 18.32.195, 18.32.220, 18.32.520, 18.32.534, 18.32.745, 18.34.020, 18.34.030, 18.34.070, 18.34.080, 18.34.110, 18.34.120, 18.35.010, 18.35.040, 18.35.060, 18.35.080, 18.35.090, 18.35.240, 18.35.250, 18.36A.020, 18.36A.030, 18.36A.040, 18.36A.050, 18.36A.060, 18.36A.070, 18.36A.080, 18.36A.090, 18.36A.100, 18.36A.110, 18.36A.120, 18.36A.130, 18.36A.140, 18.46.010, 18.46.050, 18.50.005, 18.50.010, 18.50.020, 18.50.034, 18.50.040, 18.50.045, 18.50.050, 18.50.060, 18.50.102, 18.50.105, 18.50.115, 18.50.135, 18.50.140, 18.50.150, 18.52.020, 18.52.060, 18.52.070, 18.52.100, 18.52.110, 18.52.130, 18.52A.020, 18.52A.030, 18.52B.050, 18.52B.080, 18.52B.110, 18.52B.120, 18.52B.150, 18.52B.160, 18.52C.020, 18.52C.030, 18.52C.040, 18.53.021, 18.53.050, 18.53.060, 18.53.070, 18.53.100, 18.53.140, 18.54.050, 18.54.070, 18.54.140, 18.55.020, 18.55.030, 18.55.040, 18.55.050, 18.55.060, 18.57.001, 18.57.020, 18.57.050, 18.57.080, 18.57.130, 18.59.020, 18.59.080, 18.59.090, 18.59.110, 18.59.150, 18.71.010, 18.71.015, 18.71.040, 18.71.050, 18.71.051, 18.71.080, 18.71.095, 18.71.200, 18.72.100, 18.72.120, 18.72.155, 18.72.306, 18.72.380, 18.72.400, 18.74.010, 18.74.010, 18.74.010, 18.74.020, 18.74.023, 18.74.035, 18.74.040, 18.74.050, 18.74.060, 18.74.070, 18.74.090, 18.74.095, 18.74.120, 18.76.020, 18.78.010, 18.78.050, 18.78.060, 18.78.080, 18.78.100,

18.78.110, 18.78.225, 18.83.010, 18.83.025, 18.83.045, 18.83.050, 18.83.060, 18.83.072, 18.83.080, 18.83.090, 18.83.105, 18.83.170, 18.83.190, 18.84.020, 18.84.040, 18.84.050, 18.84.060, 18.84.070, 18.84.080, 18.84.090, 18.84.100, 18.84.110, 18.88.030, 18.88.080, 18.88.090, 18.88.160, 18.88.175, 18.88.190, 18.88.200, 18.88.220, 18.88A.020, 18.88A.050, 18.88A.070, 18.88A.080, 18.88A.090, 18.88A.100, 18.89.020, 18.89.050, 18.89.060, 18.89.070, 18.89.080, 18.89.090, 18.89.100, 18.89.110, 18.89.120, 18.89.130, 18.89.140, 18.92.015, 18.92.035, 18.92.040, 18.92.047, 18.92.070, 18.92.100, 18.92.115, 18.92.120, 18.92.130, 18.92.140, 18.92.145, 18.104.040, 18.104.080, 18.104.110, 18.108.010, 18.108.020, 18.108.025, 18.108.040, 18.108.060, 18.108.070, 18.108.073, 18.108.085, 18.122.040, 18.122.060, 18.122.070, 18.122.080, 18.122.090, 18.122.120, 18.122.130, 18.122.140, 18.122.150, 18.130.060, 18.130.175, 18.135.020, 18.135.030, 18.135.050, 18.135.055, 18.135.065, 18.135.080, 18.138.010, 18.138.020, 18.138.030, 18.138.040, 18.138.050, 18.138.060, 18.138.070, 18.138.080, 18.138.090, 19.32.110, 26.33.300, 28A.210.030, 28A.210.090, 28A.210.110, 28B.104.060, 43.03.028, 43.20B.020, 43.20B.110, 43.59.030, 43.70.320, 43.83B.380, 43.99D.025, 43.99E.025, 69.30.010, 69.30.080, 70.05.053, 70.05.054, 70.05.055, 70.05.060, 70.05.070, 70.05.080, 70.05.090, 70.05.100, 70.05.130, 70.08.050, 70.12.015, 70.12.070, 70.22.020, 70.22.030, 70.22.040, 70.22.050, 70.22.060, 70.24.017, 70.24.100, 70.24.120, 70.24.130, 70.24.150, 70.24.400, 70.24.410, 70.30.081, 70.33.010, 70.40.020, 70.40.030, 70.40.150, 70.41.020, 70.41.130, 70.41.200, 70.41.230, 70.41.240, 70.47.060, 70.50.010, 70.54.040, 70.58.005, 70.58.107, 70.58.310, 70.58.320, 70.58.340, 70.62.210, 70.83.020, 70.83.030, 70.83.040, 70.83B.020, 70.90.110, 70.90.130, 70.90.210, 70.98.030, 70.104.010, 70.104.030, 70.104.040, 70.104.050, 70.104.055, 70.104.057, 70.104.060, 70.104.080, 70.104.090, 70.116.010, 70.116.030, 70.118.020, 70.118.040, 70.119.020, 70.119A.020, 70.119A.080, 70.121.020, 70.127.010, 70.142.020, 70.142.050, and 74.15.060; reenacting and amending RCW 18.57A.040, 18.78.090, 18.130.190, 42.17.2401, and 43.43.735; and adding new sections to chapter 43.70 RCW.

Referred to Committee on Law and Justice.

SB 5166 Senators Nelson and Conner

AN ACT Relating to the exploitation of minors by sexual conduct and materials; amending RCW 9.68A.110; adding new sections to chapter 9.68 RCW; repealing RCW 9.68.050, 9.68.060, 9.68.070, 9.68.080, 9.68.090, 9.68.100, 9.68.110, 9.68.120, 9.68.130, 9.68A.140, 9.68A.150, and 9.68A.160; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5167 by Senators Nelson, Rasmussen, Newhouse, Stratton, Roach, Niemi and Talmadge

AN ACT Relating to juvenile justice; amending RCW 13.40.020 and 13.40.0357; adding a new section to chapter 13.40 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5168 by Senators Moore, Rasmussen, Sutherland and Conner

AN ACT Relating to property tax exemptions for low-income persons; amending RCW 84.36.381 and 84.38.020; adding a new section to chapter 84.36 RCW; and providing a contingent effective date.

Referred to Committee on Ways and Means.

SB 5169 by Senators Moore, Rasmussen, Sutherland and Conner

AN ACT Relating to valuation for property tax purposes; adding new sections to chapter 84.36 RCW; creating a new section; and providing a contingent effective date.

Referred to Committee on Ways and Means.

SB 5170 by Senators Snyder, Nelson and Rasmussen

AN ACT Relating to district judges; and amending RCW 3.34.010.

Referred to Committee on Law and Justice.

SB 5171 by Senators Owen, McCaslin, Vognild, West, L. Smith and Conner

AN ACT Relating to false political advertising; adding a new section to chapter 9.91 RCW; and prescribing penalties.

Referred to Committee on Governmental Operations.

SB 5172 by Senators Moore and Conner

AN ACT Relating to the Washington state medical disciplinary board; and amending RCW 18.72.040 and 18.72.020.

Referred to Committee on Health and Long-Term Care.

SB 5173 by Senators Saling, Rasmussen, Metcalf, Stratton, Amondson, Anderson, Bauer, Barr, McCaslin, L. Smith, Cantu, Thorsness, Patterson, Vognild, Craswell, McDonald and Matson

AN ACT Relating to the death penalty for certain rapists; adding a new section to chapter 10.95 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5174 by Senators Saling, Bauer, Patterson, von Reichbauer, Jesernig, Cantu, Skratek, Amondson, Stratton, Anderson, Snyder, Newhouse, Gaspard, Johnson, Thorsness, Nelson, L. Smith,

Craswell, West, Bailey, Talmadge, Sutherland, Vognild, Hansen, Williams, Madsen, Owen, Matson, Rasmussen, Pelz, Roach and Conner

AN ACT Relating to additional enrollments at institutions of higher education; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5175 by Senators Vognild, Matson, Owen, Anderson, Conner, Sutherland, Williams, Moore, Nelson and Rasmussen

AN ACT Relating to contractors; amending RCW 18.27.020; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 5176 by Senators Vognild, Patterson, Owen, Matson, Conner, Sutherland, Moore, Rasmussen, Wojahn and Gaspard

AN ACT Relating to establishing preferences for in-state contractors in contracts for public works and for public purchase of goods; and adding a new chapter to Title 39 RCW.

Referred to Committee on Governmental Operations.

SB 5177 by Senators Snyder and Pelz

AN ACT Relating to voter registration; and amending RCW 29.07.160.

Referred to Committee on Governmental Operations.

SB 5178 by Senator Vognild

AN ACT Relating to state employees; and amending RCW 41.04.340.

Referred to Committee on Governmental Operations.

SB 5179 by Senators L. Smith, Bauer and Conner

AN ACT Relating to a pilot project for troubled deaf youth; creating new sections; and making an appropriation.

Referred to Committee on Children and Family Services.

SJR 8203 by Senators McCaslin and Nelson

Amending the Constitution to provide an additional method for a county to frame a 'home rule' charter.

Referred to Committee on Governmental Operations.

SJR 8204 by Senators Moore and Sutherland

Limiting residential real property to assessed valuation increases of five percent.

Referred to Committee on Ways and Means.

SJR 8205 by Senators Moore and Sutherland

Amending the Constitution to provide property tax relief to low-income property owners.

Referred to Committee on Ways and Means.

SJR 8206 by Senators Saling, Metcalf, Amondson, Thorsness, Barr, Stratton and Bailey

Amending the Constitution to limit the terms of state elected officials.

Referred to Committee on Governmental Operations.

MOTION

At 12:06 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, January 23, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 23, 1991

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Matson and Roach. On motion of Senator Murray, Senator Bauer was excused.

The Sergeant at Arms Color Guard, consisting of Pages Danessa Kenfield and Eric Gerst, presented the Colors. Reverend Dr. Dimino, pastor of the Emmanuel Baptist Church of Olympia, offered the prayer.

MOTION

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

PERSONAL PRIVILEGE

Senator Pelz: "Mr. President, may I rise to make a point of personal privilege? I want to thank the Senate once again for the humble opportunity that was provided for me to make my first speech on this floor. I immediately called my wife and asked her to help me on this venture. Senator Anderson was a little worried that I had done that, but my wife insisted that I point out that she is not only a great cookie baker, but a feminist and a member of the bar.

"I particularly want to thank Senator Vognild for reminding me of this opportunity. Senator Vognild has shown me a great deal of friendship and as a pathetic and unwashed rookie in this august Chamber, I am particularly grateful and would just like to say 'hats off to Larry.'"

REPORT OF STANDING COMMITTEE

January 21, 1991

SB 5015 Prime Sponsor, Senator Metcalf: Providing for landowner liability protection for volunteer projects. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Conner, and Snyder.

Passed to Committee on Rules for second reading.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
1300 S. Evergreen Park Drive, S.W.
Olympia, Washington 98504
November 29, 1990

Gordon Golob
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504

Alan Thompson
Chief Clerk
House of Representatives
Olympia, Washington 98504

Dear Mr. Golob and Mr. Thompson:

Section 8, Chapter 21, Laws of 1990 requires that the Commission report to the Legislature on the need for procedures to regulate the rates for disposal at the Hanford low-level radioactive water site. The Commission is pleased to submit the following report.

In order to fulfill the legislative directive, the Commission used a structured negotiation process which involved all stakeholder interests. This collaborative process resulted in a consensus view which is shared by the commission. The recommendations of this study committee are incorporated as the Commission's report.

The Commission finds that regulation is called for under the conditions which will most likely exist in 1993. Therefore, we recommend that legislation be enacted which will establish the regulatory framework to meet these conditions. This framework should provide the Commission with authority to conduct an initial case to establish fair, just, reasonable, and sufficient rates. After the initial case, the rates would be subject to adjustment for certain specified cost changes. The entire regulatory framework could also be changed if the site operator or another party petitioned the Commission and established that monopoly conditions no longer exist.

Although there are elements of traditional regulation in the recommended framework, it is unique and specifically suited to this industry. The commission believes that this approach will mutually protect and benefit the interests of the general public, the site operator, and the waste generators. We have tried to minimize costly regulatory involvement, while providing a full opportunity for oversight when needed.

Sharon L. Nelson
Chairman

Richard D. Casad
Commissioner

Sincerely,
A. J. "Bud" Pardini
Commissioner

The Select Committee Report is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 5180 by Senators Nelson, Vognild and Sellar

AN ACT Relating to cities and towns; and adding a new section to chapter 35.80 RCW.

Referred to Committee on Law and Justice.

SB 5181 by Senators Oke, Bailey, Rinehart, Erwin, Gaspard, Anderson, A. Smith, Metcalf, Craswell, Talmadge, Saling, Roach, Murray, Madsen, von Reichbauer, Nelson, Owen, Johnson, Newhouse, Bauer, Vognild, Barr, Rasmussen, L. Kreidler, Moore, Amondson and Thorsness

AN ACT Relating to technological and vocational education; amending RCW 28B.80.350; adding new sections to Title 28A RCW; adding a new section to chapter 28B.80 RCW; adding a new section to chapter 28B.50 RCW; adding new sections to chapter 28A.150 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28B.10 RCW; creating new sections; making appropriations; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

SB 5182 by Senators Saling, Rinehart, L. Smith, Gaspard, Bauer, Bailey and Murray (by request of Legislative Budget Committee)

AN ACT Relating to special educational services demonstration projects; adding new sections to chapter 28A.630 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

SB 5183 by Senators Amondson, Rasmussen, Talmadge, Gaspard, Williams, Pelz, Skratek, Wojahn, Murray, Conner and A. Smith (by request of Governor Gardner)

AN ACT Relating to oil and hazardous substances; amending RCW 90.48.315, 90.48.370, 90.48.365, 90.48.380, 90.48.378, 90.48.371, 90.48.373, 90.48.375, 90.48.376, 90.48.377, 90.48.320, 90.48.350, 90.48.325, 90.48.336, 90.48.338, 90.48.383, 90.48.340, 90.48.343, 90.48.366, 90.48.376, 90.48.368, 90.48.369, 90.48.385, 90.48.510, 88.16.170, 88.16.180, 88.16.190, 88.16.200, 88.40.005, 88.40.020, 88.40.030, 88.40.040, 88.40.050, 90.48.400, 88.44.010, 88.44.020, 88.44.030, 88.44.040, 88.44.080, 88.44.110, 88.44.160, 88.16.010, 88.16.050, 88.16.070, 88.16.110, 88.16.155, 90.48.037, 90.48.095, 90.48.100, 90.48.142, 90.48.156, 90.48.240, and 90.48.907; amending 1990 c 116 s 1

(unclassified); reenacting and amending RCW 90.48.390 and 88.16.090; adding a new chapter to Title 90 RCW; adding new sections to chapter 43.131 RCW; creating new sections; recodifying sections 101, 103, 108, 109, 110, 201, 203, 204, 207, 401, 501, 705, 706, 707, 708, 709, and 1211 of this act, RCW 90.48.315, 90.48.370, 90.48.365, 90.48.380, 90.48.378, 90.48.387, 90.48.388, 90.48.371, 90.48.372, 90.48.373, 90.48.374, 90.48.375, 90.48.360, 90.48.376, 90.48.377, 90.48.320, 90.48.350, 90.48.325, 90.48.330, 90.48.335, 90.48.336, 90.48.338, 90.48.383, 90.48.340, 90.48.355, 90.48.343, 90.48.366, 90.48.367, 90.48.368, 90.48.369, 90.48.385, 90.48.510, 88.16.170, 88.16.180, 88.16.190, 88.16.195, 88.16.200, 88.40.005, 88.40.020, 88.40.030, 88.40.040, 88.40.050, 90.56.700, 90.56.705, 90.48.390, 90.48.400, and 90.48.907; repealing RCW 90.48.345, 90.48.381, 90.48.410, 88.40.010, 88.44.050, 88.44.060, 88.44.070, 88.44.090, 88.44.150, 88.44.170, 88.44.180, 88.44.200, 88.44.210, and 90.48.910; prescribing penalties; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 5184 by Senators Saling, Bauer, Thorsness, Jesernig, Stratton, Talmadge and Snyder (by request of Governor Gardner)

AN ACT Relating to work force training and education; amending RCW 28B.50.010, 28B.50.020, 28B.50.030, 28B.50.040, 28B.50.050, 28B.50.055, 28B.50.060, 28B.50.085, 28B.50.090, 28B.50.092, 28B.50.093, 28B.50.095, 28B.50.100, 28B.50.130, 28B.50.140, 28B.50.142, 28B.50.143, 28B.50.145, 28B.50.150, 28B.50.205, 28B.50.242, 28B.50.250, 28B.50.320, 28B.50.330, 28B.50.340, 28B.50.350, 28B.50.360, 28B.50.370, 28B.50.402, 28B.50.404, 28B.50.405, 28B.50.409, 28B.50.520, 28B.50.535, 28B.50.551, 28B.50.600, 28B.50.740, 28B.50.835, 28B.50.837, 28B.50.839, 28B.50.841, 28B.50.843, 28B.50.850, 28B.50.851, 28B.50.867, 28B.50.869, 28B.50.870, 28B.50.873, 28B.50.875, 15.76.120, 28A.305.270, 28C.04.015, 28C.04.024, 28C.10.020, 28B.10.016, and 43.19.190; adding a new section to chapter 28B.15 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 28B.16 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 28B.52 RCW; adding a new section to chapter 43.01 RCW; adding a new section to chapter 41.56 RCW; adding new sections to chapter 28B.50 RCW; adding a new chapter to Title 28A RCW; adding new chapters to Title 28C RCW; adding a new chapter to Title 50 RCW; creating new sections; repealing RCW 28B.50.055, 28C.15.010, 28C.15.020, 28C.15.030, and 28C.15.900; decodifying RCW 28B.50.300; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5185 by Senators Newhouse, Niemi, Anderson, McMullen, Thorsness, Madsen and A. Smith

AN ACT Relating to local government; amending RCW 82.14.310, 82.14.315, 82.14.320, 82.14.330, 82.14.340, and 63.29.190; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5186 by Senators Moore, Matson and Anderson

AN ACT Relating to land use requirements for mobile home parks; adding new sections to chapter 35.63 RCW; adding new sections to chapter 35A.63 RCW; adding new sections to chapter 36.70 RCW; adding new sections to chapter 36.70A RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5187 by Senators Moore, Matson and Anderson

AN ACT Relating to mobile home insurance proceeds; and adding a new section to chapter 48.30 RCW.

Referred to Committee on Commerce and Labor.

SB 5188 by Senators Moore, Matson and Anderson

AN ACT Relating to mobile home landlord-tenant relations; and adding a new section to chapter 59.20 RCW.

Referred to Committee on Commerce and Labor.

SB 5189 by Senators Bailey and Rinehart

AN ACT Relating to general fund apportionments to school districts; and amending RCW 28A.510.250.

Referred to Committee on Education.

SB 5190 by Senators Bailey and Rinehart

AN ACT Relating to the Washington state school directors' association; and amending RCW 28A.345.030.

Referred to Committee on Education.

SB 5191 by Senators Bailey and Barr

AN ACT Relating to school district directors' districts; amending RCW 28A.315.110, 28A.315.590, 28A.315.670, and 28A.315.680; adding a new section to chapter 28A.315 RCW; repealing RCW 28A.315.685; and declaring an emergency.

Referred to Committee on Education.

SB 5192 by Senators Bailey and Rinehart

AN ACT Relating to school district indebtedness; amending RCW 28A.160.130 and 28A.530.010; and adding a new section to chapter 28A.530 RCW.

Referred to Committee on Education.

SB 5193 by Senators L. Smith, Wojahn, West, Johnson, Oke and Thorsness

AN ACT Relating to infants exposed to drugs; adding a new chapter to Title 70 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5194 by Senators Patterson, McMullen, Thorsness, Vognild, Hansen, Madsen, von Reichbauer, Nelson and Conner

AN ACT Relating to treasurer-managed funds and accounts; amending RCW 70.39.170, 18.08.240, 43.79.330, 43.51.280, 40.14.025, 43.51.310, 43.140.030, 28B.14D.040, 46.10.075, 72.72.030, 43.79.350, 43.01.050, 67.40.040, 28B.10.821, 43.88.525, 58.24.060, 82.14.200, 82.14.210, 18.72.390, 43.70.320, 18.04.105, 43.79.445, 47.76.030, 43.51.200, 86.26.007, 43.08.250, 84.33.041, 43.31A.400, 70.94.656, 18.43.150, 75.52.140, 51.44.170, 43.33A.160, 43.83B.360, 82.14.050, 42.16.011, 43.19.610, 27.34.090, 82.42.090, 47.68.236, 79.64.055, 43.79.201, 70.93.180, 46.08.172, 43.99.040, 43.83A.030, 43.99F.030, 28B.10.851, 43.83.020, 28B.30.730, 28B.57.050, 43.99.060, 43.83B.030, 43.83C.030, 43.83D.030, 43.83H.030, 43.84.092, 28A.515.320, 28A.550.010, 50.16.010, 43.200.080, 70.164.030, 79.90.555, 70.94.483, 47.78.010, 22.09.411, 70.47.030, 70.105D.070, 2.14.070, 70.170.080, 90.76.100, 70.95.800, 59.21.050, 70.95E.080, 28B.30.741, 28B.30.742, 28B.20.810, 28B.14C.060, 43.79A.020, 43.79A.040, 43.08.190, 28C.10.082, 43.250.030, 43.185.030, 28B.10.882, 59.22.030, 70.148.020, 4.92.220, 4.92.130, 41.40.080, 43.84.051, 43.79.130, 28B.35.751, 43.79.110, 28B.20.800, 28B.10.868, 42.26.010, 41.05.120, 90.50A.020, 2.14.080, 46.68.210, 81.100.070, 28B.20.468, 28B.108.050, 28B.50.837, 41.26.070, 28B.108.060, 41.48.065, 41.48.060, 2.10.080, and 43.160.080; reenacting and amending RCW 74.18.230, 76.04.630, 28B.50.360, 28B.35.370, 70.146.030, 90.48.390, 41.24.030, 41.04.260, and 74.18.230; repealing RCW 43.84.090, 43.185.040, 46.09.290, 70.48.120, 43.31.958, 43.99C.040, 27.60.060, 28B.31.040, 75.48.030, 28B.56.030, 43.83I.166, 36.22.180, and 43.79.415; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5195 by Senators McDonald, Hayner, Bluechel, Cantu, Roach, von Reichbauer, Oke, Thorsness, Metcalf, Johnson, Erwin, West, Nelson and Conner

AN ACT Relating to the use of 1989 property valuations and assessments for 1991 property taxes; adding a new section to chapter 84.40 RCW; adding a new section to chapter 84.55 RCW; adding a new section to chapter 39.36 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5196 by Senators West, Wojahn and L. Kreidler (by request of Health Care Authority)

AN ACT Relating to disclosure of information by the health care authority and state employees benefit board; and amending RCW 41.05.026.

Referred to Committee on Health and Long-Term Care.

SB 5197 by Senators West, Wojahn, L. Smith and L. Kreidler (by request of Health Care Authority)

AN ACT Relating to voluntary payroll deductions for public employees; and amending RCW 41.04.020, 41.04.230, 41.05.065, and 41.05.075.

Referred to Committee on Health and Long-Term Care.

SB 5198 by Senators Barr, Gaspard, Madsen, Amondson, Nelson, Metcalf, Bailey, Hansen, Conner, Wojahn, Snyder and Rasmussen

AN ACT Relating to aquatic animal health; adding a new chapter to Title 15 RCW; and making appropriations.

Referred to Committee on Agriculture and Water Resources.

SB 5199 by Senators West, Roach, Johnson and Madsen

AN ACT Relating to assaults on staff at state institutions; amending RCW 9A.36.031 and 9A.36.100; and providing penalties.

Referred to Committee on Law and Justice.

SB 5200 by Senator L. Kreidler

AN ACT Relating to industrial insurance compensation for temporary total disability of state employees; and amending RCW 51.32.090.

Referred to Committee on Commerce and Labor.

SB 5201 by Senators L. Smith, Stratton and Talmadge

AN ACT Relating to out-of-home care for older children; amending RCW 13.34.030; adding new sections to chapter 13.34 RCW; creating a new section; and making an appropriation.

Referred to Committee on Children and Family Services.

SB 5202 by Senators Nelson and Madsen

AN ACT Relating to civil judgments; amending RCW 4.56.090, 4.56.100, 4.56.200, and 6.13.090; adding new sections to chapter 4.56 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 5203 by Senators West and Niemi (by request of Department of Health)

AN ACT Relating to nursing home administration; amending RCW 18.52.020, 18.52.030, 18.52.040, 18.52.050, 18.52.110, 18.52.130, and 18.52.140; adding new sections to chapter 18.52 RCW; and repealing RCW 18.52.060, 18.52.100, 18.52.170, and 18.52.070.

Referred to Committee on Health and Long-Term Care.

SB 5204 by Senators West and Niemi (by request of Department of Health)

AN ACT Relating to practical nurses; amending RCW 18.78.005, 18.78.020, 18.78.030, 18.78.040, 18.78.050, 18.78.055, 18.78.060, 18.78.080, and 18.78.100; reenacting and amending RCW 18.78.090; and repealing RCW 18.78.110.

Referred to Committee on Health and Long-Term Care.

SB 5205 by Senators Moore, Wojahn, Gaspard, Snyder and Rasmussen

AN ACT Relating to the effects of terrorism on insurance liability; and amending RCW 48.23.260.

Referred to Committee on Financial Institutions and Insurance.

MOTION

At 10:07 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:31 a.m. by President Pritchard.

MOTION

At 11:31 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, January 24, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

ELEVENTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 24, 1991

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 22, 1991

SB 5014 Prime Sponsor, Senator Metcalf: Creating a floating pen project for residential coho salmon enhancement. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5014 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Patterson, and Sutherland.

Referred to Committee on Ways and Means.

January 23, 1991

SB 5031 Prime Sponsor, Senator Nelson: Creating a crime stoppers assistance office. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5031 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Referred to Committee on Rules for second reading.

January 23, 1991

SB 5195 Prime Sponsor, Senator McDonald: Using 1989 property valuations and assessments for 1991 property taxes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Matson, Metcalf, Murray, Newhouse, Owen, L. Smith, and West.

MINORITY recommendation: Do not pass. Signed by Senators L. Kreidler, Niemi, and Wojahn.

Referred to Committee on Rules for second reading.

January 22, 1991

SJM 8002 Prime Sponsor, Senator Metcalf: Requesting that the coast guard prohibit dumping of ballast water in United States waters. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Snyder, and Sutherland.

Referred to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 24, 1991

GA 9049 QUEENIE ALLADO, reappointed June 6, 1989, for a term ending December 31, 1994, as a member of the Parks and Recreation Commission. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, Sutherland.

Passed to Committee on Rules.

January 24, 1991

GA 9073 WILLIAM FEARN, appointed February 6, 1990, for a term ending December 31, 1992, as a member of the Interagency Committee for Outdoor Recreation. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, Sutherland.

Passed to Committee on Rules.

January 24, 1991

GA 9075 JAMES FOX, appointed August 11, 1989, for a term ending December 31, 1991, as a member of the Interagency Committee for Outdoor Recreation.
Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, Sutherland.

Passed to Committee on Rules.

January 24, 1991

GA 9117 DR. ELIOT SCULL, reappointed August 11, 1989, for a term ending December 31, 1991, as a member of the Interagency Committee for Outdoor Recreation.
Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Snyder, Sutherland.

Passed to Committee on Rules.

January 24, 1991

GA 9158 ANNE COX, reappointed January 14, 1991, for a term ending December 31, 1996, as a member of the Parks and Recreation Commission.
Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, Sutherland.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 5206 by Senators Matson, Vognild and Amondson

AN ACT Relating to funding search and rescue activities; amending RCW 46.09.030, 46.09.070, and 46.09.110; and adding new sections to chapter 43.63A RCW.

Referred to Committee on Environment and Natural Resources.

SB 5207 by Senator Sutherland

AN ACT Relating to timber development; amending RCW 70.56.010, 76.56.020, 76.56.030, 43.168.050, and 43.163.090; and creating a new chapter in Title 76 RCW.

Referred to Committee on Commerce and Labor.

SB 5208 by Senators Sutherland, Owen, Amondson, L. Smith, Conner, McMullen, Snyder and Pelz

AN ACT Relating to benefits for unemployed workers in the forest products industry; amending RCW 28B.15.740; adding a new section to chapter 50.04 RCW; adding new sections to chapter 50.22 RCW; adding a new section to chapter 28B.15 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5209 by Senators Vognild, Sellar, Rasmussen, Matson, Snyder and Patterson

AN ACT Relating to the legislative transportation committee; and amending RCW 44.40.010.

Referred to Committee on Transportation.

SB 5210 by Senators von Reichbauer, Bauer, Matson, Moore, West, Owen, Saling, Newhouse, L. Smith, Hansen, Sellar, Gaspard, Johnson, Vognild, Thorsness, Oke, McCaslin, Metcalf, Nelson, Stratton, Jesernig, Bailey, Craswell, Madsen, Sutherland, Conner and Pelz

AN ACT Relating to the business and occupation taxation of insurance agents, brokers, and solicitors; and amending RCW 82.04.260.

Referred to Committee on Financial Institutions and Insurance.

SB 5211 by Senators Amondson, L. Kreidler and Oke

AN ACT Relating to a hunting dog training area; creating new sections; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 5212 by Senators Anderson, Skratek and McMullen (by request of Department of Labor and Industries)

AN ACT Relating to confidential information acquired by the department of labor and industries through research, experiments, demonstrations, and employer-requested services; and amending RCW 49.17.210, 49.17.250, and 51.36.060.

Referred to Committee on Commerce and Labor.

SB 5213 by Senators West and L. Kreidler (by request of Department of Social and Health Services)

AN ACT Relating to the billing period for vendors; and amending RCW 74.09.160.

Referred to Committee on Health and Long-Term Care.

SB 5214 by Senators West and L. Kreidler (by request of Department of Social and Health Services)

AN ACT Relating to utilization review of nursing facilities; amending RCW 43.190.020, 70.38.105, 74.08.044, 74.09.250, 74.09.260, 74.09.510, 74.09.700, and 18.51.310; reenacting and amending RCW 74.09.520; and repealing RCW 74.42.610.

Referred to Committee on Health and Long-Term Care.

SB 5215 by Senators Murray, A. Smith, Skratek and McMullen (by request of Department of Labor and Industries)

AN ACT Relating to civil penalties for industrial safety and health violations; amending RCW 49.17.180; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 5216 by Senators McMullen, Moore and A. Smith (by request of Department of Labor and Industries)

AN ACT Relating to industrial insurance coverage; amending RCW 51.08.070, 51.08.180, 51.12.020, 51.12.100, and 51.12.110; adding a new section to chapter 51.08 RCW; and repealing RCW 51.12.115.

Referred to Committee on Commerce and Labor.

SB 5217 by Senators Anderson, McMullen and A. Smith (by request of Department of Labor and Industries)

AN ACT Relating to industrial insurance assessments; and amending RCW 51.16.200 and 51.48.150.

Referred to Committee on Commerce and Labor.

SB 5218 by Senators Anderson, McMullen, A. Smith and Rasmussen (by request of Department of Labor and Industries)

AN ACT Relating to industrial insurance payments; and amending RCW 51.32.240 and 51.32.050.

Referred to Committee on Commerce and Labor.

SB 5219 by Senators Patterson, Vognild and Rasmussen (by request of Utilities and Transportation Commission)

AN ACT Relating to the limits on liability for loss or damage to baggage by common carriers; and amending RCW 81.29.050.

Referred to Committee on Transportation.

SB 5220 by Senators Patterson and Vognild (by request of Utilities and Transportation Commission)

AN ACT Relating to railroad crossing inspection fees; and amending RCW 81.54.030.

Referred to Committee on Transportation.

SB 5221 by Senators Sellar and Snyder (by request of Utilities and Transportation Commission)

AN ACT Relating to the requirement that motor carriers provide original or duly verified photocopies of all transportation contracts when applying for permits; and amending RCW 81.80.080.

Referred to Committee on Transportation.

SB 5222 by Senators Rasmussen, Nelson, Johnson, Saling and Moore (by request of Joint Committee on Pension Policy)

AN ACT Relating to reorganizing the statutes governing the state's retirement system; amending RCW 41.26.005, 41.26.030, 41.26.035, 41.26.040, 41.26.060, 41.26.080, 41.26.090, 41.26.120, 41.26.130, 41.26.140, 41.26.150, 41.26.160, 41.26.170, 41.26.180, 41.26.190, 41.26.240, 41.26.280, 41.26.410, 41.32.005, 41.32.010, 41.32.030, 41.32.120, 41.32.130, 41.32.160, 41.32.190, 41.32.230, 41.32.240, 41.32.242, 41.32.260, 41.32.300, 41.32.310, 41.32.330, 41.32.340, 41.32.350, 41.32.360, 41.32.366, 41.32.390, 41.32.405, 41.32.420, 41.32.430, 41.32.480, 41.32.4945, 41.32.498, 41.32.499, 41.32.500, 41.32.520, 41.32.522, 41.32.523, 41.32.540, 41.32.550, 41.32.590, 41.32.610, 41.32.620, 41.32.630, 41.32.780, 41.32.790, 41.40.005, 41.40.010, 41.40.020, 41.40.080, 41.40.083, 41.40.100, 41.40.110, 41.40.130, 41.40.160, 41.40.170, 41.40.195, 41.40.200, 41.40.220, 41.40.230, 41.40.235, 41.40.250, 41.40.260, 41.40.280, 41.40.310, 41.40.320, 41.40.340, 41.40.350, 41.40.363, 41.40.380, 41.40.410, 41.40.412, 41.40.440, 41.40.450, 41.40.610, 41.40.625, 41.40.670, and 41.40.710; amending 1990 c 274 s 19 (uncodified); reenacting and amending RCW 41.40.005; adding new sections to chapter 41.26 RCW; adding new sections to chapter 41.32 RCW; adding new sections to chapter 41.40 RCW; adding new sections to chapter 41.50 RCW; creating new sections; recodifying RCW 41.26.060, 41.32.030, 41.32.120, 41.32.130, 41.32.190, 41.32.230, 41.32.405, 41.32.420, 41.32.430, 41.32.830, 41.40.080, 41.40.083, 41.40.100, 41.40.110, 41.40.350, 41.26.900, 41.26.910,

41.26.920, 41.26.901, 41.26.921, 41.32.011, 41.40.005, 41.40.010, 41.40.020, 41.40.120, 41.40.123, 41.40.130, 41.40.165, 41.40.223, 41.40.340, 41.40.361, 41.40.370, 41.40.380, 41.40.400, 41.40.403, 41.40.410, 41.40.412, 41.40.414, 41.40.420, 41.40.440, 41.40.450, 41.40.530, 41.40.540, 41.40.542, 41.40.800, 41.40.810, 41.40.150, 41.40.160, 41.40.170, 41.40.180, 41.40.185, 41.40.188, 41.40.190, 41.40.193, 41.40.195, 41.40.198, 41.40.1981, 41.40.200, 41.40.210, 41.40.220, 41.40.230, 41.40.235, 41.40.250, 41.40.260, 41.40.270, 41.40.280, 41.40.300, 41.40.310, 41.40.320, 41.40.325, 41.40.330, 41.40.363, 41.40.610, 41.40.620, 41.40.625, 41.40.630, 41.40.640, 41.40.650, 41.40.660, 41.40.670, 41.40.680, 41.40.690, 41.40.700, 41.40.710, 41.40.720, 41.40.730, 41.40.740, 41.40.900, and 41.40.920; decodifying RCW 41.26.043, 41.26.051, 41.26.310, 41.26.400, 41.26.475, 41.26.560, 41.32.015, 41.32.243, 41.32.2431, 41.32.2432, 41.32.245, 41.32.250, 41.32.265, 41.32.280, 41.32.290, 41.32.310, 41.32.365, 41.32.486, 41.32.491, 41.32.492, 41.32.494, 41.32.4943, 41.32.560, 41.32.561, 41.32.567, 41.32.583, 41.32.750, 41.40.011, 41.40.022, 41.40.135, 41.40.138, 41.40.1982, 41.40.199, 41.40.225, 41.40.405, 41.40.406, 41.40.407, 41.40.411, 41.40.500, 41.40.501, 41.40.502, 41.40.503, 41.40.504, 41.40.505, 41.40.506, 41.40.507, 41.40.509, 41.40.515, 41.40.516, 41.40.517, 41.40.518, 41.40.519, 41.40.520, 41.40.521, 41.40.522, 41.40.527, 41.40.535, and 41.40.600; and repealing RCW 2.10.095, 2.12.070, 2.12.080, 41.04.065, 41.26.065, 41.26.070, 41.26.320, 41.26.330, 41.26.600, 41.32.045, 41.32.140, 41.32.170, 41.32.180, 41.32.201, 41.32.202, 41.32.203, 41.32.207, 41.32.220, 41.32.320, 41.32.401, 41.32.440, 41.32.4944, 41.32.565, 41.32.600, 41.32.610, 41.32.620, 41.32.630, 41.32.650, 41.40.072, 41.40.075, 41.40.077, 41.40.090, 41.40.155, 43.43.170, 43.43.175, 43.43.180, 43.43.190, and 43.43.225.

Referred to Committee on Ways and Means.

SB 5223 by Senators Nelson, Rasmussen, Johnson and Moore (by request of Joint Committee on Pension Policy)

AN ACT Relating to granting whole and partial retirement service credit; amending RCW 41.32.010, 41.32.013, 41.32.765, 41.40.010, 41.40.185, 41.40.235, 41.40.450, 41.40.620, 41.40.630, 41.26.030, 41.26.090, 41.26.100, 41.26.160, and 41.26.430; adding a new section to chapter 41.50 RCW; creating new sections; making appropriations; providing effective dates; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5224 by Senators Moore, Rasmussen, Johnson, Saling and Nelson (by request of Joint Committee on Pension Policy)

AN ACT Relating to public retirement; amending RCW 41.32.260, 41.32.550, and 41.18.015; reenacting and amending RCW 41.40.120; adding new sections to chapter 41.32 RCW; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 43.43 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5225 by Senators Oke and Metcalf

AN ACT Relating to environmental interpretation in Washington's state parks; adding new sections to chapter 43.51 RCW; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SB 5226 by Senators Thorsness, Saling, Amondson and Metcalf

AN ACT Relating to terms of office; and amending RCW 43.01.010 and 44.04.021.

Referred to Committee on Governmental Operations.

SB 5227 by Senators Thorsness, Anderson, Oke, Owen, Amondson, Metcalf, Saling, McCaslin, Craswell, Hayner, Stratton, Johnson and Conner

AN ACT Relating to drug testing for state elected officials, candidates for elective office, and state employees; adding a new chapter to Title 43 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 5228 by Senators Thorsness, Oke, von Reichbauer, Amondson, Metcalf, Saling, L. Smith, Craswell and McCaslin

AN ACT Relating to reducing legislative per diem and appropriations to the governor as an incentive for concluding extraordinary sessions of the legislature; amending RCW 44.04.120; adding a new section to chapter 43.88 RCW; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5229 by Senators Owen and Oke

AN ACT Relating to Pacific cod; adding new sections to Title 75 RCW; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 5230 by Senators Owen, Craswell, Talmadge and Conner

AN ACT Relating to state building leases; and amending RCW 43.82.010.

Referred to Committee on Governmental Operations.

SB 5231 by Senator McCaslin

AN ACT Relating to real estate continuing education; and amending RCW 18.85.165.

Referred to Committee on Commerce and Labor.

SB 5232 by Senators West, Gaspard, von Reichbauer and Johnson

AN ACT Relating to withheld real estate brokerage commissions; and adding new sections to Title 64 RCW.

Referred to Committee on Law and Justice.

SB 5233 by Senators McCaslin, Madsen, Patterson, Vognild, Saling, West, Stratton, Sutherland, Gaspard, Wojahn and Rasmussen

AN ACT Relating to preference for in-state contractors on public works projects; and adding a new section to Title 39 RCW.

Referred to Committee on Governmental Operations.

SB 5234 by Senators Bailey, Erwin, Rinehart, Oke, Pelz, Anderson, Murray, Metcalf, A. Smith, Johnson, Barr, Skratek, Sutherland and Conner

AN ACT Relating to educational excellence; amending RCW 28A.305.140 and 28A.150.260; adding new sections to chapter 28A.630 RCW; creating new sections; making appropriations; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

SB 5235 by Senators Bailey, Rinehart, Oke, Patterson, Anderson, Pelz, Johnson, Murray, A. Smith, Sutherland, Conner and Talmadge

AN ACT Relating to prevention and intervention services for elementary students; adding a new chapter to Title 28A RCW; and making an appropriation.

Referred to Committee on Education.

SB 5236 by Senators Bailey, Amondson, Metcalf, Nelson, Craswell, Anderson, Patterson, Rasmussen, McCaslin, Barr, Moore, Vognild, Cantu, Stratton, Oke and McDonald

AN ACT Relating to HIV testing of alleged sex offenders; and amending RCW 70.24.105 and 70.24.340.

Referred to Committee on Law and Justice.

SB 5237 by Senators Bailey, Johnson, Patterson, Rinehart, Vognild, Anderson, Cantu, McCaslin, Oke, Nelson, Conner and Erwin

AN ACT Relating to proper lane travel; and amending RCW 46.61.100.

Referred to Committee on Transportation.

SB 5238 by Senators Bailey, Rinehart, Erwin, Murray, Oke, A. Smith, Johnson, Gaspard, Wojahn and Rasmussen

AN ACT Relating to seismic safety in public schools; creating new sections; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

SB 5239 by Senators Bailey, Rinehart, Oke, Murray, Barr and Talmadge

AN ACT Relating to extending the school year; amending RCW 28A.150.030, 28A.195.010, 28A.150.250, 28A.150.290, 28A.335.160, 28A.150.220, 28A.190.030, 28A.330.100, and 28A.405.210; reenacting and amending RCW 28A.400.200; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.415 RCW; and making an appropriation.

Referred to Committee on Education.

SB 5240 by Senators Bailey, Rinehart, Pelz, Murray and Niemi

AN ACT Relating to corporal punishment; and creating a new section.

Referred to Committee on Education.

SB 5241 by Senators Newhouse, Vognild, Hayner, Gaspard, McCaslin and McMullen

AN ACT Relating to public hospital districts; and amending RCW 70.44.060.

Referred to Committee on Health and Long-Term Care.

SB 5242 by Senators Anderson, Owen, L. Smith, Moore, Johnson, Bauer, Matson, Williams, McCaslin and Amondson

AN ACT Relating to compensation for collection of sales and use taxes; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.14 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5243 by Senators Rinehart, McCaslin, Madsen, Thorsness, Rasmussen, Oke and Conner

AN ACT Relating to the veterans' affairs advisory committee; and amending RCW 43.60A.080.

Referred to Committee on Governmental Operations.

SB 5244 by Senators Talmadge and Conner

AN ACT Relating to human reproductive rights regarding hazardous substances in the workplace; amending RCW 49.70.010, 49.70.130, 49.17.240, and 49.60.030; adding a new section to chapter 18.73 RCW; adding a new section to chapter 49.44 RCW; and adding a new section to chapter 49.70 RCW.

Referred to Committee on Commerce and Labor.

SB 5245 by Senators Thorsness, Sutherland, Williams, Jesernig, Stratton, Bauer and Conner (by request of Governor Gardner)

AN ACT Relating to state energy policy; amending RCW 39.35.030; adding new sections to chapter 43.21F RCW; adding a new chapter to Title 39 RCW; adding new sections to chapter 39.35 RCW; creating a new section; and repealing 1982 c 159 s 6 (uncodified).

Referred to Committee on Energy and Utilities.

SB 5246 by Senators Sutherland, A. Smith and Rasmussen

AN ACT Relating to limiting tax increases on residential real property; adding new sections to chapter 84.52 RCW; creating a new section; and providing a contingent effective date.

Referred to Committee on Ways and Means.

SB 5247 by Senators Sutherland, A. Smith and Madsen

AN ACT Relating to property tax reimbursements; adding a new chapter to Title 84 RCW; and providing a contingent effective date.

Referred to Committee on Ways and Means.

SB 5248 by Senators Sutherland, A. Smith, Madsen and Rasmussen

AN ACT Relating to current use valuation for residential property; amending RCW 84.34.010, 84.34.020, 84.34.030, 84.34.037, 84.34.060, 84.34.080, and 84.34.108; and providing a contingent effective date.

Referred to Committee on Ways and Means.

SB 5249 by Senators Sutherland, A. Smith, Bauer and Williams

AN ACT Relating to a property tax exemption for low-income housing; amending RCW 84.36.383 and 84.38.020; adding a new section to chapter 84.36 RCW; and providing a contingent effective date.

Referred to Committee on Ways and Means.

SB 5250 by Senators Sutherland, A. Smith, Stratton and Bauer

AN ACT Relating to property tax billings; amending RCW 84.56.020, 84.41.030, 84.41.041, and 84.40.038; and making an appropriation.

Referred to Committee on Ways and Means.

SB 5251 by Senators Nelson, Vognild, Thorsness, Madsen, Patterson, Hansen, Oke, Saling, von Reichbauer, Barr, Snyder, Erwin, Bluechel and Murray

AN ACT Relating to motor vehicle wreckers; amending RCW 46.80.030, 46.80.040, 46.80.050, 46.80.060, 46.80.080, 46.80.090, 46.80.100, 46.80.110, 46.80.130, 46.80.140, 46.80.150, and 46.80.170; adding new sections to chapter 46.80 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 5252 by Senators Saling, Murray, Johnson, Skratek, Metcalf, A. Smith, L. Smith, Rinehart, von Reichbauer, Talmadge, Moore, Craswell, Gaspard, Thorsness, Sellar, McCaslin, Wojahn and Pelz

AN ACT Relating to security in schools; and making an appropriation.

Referred to Committee on Education.

SB 5253 by Senators Murray, Snyder, Owen, L. Kreidler, Wojahn, Gaspard, McMullen, Niemi, A. Smith, Skratek, Moore, Talmadge, Williams, Madsen, Vognild, Pelz, Rinehart and Sutherland

AN ACT Relating to pesticide application notification; amending RCW 17.21.020 and 15.58.040; adding new sections to chapter 17.21 RCW; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 5254 by Senators Murray, Rasmussen, Rinehart, Gaspard, Bauer, Skratek, Pelz, Sutherland and A. Smith

AN ACT Relating to education programs for educators; amending RCW 28A.410.040 and 28A.410.050; adding new sections to chapter 28A.410 RCW; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Education.

SJM 8003 by Senators Thorsness, Oke, Amondson, von Reichbauer, Saling, Metcalf, Johnson and Pelz

Requesting a twelve-year limit to United States Congress membership.

Referred to Committee on Governmental Operations.

SJR 8207 by Senators McCaslin and Williams

Amending the Constitution to specify which officials, departments, and agencies must be located at the seat of government.

Referred to Committee on Governmental Operations.

SJR 8208 by Senators Newhouse, Vognild, Hayner, Gaspard, McCaslin and McMullen

Amending the Constitution to permit municipalities and state agencies to employ chaplains.

Referred to Committee on Governmental Operations.

SJR 8209 by Senators Sutherland and A. Smith

Amending the Constitution to limit residential real property tax increases to six percent per year.

Referred to Committee on Ways and Means.

SJR 8210 by Senators Sutherland, A. Smith and Madsen

Amending the Constitution to allow reimbursement of excessive property taxes.

Referred to Committee on Ways and Means.

SJR 8211 by Senators Sutherland, A. Smith, Skratek, Bauer, Williams and Madsen

Amending the Constitution to allow current use valuation for residential property.

Referred to Committee on Ways and Means.

SJR 8212 by Senators Sutherland, A. Smith, Bauer and Williams

Amending the Constitution to authorize property tax relief for low-income persons.

Referred to Committee on Ways and Means.

SCR 8400 by Senators Bailey, Rinehart, Erwin, Murray, Oke and Skratek

Endorsing the VISION: EDUCATION 2001 statement

Referred to Committee on Education.

MOTION

At 12:03 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, January 25, 1991.

JOEL PRITCHARD, President of the Senate
GORDON GOLOB, Secretary of the Senate.

TWELFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 25, 1991

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Sarah Carlson and Erin Shallow, presented the Colors. Reverend Dr. Dimino, pastor of the Emmanuel Baptist Church of Olympia, offered the prayer.

MOTION

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

**REPORTS OF STANDING COMMITTEES
 GUBERNATORIAL APPOINTMENTS**

January 23, 1991

GA 9003 **MARTHA CHOE**, reappointed October 2, 1990, for a term ending September 30, 1996, as a member of the Board of Trustees for Western Washington University.
 Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton, von Reichbauer.

Passed to Committee on Rules.

January 23, 1991

GA 9007 **ROBERT "MAC" CROW**, reappointed April 2, 1990, for a term ending September 30, 1995, as a member of the Board of Regents for Washington State University.
 Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton, von Reichbauer.

Passed to Committee on Rules.

January 23, 1991

GA 9034 NORM SCHUT, reappointed October 1, 1990, for a term ending September 30, 1995, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton, von Reichbauer.

Passed to Committee on Rules.

January 23, 1991

GA 9054 RAMON L. BARNES, reappointed January 22, 1990, for a term ending September 30, 1994, as a member of the Board of Trustees for Pierce Community College District No. 11.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton, von Reichbauer.

Passed to Committee on Rules.

January 23, 1991

GA 9079 LYNNE GLORE, appointed December 12, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton, von Reichbauer.

Passed to Committee on Rules.

January 23, 1991

GA 9112 REV. LAWRENCE R. ROBERTSON, appointed December 11, 1989, for a term ending September 30, 1991, as a member of the Board of Trustees for Olympic Community College District No. 3.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton, von Reichbauer.

Passed to Committee on Rules.

January 23, 1991

GA 9139 HARRY YAMAMOTO, reappointed January 22, 1990, for a term ending September 30, 1994, as a member of the Board of Trustees for Big Bend Community College District No. 18.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton, von Reichbauer.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 5255 by Senators L. Smith, McMullen, Murray, Moore, Conner, Sutherland and Pelz

AN ACT Relating to unemployment compensation benefits for an individual who leaves work voluntarily to relocate with his or her spouse; and amending RCW 50.20.050 and 50.29.020.

Referred to Committee on Commerce and Labor.

SB 5256 by Senators Nelson, A. Smith and Newhouse

AN ACT Relating to franchise investment protection; amending RCW 19.100.010, 19.100.020, 19.100.030, 19.100.040, 19.100.070, 19.100.080, 19.100.100, 19.100.140, 19.100.160, 19.100.170, 19.100.180, 19.100.220, and 19.100.240; and adding new sections to chapter 19.100 RCW.

Referred to Committee on Law and Justice.

SB 5257 by Senator Conner

AN ACT Relating to retirement credit for military service; and amending RCW 41.40.170.

Referred to Committee on Ways and Means.

SB 5258 by Senators Talmadge, A. Smith and Skratek

AN ACT Relating to referendum procedures for port district resolutions; and adding a new section to chapter 53.12 RCW.

Referred to Committee on Governmental Operations.

SB 5259 by Senators L. Smith, Hayner, Snyder, Owen, Matson and Oke

AN ACT Relating to cigarette sales; amending RCW 19.91.010, 19.91.020, 19.91.140, 19.91.150, and 19.91.190; creating new sections; repealing RCW 82.24.500, 82.24.510, 82.24.520, 82.24.530, 82.24.540, 82.24.550, and 82.24.560; repealing 1986 c 321 s 1 (uncodified); repealing 1986 c 321 s 14 (uncodified); repealing 1986 c 321 s 15 (uncodified); and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 5260 by Senators Thorsness, Madsen and Barr (by request of Utilities and Transportation Commission)

AN ACT Relating to the regulatory authority of the utilities and transportation commission over certain nonmunicipal systems; amending RCW 80.04.010 and 80.24.010; and reenacting and amending RCW 80.04.110.

Referred to Committee on Energy and Utilities.

SB 5261 by Senators Bailey, Vognild, McMullen, Newhouse, Madsen, Oke, Rinehart and Conner

AN ACT Relating to school construction standards for fire prevention and safety; adding a new section to chapter 48.48 RCW; and providing an effective date.

Referred to Committee on Education.

SB 5262 by Senators Nelson, Madsen, Thorsness, Sutherland, McCaslin, Saling and Bauer

AN ACT Relating to payment responsibility for utility service; amending RCW 35.21.290, 35.67.200, 36.94.150, 56.16.100, 57.08.080, and 80.28.010; and adding a new section to chapter 54.16 RCW.

Referred to Committee on Energy and Utilities.

SB 5263 by Senators Owen, Amondson, Snyder, Matson, Hansen, Conner, Bauer, Newhouse, Anderson and Barr

AN ACT Relating to underground storage tanks; amending RCW 90.76.040 and 90.76.110.

Referred to Committee on Environment and Natural Resources.

SB 5264 by Senators Oke, Bailey, Rinehart, Stratton and Bauer

AN ACT Relating to community and urban forestry; and adding a new chapter to Title 76 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5265 by Senators von Reichbauer, Pelz and Conner (by request of Insurance Commissioner)

AN ACT Relating to fees charged by the insurance commissioner; and amending RCW 48.14.010.

Referred to Committee on Financial Institutions and Insurance.

SB 5266 by Senators Thorsness, McMullen, Owen and A. Smith

AN ACT Relating to motor vehicles; amending RCW 7.68.035, 46.16.710, 46.20.021, 46.20.207, 46.20.291, 46.65.020, 46.90.300, and 46.90.300; reenacting and amending RCW 46.20.342; repealing RCW 46.29.625 and 46.65.090; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 5267 by Senator Moore

AN ACT Relating to limitations of insurance liability; and amending RCW 48.23.260.

Referred to Committee on Financial Institutions and Insurance.

SB 5268 by Senator Moore

AN ACT Relating to insurers; amending RCW 48.02.190 and 48.32A.090; and repealing RCW 48.32.145.

Referred to Committee on Financial Institutions and Insurance.

SB 5269 by Senators Anderson, McMullen, Amondson, Owen, Vognild, Metcalf and Conner

AN ACT Relating to waste disposal permits for cooperative fin fish rearing projects; and amending RCW 90.48.160.

Referred to Committee on Environment and Natural Resources.

SB 5270 by Senators Rinehart, Conner, Sutherland, Williams, Gaspard, Murray, Bauer, Talmadge, Niemi, Madsen, A. Smith, Pelz, McMullen and Skratek

AN ACT Relating to increasing the maximum income limits for retired persons' property tax exemptions to twenty-five thousand dollars per year and for retired persons' property tax deferrals to thirty thousand dollars per year; amending RCW 84.38.020, 84.38.030, 84.36.381, and 84.36.383; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5271 by Senators Rinehart, Conner, Sutherland, Williams, Gaspard, Murray, Bauer, Talmadge, Niemi, A. Smith, Pelz, McMullen and Skratek

AN ACT Relating to implementing a constitutional amendment providing property tax exemptions for low-income homeowners; amending RCW 84.36.383, 84.36.385, 84.36.387, and 84.36.389; adding a new section to chapter 84.36 RCW; and providing a contingent effective date.

Referred to Committee on Ways and Means.

SB 5272 by Senators Rinehart, Conner, Gaspard, Murray, Bauer, Talmadge, Niemi, A. Smith, Pelz and Skratek

AN ACT Relating to state assistance to low-income homeowners for property taxes levied for collection in 1991; adding a new section to chapter 84.36 RCW; prescribing penalties; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5273 by Senators Rinehart, Conner, Gaspard, Murray and A. Smith

AN ACT Relating to improving property tax administrative practices; requiring annual updating of assessed values; providing more complete information about property tax administration; modifying qualification requirements for property tax appraisers; requiring a study; amending RCW 84.41.030, 84.41.041, and 36.21.015; adding a new section to chapter 84.41 RCW; adding a new section to chapter 84.08 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5274 by Senators Rinehart, Conner, Gaspard, Murray, A. Smith, Pelz, McMullen and Skratek

AN ACT Relating to averaging large property tax valuation increases; amending RCW 84.04.030, 84.40.020, 84.40.030, 84.40.040, 84.40.045, 84.41.041, 84.48.010, 84.48.065, 84.48.075, 84.48.080, 84.12.270, 84.12.280, 84.12.310, 84.12.330, 84.12.350, 84.12.360, 84.16.040, 84.16.050, 84.16.090, 84.16.110, 84.16.120, 84.24.040, 84.36.041, 84.52.063, and 84.70.010; adding a new section to chapter 84.04 RCW; adding a new section to chapter 84.40 RCW; and providing a contingent effective date.

Referred to Committee on Law and Justice.

SB 5275 by Senator Nelson

AN ACT Relating to child molestation; and amending RCW 9A.44.083.

Referred to Committee on Law and Justice.

SB 5276 by Senators Nelson, Moore, Thorsness and Oke

AN ACT Relating to impounded vehicles; amending RCW 46.55.010, 46.55.100, 46.55.115, 46.55.120, and 46.55.140; and adding a new section to chapter 46.55 RCW.

Referred to Committee on Transportation.

SB 5277 by Senators Cantu, Murray, Snyder, Hansen, Conner, Owen and Anderson

AN ACT Relating to the small business export finance assistance center; and repealing RCW 43.131.325 and 43.131.326.

Referred to Committee on Commerce and Labor.

SB 5278 by Senators Nelson, Rasmussen, Madsen, A. Smith, Erwin, Hayner, Thorsness, Hansen and Craswell

AN ACT Relating to sexually transmitted disease; amending RCW 9A.36.011, 9A.36.031, 9A.36.041, 9.94A.310, 49.60.174, 70.24.105, and 70.24.340; reenacting and amending RCW 9A.36.021; repealing RCW 70.24.140; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5279 by Senators Bailey, Skratek, Rinehart, Murray, A. Smith and Bauer (by request of Governor Gardner)

AN ACT Relating to student educational performance; amending RCW 28A.215.100, 28A.150.210, 28A.150.220, 28A.150.230, 28A.150.240, 28A.195.010, 28A.150.290, 28A.230.090, and 28A.150.260; adding a new section to chapter 28A.230 RCW; creating new sections; repealing RCW 28A.230.240, 28A.230.010, 28A.230.020, 28A.230.030, 28A.230.040, 28A.230.050, 28A.230.060, 28A.230.100, 28A.230.110, 28A.230.130, 28A.230.190, 28A.230.200, 28A.230.210, 28A.230.220, 28A.230.230, 28A.230.250, 28A.230.260, and 28A.165.070; and providing an effective date.

Referred to Committee on Education.

SB 5280 by Senators Nelson, Rasmussen, A. Smith and Erwin (by request of Attorney General)

AN ACT Relating to consumer and business dispute resolution; adding a new section to chapter 4.16 RCW; and adding a new chapter to Title 19 RCW.

Referred to Committee on Law and Justice.

SJR 8213 by Senators Rinehart, Vognild, Conner, Sutherland, Williams, Gaspard, Murray, Bauer, Talmadge and A. Smith

Amending the Constitution to allow the legislature to grant low income property owners relief from owner-occupied residences.

Referred to Committee on Ways and Means.

SJR 8214 by Senators Rinehart, Conner, Gaspard, Murray, Talmadge, A. Smith and Pelz

Amending the Constitution to allow the legislature to phase-in large increases in property assessments.

Referred to Committee on Ways and Means.

PERSONAL PRIVILEGE

Senator Snyder: "A point of personal privilege, Mr. President. On the first day of the session as a freshman, I made my maiden speech, and kind of like Senator Pelz, I needed to go home and prepare something on the weekend.

"Those of you who know my wife know that I didn't dare ask her, so I did ask my daughter. Since I come from cranberry country--and we are very proud of our cranberry growers and our industry--I spent the weekend helping her make these cranberry products and then brought them to Olympia and spent the evenings labeling and packaging and now we are delighted to share them. My daughter quit working for me as manager in one of my stores a couple of years ago and she started a gourmet cranberry business, and I hope you will enjoy her products.

"Also, you know, the apple growers always pass out an apple when anything happens, and I thought passing out one cranberry would not be appropriate, even though there is probably as much good and strength in one cranberry as there is in one apple. Thank you very kindly and we do hope you enjoy the products."

INTRODUCTION OF SPECIAL GUESTS

The President introduced the 1991 Hubert H. Humphrey Fellows who were seated in the gallery.

MOTION

At 10:11 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:41 a.m. by President Pritchard.

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

SECOND READING

SENATE BILL NO. 5195, by Senators McDonald, Hayner, Bluechel, Cantu, Roach, von Reichbauer, Oke, Thorsness, Metcalf, Johnson, Erwin, West, Nelson and Conner.

Using 1989 property valuations and assessments for 1991 property taxes.

The bill was read the second time.

MOTION

Senator Murray moved that the following amendment by Senators Murray and Niemi be adopted:

On page 2, line 18, after "authority" strike everything down through and including "county" on line 20

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained.

POINT OF INQUIRY

Senator Vognild: "Senator McDonald, in our caucus, we discussed this issue, and since the first amendment is the one that we are going to be voting on, would you please tell me what the definition of 'substantial volatility' is?"

Senator McDonald: "Let me tell you that we are going to have--Senator Smith and I are going to have a question and answer on this. Let me tell you that 'volatility' is defined as changeable, inconstant, and explosive. 'Substantial' is defined as considerable in quantity and significantly larger. Those are the definitions of those two words and I think they do fall into the category of defining what the legislative intent was."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Murray and Niemi on page 2, line 18, to Senate Bill No. 5195.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Thorsness, von Reichbauer, West - 25.

MOTION

Senator McMullen moved that the following amendment by Senators McMullen and Gaspard be adopted:

On page 2, line 20, after "county," insert "For taxes levied for collection in 1991 each taxpayer may pay the lesser of either 1991 taxes based on 1990 assessments or 1991 taxes based on 1989 assessments."

Debate ensued.

POINT OF INQUIRY

Senator Bauer: "Senator McDonald, explain to me why is the constitutional question any different from giving a tax break to some people in this state, if the counties do elect to adopt that and other counties don't and there is a constitutional question, as you just indicated here responding to Senator McMullen. If we were to tamper with giving those people who had a lower tax assessment as a consequence and now because of this are going to get a higher assessment, then that is a constitutional question, but it is not a constitutional question when it comes to giving a break of those people in the higher categories?"

"You also mentioned that it would be devastating to the counties and cities to give a tax break to the low income type homes that are now going to end up with a high tax, by going back to 1989, because their taxes were lowered from 1989 to 1990--they had a lower rate--because their property values went down.

"Now, what this is going to do is kick them back up and give them a tax increase--then that is going to have an effect on county and city government--but yet giving a break to the higher home is not going to. That is the implication that I hear here. I don't quite understand the constitutional question on it and I don't understand the rationale for one being a devastation to the county and cities and the other not being."

Senator McDonald: "Let me tell you that I am not a constitutional lawyer, but I have learned quite a bit about this issue in the time that I have dealt with it. First off, I would like to read you the amendment which says, 'for taxes levied for collection in 1991 each taxpayer may pay the lesser of either 1991 taxes based on 1990 assessments or 1991 taxes based on 1989 assessments.'

"This doesn't have anything to do with the cost of the home. So, your assertion that it was for high value homes as opposed to low value homes is not at all contained within this amendment. What I have found out, Senator Bauer, and I will share it with you is that we meet the constitutional test if within a taxing district you are uniform as far as everybody that you deal with, whether it be business, whether it be residence, whether it be agricultural or the like. You can't give somebody one break and not give it to the other person. That is the constraint that we are under for this short-term fix. That is not a constraint this body is under for a long-term fix, because we can change, with the majority of the people, the Constitution. We can certainly change the laws under which we deal. That is what I know about it.

"Finally, answering your question, as far as what will happen to cities. If you take a look at the Ways and Means analysis, city by city, county by county, you will find that there are only a few cities or a few counties that would be affected. Those are counties and cities that probably wouldn't have the substantial volatility and secondly, we simply changed the assessment practices.

"The one hundred and six percent will allow those cities and counties to collect the full amount. If you change, however, the lesser of 1991 taxes to 1990 or 1989, the lesser of the two, that will have a substantial impact. I hope that you can see it. I certainly would like to graph it out for you, but I think that you will find that in the analysis."

Senator Bauer: "You don't need to graph it out for me. The state's bottom line is that some of those are poorer people, out there that have had tax reductions because of property values decreased, because of employment or people left town. There are one hundred thousand dollar houses that are now eighty thousand dollar houses. Now, we suddenly go back to the 1989 assessment and we go back to where it was a hundred thousand; now they are going to get a tax increase as opposed to the decrease. That is what I understand and I think that is an injustice."

Senator McMullen demanded a roll call and the demand was sustained. Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators McMullen and Gaspard on page 2, line 20, to Senate Bill No. 5195.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Thorsness, von Reichbauer, West - 25.

MOTION

Senator Adam Smith moved that the following amendments by Senators Adam Smith and Gaspard be considered simultaneously and be adopted:

On page 3, after line 2, insert a new subsection as follows:

"(3) The application of this section shall not result in a loss of revenues to any hospital district. Any hospital district that suffers a loss of revenues may make application to the state department of revenue for a grant equal to the difference between what that hospital district levy would have been using 1990 assessments compared to using 1989 assessments."

Renumber the remaining subsection.

On page 3, after line 13, add a new section as follows:

NEW SECTION. Sec. 5. One million dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of revenue for the fiscal biennium ending June 30, 1991, for the purpose of making grants under section 2 of this act.

Renumber the remaining sections.

Debate ensued.

POINT OF INQUIRY

Senator McMullen: "I thank Senator McDonald for giving us those figures on King and Snohomish Counties. I come from a county, from some of the figures, that ranks number four in growth. Of course, the folks up my way are concerned about whether this bill passes--are they included or not included. If they are eligible to use it, what form it should take and that is part of the reason why we are participating in this debate and maybe Senator McDonald could answer me with an answer that I can take back to my County Commissioners in Skagit County and the County Prosecuting Attorney. Is Skagit County definitely in or definitely out of this bill, so that I can tell them to go accordingly?"

I would ask Senator McDonald if he could answer that question."

Senator McDonald: "Basically, if they meet the test of substantial volatility, then the Commissioners of Skagit County decide that they are going to do it, then yes, they would be in. If they don't vote to do it, they are out and if they don't meet the test of substantial volatility, then they don't. You will have to answer that question. I know that you are awfully good at understanding these things, Senator McMullen."

Further debate ensued.

Senator McMullen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendments by Senators Adam Smith and Gaspard on page 3, after lines 2 and 13, to Senate Bill No. 5195.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 24; Nays, 25.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Thorsness, von Reichbauer, West - 25.

MOTION

Senator Skratek moved that the following amendments by Senators Skratek, Snyder, Gaspard, Murray, Wojahn and Adam Smith be considered simultaneously and be adopted:

On page 3, after line 2, insert a new subsection as follows:

(3) The application of this section shall not result in a loss of revenues to any fire district. Any fire district that suffers a loss of revenues may make application to the state department of revenue for a grant equal to the difference between what that fire district levy would have been using 1990 assessments compared to using 1989 assessments.

Renumber the remaining subsection.

On page 3, after line 13, add a new section as follows:

NEW SECTION. Sec. 5. Three million dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of revenue for the fiscal biennium ending June 30, 1991, for the purpose of making grants under section 2 of this act.

Renumber the remaining sections.

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendments by Senators Skratek, Snyder, Gaspard, Murray, Wojahn and Adam Smith on page 3, after lines 2 and 13, to Senate Bill No. 5195.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 24; Nays, 25.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Thorsness, von Reichbauer, West - 25.

MOTION

Senator Niemi moved that the following amendments be considered simultaneously and be adopted:

On page 3, after line 2, insert a new subsection as follows:

(3) The application of this section shall not result in a loss of revenues to any library district. Any library district that suffers a loss of revenues may make application to the state department of revenue for a grant equal to the difference between what that library district levy would have been using 1990 assessments compared to using 1989 assessments.

Renumber the remaining subsection.

On page 3, after line 13, add a new section as follows:

NEW SECTION. Sec. 5. Two million dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of revenue for the fiscal biennium ending June 30, 1991, for the purpose of making grants under section 2 of this act.

Renumber the remaining sections.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Niemi on page 3, after lines 2 and 13, to Senate Bill No. 5195.

The motion by Senator Niemi failed and the amendments were not adopted.

MOTION

Senator Bauer moved that the following amendments by Senators Bauer, Adam Smith and Gaspard be considered simultaneously and be adopted:

On page 3, after line 2, insert a new subsection as follows:

(3) The application of this section shall not result in a loss of revenues to any library district. Any library district that suffers a loss of revenues may make application to the state department of revenue for a grant equal to the difference between what that library district levy would have been using 1990 assessments compared to using 1989 assessments.

Renumber the remaining subsection.

On page 3, after line 13, add a new section as follows:

NEW SECTION. Sec. 5. Two million dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of revenue for the fiscal biennium ending June 30, 1991, for the purpose of making grants under section 2 of this act.

Renumber the remaining sections.

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Bauer, Adam Smith and Gaspard on page 3, after lines 2 and 13, to Senate Bill No. 5195.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 24; Nays, 25.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Thorsness, von Reichbauer, West - 25.

MOTION

Senator Niemi moved that the following amendment by Senators Niemi, Talmadge and Gaspard be adopted:

On page 3, after line 13, insert the following:

Sec. 5. RCW 84.36.381 and 1987 c 301 s 1 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the two years following the year in which a claim is filed(~~(, and thereafter,)~~) in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of January 1st of the year for which the exemption is claimed: PROVIDED, That any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year: PROVIDED FURTHER, That confinement of the person to a hospital or nursing home shall not disqualify the claim of exemption if the residence is temporarily unoccupied or if the residence is occupied by a spouse and/or a person financially dependent on the claimant for support;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant, and any lease for life shall be deemed a life estate;

(3) The person claiming the exemption must have been sixty-one years of age or older on January 1st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability: PROVIDED, That any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the preceding year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve.

(5) (a) A person who otherwise qualifies under this section and has a combined disposable income of ~~((eighteen))~~ thirty thousand dollars or less shall be exempt from all excess property taxes; and

(b) (i) A person who otherwise qualifies under this section and has a combined disposable income of eighteen thousand dollars or less but greater than fourteen thousand dollars shall be exempt from all regular property taxes on the greater of forty thousand dollars or thirty percent of the valuation of his or her residence, but not to exceed one hundred thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income of fourteen thousand dollars or less but greater than twelve thousand dollars shall be exempt from all regular property taxes on the greater of ~~((twenty-four))~~ forty thousand dollars or ~~((thirty))~~ forty percent of the valuation of his or her residence, but not to exceed ~~((forty))~~ one hundred thousand dollars of the valuation of his or her residence; or

~~((#))~~ (iii) A person who otherwise qualifies under this section and has a combined disposable income of twelve thousand dollars or less shall be exempt from all regular property taxes on the greater of ~~((twenty-eight))~~ forty thousand dollars or fifty percent of the valuation of his or her residence, but not to exceed one hundred thousand dollars of the valuation of his or her residence.

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

POINT OF ORDER

Senator Cantu: "A point of order, Mr. President. I rise to challenge the amendment on scope and object. Speaking on the challenge, this bill, Senate Bill No. 5195, is a measure relating to the use of 1989 property valuations and assessments for the 1991 property taxes. The Niemi/Talmadge amendment is designed to increase the property tax exemptions accorded to Washington Seniors. The Niemi/Talmadge amendment has nothing to do with 1989 assessments. I think moreover that anyone reading the title of this bill, Senate Bill No. 5195, would ever expect to find in that bill the materials contained in the Niemi/Talmadge amendment."

Further debate ensued.

At 12:45 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 12:50 p.m. by President Pritchard.

There being no objection the Senate resumed consideration of Senate Bill No. 5195 and the pending point of order to the amendment by Senators Niemi, Talmadge and Gaspard on page 3, after line 13.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Cantu, the President finds that Senate Bill No. 5195 is a measure which, among other things, temporarily grants county legislative authorities the ability to utilize 1989 real property assessments, in lieu of 1990 real property assessments, for 1991 tax collections, in certain circumstances.

"The amendment proposed by Senators Niemi, Talmadge and Gaspard would raise the real property tax exemption for certain taxpayers with differing levels of income.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Niemi, Talmadge and Gaspard on page 3, after line 13, to Senate Bill No. 5195 was ruled out of order.

MOTION

On motion of Senator Newhouse, Senate Bill No. 5195 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Linda Smith: "Senator McDonald, the bill authorizes the freeze for counties in which 1990 property tax assessments reflect substantial

volatility in the real estate market in the county. What does 'substantial volatility' mean?"

Senator McDonald: "Substantial volatility is not defined in the legislation in order to provide some flexibility to the counties. This allows county legislative authorities to make the determination on a county by county basis.

"Substantial volatility itself, though, is the standard. A court would interpret 'substantial volatility' according to its common meaning. 'Volatile' is defined as changeable, inconstant and explosive. 'Substantial' is defined as considerable in quantity and significantly large. The intent is to authorize relief where there have been dramatic swings in values.

"The legislation is an attempt to assist counties where the market was so volatile that it was difficult to truly assess market values."

Further debate ensued.

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. When Senator Snyder was Secretary of the Senate and I was a freshman, he was of tremendous help to me. Now, that he is a freshman, Senator Snyder, on your desk you will find a 1991 Senate Seating Chart and on there it will point out that Senator Talmadge is just to your left there. This might be helpful in your speeches, Senator. You made a great speech except when you got to 'whatchamacallit.'"

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5195.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5195 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Pelz, Roach, Sellar, Skratek, A. Smith, L. Smith, Sutherland, Thorsness, von Reichbauer, West - 34.

Voting nay: Senators Hansen, L. Kreidler, Matson, Moore, Niemi, Patterson, Rasmussen, Rinehart, Saling, Snyder, Stratton, Talmadge, Vognild, Williams, Wojahn - 15.

SENATE BILL NO. 5195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

January 24, 1991

SB 5018 Prime Sponsor, Senator L. Smith: Authorizing an additional tax levy for emergency medical service districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

January 24, 1991

SB 5020 Prime Sponsor, Senator L. Smith: Changing per diem compensation for certain local officials. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5020 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Newhouse the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 5149 and Senate Bill No. 5150.

On motion of Senator Newhouse, Senate Bill No. 5149 and Senate Bill No. 5150 were referred to the Committee on Law and Justice.

On motion of Senator Newhouse, the Committee on Commerce and Labor was relieved of further consideration of Senate Bill No. 5186.

On motion of Senator Newhouse, Senate Bill No. 5186 was referred to the Committee on Governmental Operations.

MOTION

At 1:30 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, January 28, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FIFTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 28, 1991

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cantu, Matson, McDonald, Niemi and Thorsness. On motion of Senator Murray, Senator Niemi was excused.

The Sergeant at Arms Color Guard, consisting of Pages Brant Jensen and Alison Pierce, presented the Colors. Reverend Philip E. Norris, pastor of the Lacey Community Church, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 25, 1991

SB 5009 Prime Sponsor, Senator Barr: Changing record keeping and posting requirements for pesticide use. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Conner, and Newhouse.

Referred to Committee on Rules for second reading.

January 25, 1991

SB 5037 Prime Sponsor, Senator Anderson: Coordinating activities relating to registration of plant protection products for minor crop uses. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen, Conner, and Newhouse.

Referred to Committee on Rules for second reading.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504

January 18, 1991

Mr. Gordon Golob
Secretary of the Senate
306 legislative Building
Olympia, Washington 98504

Dear Mr. Golob:

Enclosed is our Report to the Legislature on the Status of Social and Health Services Overpayment Backlog. This report is required by Chapter 3, Laws of 1989 E1.

If you have any questions regarding this report, please contact me at 753-3395.

Sincerely,
RICHARD J. THOMPSON, Secretary

The Select Committee Report is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE HOUSE

January 25, 1991

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4403, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5281 by Senator Cantu

AN ACT Relating to the financial partnership plan for services provided and funded by the department of social and health services; amending RCW 74.20A.030, 13.32A.175, 13.34.160, and 13.40.220; adding a new section to chapter 69.54 RCW; adding a new section to chapter 70.01 RCW; adding a new section to chapter 71.05 RCW; adding a new section to chapter 71.24 RCW; adding a new section to chapter 71.34 RCW; adding a new section to chapter 72.33 RCW; adding a new section to chapter 74.26 RCW; adding new sections to chapter 43.20B RCW; creating a new section; repealing RCW 74.26.060; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5282 by Senators Cantu, Bluechel, Barr, Anderson, Hayner, Sellar, Newhouse, Amondson, Craswell and Oke

AN ACT Relating to wages paid for common school construction and renovation; and amending RCW 39.12.020.

Referred to Committee on Commerce and Labor.

SB 5283 by Senators Cantu, Metcalf, Saling, L. Smith, Oke, McDonald, Bailey, Craswell and Thorsness

AN ACT Relating to blood donors; and adding new sections to chapter 70.54 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5284 by Senator L. Smith

AN ACT Relating to opportunities for instruction in braille; adding a new section to chapter 28A.320 RCW; and adding a new section to chapter 28A.405 RCW.

Referred to Committee on Education.

SB 5285 by Senators Conner, Owen, Snyder and Talmadge

AN ACT Relating to superior courts; amending RCW 2.08.061, 2.08.062, 2.08.064, and 2.08.065; creating a new section; providing effective dates; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5286 by Senators Madsen, Hansen, Bauer, Rasmussen, Oke, Amondson, Metcalf and A. Smith

AN ACT Relating to creating a boot camp program for adult offenders; amending RCW 72.02.200 and 9.94A.120; adding a new section to chapter 9.94A RCW; and making an appropriation.

Referred to Committee on Law and Justice.

SB 5287 by Senators Madsen, Hansen, Bauer, Rasmussen, Amondson, Metcalf and A. Smith

AN ACT Relating to juvenile offenders; and adding new sections to chapter 13.16 RCW.

Referred to Committee on Law and Justice.

SB 5288 by Senators Rasmussen, Thorsness, Patterson, McMullen, Oke and Skratek

AN ACT Relating to renaming state route number 90 the American Veterans Memorial Highway; amending RCW 47.17.140; and creating a new section.

Referred to Committee on Transportation.

SB 5289 by Senators Rasmussen, Nelson, Erwin, Hayner, Thorsness, Hansen, Oke, Craswell and McCaslin

AN ACT Relating to attorneys' fees, costs, and expenses awarded against the state; adding a new section to chapter 4.84 RCW; and creating new sections.

Referred to Committee on Law and Justice.

SB 5290 by Senator Patterson

AN ACT Relating to a valid driver's license; and amending RCW 46.20.021 and 46.25.070.

Referred to Committee on Transportation.

SB 5291 by Senators Erwin, Bailey, Rinehart, Talmadge, Oke, Pelz, Johnson, A. Smith, Murray and Bauer

AN ACT Relating to low-income students; amending RCW 28A.320.500; adding new sections to chapter 28A.600 RCW; and making an appropriation.

Referred to Committee on Education.

SB 5292 by Senators West and Wojahn (by request of Department of Social and Health Services)

AN ACT Relating to compliance with federal requirements concerning land, depreciable assets, and resident finances; amending RCW 74.46.360, 74.46.410, 74.46.530, and 74.46.700; and repealing RCW 74.46.710, 74.46.720, 74.46.730, 74.46.740, 74.46.750, and 74.46.760.

Referred to Committee on Health and Long-Term Care.

SB 5293 by Senators Matson, Madsen and Newhouse (by request of Department of Licensing)

AN ACT Relating to debt adjusting; amending RCW 18.28.010; adding a new section to chapter 18.28 RCW; and repealing RCW 18.28.020, 18.28.030, 18.28.040, 18.28.045, 18.28.050, 18.28.060, 18.28.070, 18.28.080, 18.28.090, 18.28.100, 18.28.110, 18.28.120, 18.28.130, 18.28.140, 18.28.150, 18.28.160, 18.28.165, 18.28.170, 18.28.180, 18.28.185, 18.28.190, 18.28.200, 18.28.210, 18.28.220, 18.28.900, and 18.28.910.

Referred to Committee on Commerce and Labor.

SB 5294 by Senators Rasmussen, Vognil, Metcalf, McCaslin, Stratton, Bailey, Craswell and Thorsness

AN ACT Relating to disclosures by health care professionals; adding a new chapter to Title 70 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5295 by Senators Conner, Patterson, Stratton and Nelson

AN ACT Relating to identification of trucks; and adding a new section to chapter 81.80 RCW.

Referred to Committee on Transportation.

SB 5296 by Senators von Reichbauer, Pelz, Talmadge, Moore and Johnson

AN ACT Relating to state employee automobile liability insurance; and adding a new section to chapter 43.03 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 5297 by Senators West and L. Kreidler (by request of Department of Social and Health Services)

AN ACT Relating to an advisory council for aging and adult services; amending RCW 18.51.070; adding new sections to chapter 43.20A RCW; creating a new section; and repealing RCW 43.20A.680, 43.20A.685, 43.20A.690, 43.20A.695, 18.51.100, 18.51.110, 18.51.910, and 18.51.911.

Referred to Committee on Health and Long-Term Care.

SB 5298 by Senators McCaslin, Sutherland and Madsen

AN ACT Relating to limitations on charges by municipal water utilities on customers residing outside the municipal boundaries; reenacting and amending RCW 35.92.010; adding a new section to chapter 35.92 RCW; adding a new section to chapter 35.21 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 5299 by Senator L. Smith

AN ACT Relating to adoption; and amending RCW 26.33.160, 26.33.190, 26.33.350, 26.33.390, and 26.33.400.

Referred to Committee on Children and Family Services.

SB 5300 by Senators Snyder, Rasmussen and Amondson

AN ACT Relating to the business and occupation tax for taking fish; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways and Means.

SB 5301 by Senators Snyder and Conner

AN ACT Relating to public facilities; amending RCW 67.28.200 and 67.28.210; and adding a new section to chapter 67.28 RCW.

Referred to Committee on Governmental Operations.

SB 5302 by Senators Snyder, Metcalf, Rasmussen, Anderson, L. Smith, Amondson, Patterson and Oke

AN ACT Relating to the department of fisheries; and adding a new section to chapter 75.08 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5303 by Senator Talmadge

AN ACT Relating to state and local initiative and referendum ballot titles; amending RCW 29.79.040; adding a new section to chapter 29.79 RCW; and repealing RCW 35.17.320.

Referred to Committee on Governmental Operations.

SB 5304 by Senators Talmadge, Skratek and A. Smith

AN ACT Relating to criminal justice funding; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Law and Justice.

SB 5305 by Senators Owen and Craswell

AN ACT Relating to school suspension; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

SB 5306 by Senators Metcalf, Owen and Barr (by request of Department of Ecology)

AN ACT Relating to water well construction and well driller licensing; amending RCW 18.104.020, 18.104.030, 18.104.040, 18.104.050, 18.104.070,

18.104.100, 43.21B.110, 18.104.150, 89.16.055, 18.104.155, and 18.104.180; adding new sections to chapter 18.104 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Agriculture and Water Resources.

SB 5307 by Senators L. Smith, Talmadge, Roach, McMullen, von Reichbauer, Stratton, West, Niemi, Wojahn and Johnson

AN ACT Relating to public assistance; amending RCW 74.04.005; and adding a new section to chapter 74.04 RCW.

Referred to Committee on Children and Family Services.

SB 5308 by Senator Vognild

AN ACT Relating to certified payrolls; and amending RCW 39.12.040.

Referred to Committee on Commerce and Labor.

SB 5309 by Senators L. Smith, Bauer, Barr, Sutherland, Saling, McMullen, Craswell, McCaslin and Johnson

AN ACT Relating to exemptions and enforcement of judgments for state income taxes on pension and retirement income; amending RCW 6.13.030 and 4.24.141; and adding a new section to chapter 6.15 RCW.

Referred to Committee on Governmental Operations.

SB 5310 by Senators L. Smith, Bauer, Barr, Sutherland, Saling, Craswell, McCaslin and Johnson

AN ACT Relating to actions by another state to enforce tax liability; amending RCW 4.24.140; and creating a new section.

Referred to Committee on Governmental Operations.

SB 5311 by Senators McMullen, Nelson, Moore and Vognild

AN ACT Relating to bare-boat charter boats; and amending RCW 88.04.015 and 88.04.075.

Referred to Committee on Transportation.

SB 5312 by Senators Moore, Hansen, Sutherland, Madsen, Niemi, Pelz, Owen, Vognild, Stratton, Rinehart, Wojahn, Snyder, Gaspard, Murray, McMullen, Bauer, A. Smith, Talmadge, West, Saling and Amondson

AN ACT Relating to fair campaign practices; amending RCW 29.85.070, 42.17.360, and 42.17.390; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5313 by Senator Moore

AN ACT Relating to the regulation of oil company practices; adding a new chapter to Title 80 RCW; creating new sections; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5314 by Senator Moore

AN ACT Relating to massage practitioners; and amending RCW 18.108.095.

Referred to Committee on Health and Long-Term Care.

SB 5315 by Senators Moore, Murray, Talmadge, Bailey and Metcalf

AN ACT Relating to the Fircrest school; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5316 by Senator Moore

AN ACT Relating to medical assistance and limited casualty program coverage of mental health services; amending RCW 74.09.700; and reenacting and amending RCW 74.09.520.

Referred to Committee on Health and Long-Term Care.

SB 5317 by Senators Saling, Gaspard, Patterson, Bauer, Barr, Hansen, Jesernig, Newhouse, Hayner, Bailey, Nelson, Madsen, Matson, Owen and Stratton

AN ACT Relating to research and extension programs of Washington State University; adding a new chapter to Title 15 RCW; and making an appropriation.

Referred to Committee on Agriculture and Water Resources.

SB 5318 by Senators von Reichbauer, Pelz, Owen, Johnson, Vognild, Moore, Rasmussen, McCaslin, Matson, Sellar and West

AN ACT Relating to money laundering; amending RCW 9A.82.010; adding a new section to chapter 9A.82 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SB 5319 by Senators Sutherland, McDonald, Bauer, L. Smith and Amondson

AN ACT Relating to a business and occupation tax credit for services and information provided to the state by a public safety testing laboratory; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways and Means.

SB 5320 by Senators Sutherland, L. Smith, Stratton, Talmadge, Roach and Amondson

AN ACT Relating to circumstances for removing a child from the home; and reenacting and amending RCW 13.34.130.

Referred to Committee on Children and Family Services.

SB 5321 by Senator Bailey

AN ACT Relating to community corrections officers; and amending RCW 9.95.250.

Referred to Committee on Law and Justice.

SB 5322 by Senators Conner, Rasmussen, Snyder, Pelz and McCaslin

AN ACT Relating to emergency exemptions from building codes and construction standards for housing for indigent persons; adding new sections to chapter 19.27 RCW; adding new sections to chapter 43.22 RCW; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5323 by Senators Bailey, Murray, Rinehart, Oke and Stratton (by request of Board of Health)

AN ACT Relating to the screening program for scoliosis; amending RCW 28A.210.180, 28A.210.190, and 28A.210.200; and repealing RCW 28A.210.230.

Referred to Committee on Education.

SB 5324 by Senators Bluechel, McDonald, Wojahn, Bauer, Conner, Williams, McMullen and Gaspard (by request of Governor Gardner)

AN ACT Relating to evidences of indebtedness; reenacting and amending RCW 39.42.060; and adding a new section to chapter 39.42 RCW.

Referred to Committee on Ways and Means.

SB 5325 by Senators Amondson, Sutherland and Stratton (by request of Governor Gardner)

AN ACT Relating to organization of the liquor control board; amending RCW 66.04.010, 66.08.012, 66.08.014, 66.08.020, 66.08.028, 66.08.030, 66.08.050, 66.08.070, 66.08.130, 66.08.140, 66.08.150, 66.08.170, 66.08.180, 66.08.220, 66.12.140, 66.16.010, 66.20.070, 66.20.080, 66.24.010, 66.44.010, 43.03.028, 43.17.010, and 43.17.020; reenacting and amending RCW 66.20.010 and 42.17.2401; adding a new section to chapter 66.08 RCW; repealing RCW 66.08.016; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 5326 by Senators Patterson and Talmadge (by request of Governor Gardner)

AN ACT Relating to reducing air contaminant emissions and improving air quality; amending RCW 70.94.011, 70.94.030, 70.120.010, 70.120.020, 70.120.070, 70.120.080, 70.120.120, 70.120.150, 70.120.170, 46.16.015, 70.94.152, 70.94.155, 70.94.181, 70.94.205, 70.94.211, 70.94.430, 70.94.431, 70.94.860, 70.94.875, 70.94.745, 70.94.660, 70.94.670, 70.94.690, 70.94.650, 70.94.654, 70.94.775, 70.94.780, 70.94.750, 70.94.457, 70.94.470, 70.94.473, 70.94.483, 70.94.041, 70.94.055, 70.94.092, 70.94.100, 70.94.130, 70.94.170, 70.94.231, 70.94.240, 70.94.331, 70.94.332, 70.94.385, 70.94.395, 70.94.405, 70.94.410, 70.94.420, and 70.146.080; reenacting and amending RCW 70.94.053; adding new sections to chapter 70.94 RCW; adding a new section to chapter 82.44 RCW; adding a new section to chapter 70.120 RCW; adding a new chapter to Title 82 RCW; adding a new chapter to Title 70 RCW; creating new sections; repealing RCW 70.120.110, 70.120.140, 70.120.900, 70.94.232, 70.94.656, 70.94.680, 70.94.740, 70.94.810, 70.94.815, 70.94.825, and 70.94.870; providing penalties; providing effective dates; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 5327 by Senators Rasmussen, Conner and Metcalf

AN ACT Relating to the loss of commercial fishing nets in the aquatic environment; adding new sections to chapter 75.28 RCW; creating new sections; prescribing penalties; making an appropriation; and providing an effective date.

Referred to Committee on Environment and Natural Resources.

SB 5328 by Senators Metcalf, Conner, Skratek, Roach and A. Smith

AN ACT Relating to preventing additional building permit issuance where there is not adequate water and electrical service; amending RCW 19.27.097; adding a new section to chapter 19.27 RCW; and providing an effective date.

Referred to Committee on Energy and Utilities.

SB 5329 by Senators Anderson, Owen, Matson and McCaslin

AN ACT Relating to self-insured employers' claims reopenings; and amending RCW 51.32.160.

Referred to Committee on Commerce and Labor.

SB 5330 by Senators Metcalf, Owen, Craswell, Conner and Oke

AN ACT Relating to alcoholic beverages; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Transportation.

SB 5331 by Senators Wojahn, West, Niemi, L. Smith, Madsen, Snyder, Stratton, Conner, Vognild and Murray

AN ACT Relating to institutional trust lands; adding a new section to chapter 43.30 RCW; adding a new section to chapter 79.08 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 5332 by Senators Wojahn, West, Niemi, L. Smith, Madsen, Rasmussen, Snyder, Gaspard, Moore and Bauer

AN ACT Relating to the use of real property inventories to provide residential care for disabled persons; amending RCW 43.79.201 and 43.185.110; adding a new section to chapter 79.01 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 43.79 RCW; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SJM 8004 by Senators Metcalf, Conner and Moore

Requiring a complete audit of the Federal Reserve System.

Referred to Committee on Financial Institutions and Insurance.

SJM 8005 by Senators Metcalf, Conner and Moore

Removing the secrecy and lack of public accountability associated with the federal reserve system.

Referred to Committee on Financial Institutions and Insurance.

SJR 8215 by Senators Rasmussen, Metcalf and Craswell

Ratifying an amendment to the United States Constitution on congressional pay raises.

Referred to Committee on Governmental Operations.

SJR 8216 by Senators Patterson, Vognild, Craswell and Nelson

Permitting motor vehicle taxes to be used for transportation purposes.

Referred to Committee on Transportation.

SJR 8217 by Senators Wojahn, Nelson, Rasmussen, Bauer, Bailey and McCaslin

Allowing video testimony of children under ten years of age who are sexual abuse victims.

Referred to Committee on Law and Justice.

SCR 8401 by Senators Metcalf, Owen, Conner, Oke and Thorsness

Resolving to commend and encourage the media for environmental information.

Referred to Committee on Environment and Natural Resources.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4403 by Representatives Hine, Prince, Wineberry and Spanel

Pertaining to a memorial service for former members of the House of Representatives and Senate.

HOLD.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4403 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4403 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

MOTION

At 10:08 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:20 a.m. by President Pritchard.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Energy and Utilities was relieved of further consideration of Senate Bill No. 5262.

On motion of Senator Newhouse, Senate Bill No. 5262 was referred to the Committee on Law and Justice.

MOTION

At 11:21 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Tuesday, January 29, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

SIXTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, January 29, 1991

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 28, 1991

SB 5053 Prime Sponsor, Senator Nelson: Allowing local ordinance notice for revoking juvenile driving privileges. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, A. Smith

Passed to Committee on Rules for second reading.

January 28, 1991

SB 5067 Prime Sponsor, Senator Nelson: Changing the alcohol standards for intoxication. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, L. Kreidler, Rasmussen, A. Smith.

Passed to Committee on Rules for second reading.

January 28, 1991

SB 5068 Prime Sponsor, Senator Nelson: Changing provisions relating to vehicular offenses. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Hayner, Madsen, Newhouse, Rasmussen.

Passed to Committee on Rules for second reading.

January 28, 1991

SB 5069 Prime Sponsor, Senator Nelson: Changing the blood and breath alcohol content standards for intoxication for those persons under the age of twenty-one. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5069 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, A. Smith.

Passed to Committee on Rules for second reading.

January 28, 1991

SB 5072 Prime Sponsor, Senator Nelson: Reinstating the indigent defense task force. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; L. Kreidler, Newhouse, Rasmussen, A. Smith.

Referred to Committee on Ways and Means.

January 28, 1991

SB 5126 Prime Sponsor, Senator Nelson: Authorizing the use of pen registers. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5126 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, A. Smith.

Referred to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 28, 1991

GA 9022 ANNETTE S. MCGEE, appointed September 1, 1990, for a term ending June 30, 1996, as a member of the Pollution Control/Shorelines Hearing Board.
Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, Snyder, Sutherland.

Passed to Committee on Rules.

January 29, 1991

GA 9080 ALMA MISAKO KIMURA, reappointed December 8, 1989, for a term ending December 31, 1994, as a member of the Public Disclosure Commission.

Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, A. Smith.

Passed to Committee on Rules.

January 29, 1991

GA 9093 JOHN C. LITTLE, appointed June 18, 1989, for a term ending June 17, 1994, as a member of the Human Rights Commission.

Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, A. Smith.

Passed to Committee on Rules.

January 29, 1991

GA 9142 IDA BALLASIOTES, appointed December 3, 1990, for a term ending August 2, 1992, as a member of the Sentencing Guidelines Commission.

Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, A. Smith.

Passed to Committee on Rules.

January 29, 1991

GA 9145 PLEAS GREEN, appointed December 3, 1990, for a term ending August 2, 1992, as a member of the Sentencing Guidelines Commission.

Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, A. Smith.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

December 3, 1990

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

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

Eileen P. Farley, reappointed December 3, 1990, for a term ending August 2, 1993, as a member of the Sentencing Guidelines Commission.

Sincerely,
BOOTH GARDNER, Governor

December 3, 1990

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

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

Robert Lasnik, appointed December 3, 1990, for a term ending August 2, 1992, as a member of the Sentencing Guidelines Commission.

Sincerely,
BOOTH GARDNER, Governor

MESSAGE FROM THE HOUSE

January 28, 1991

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4402, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4402.

INTRODUCTION AND FIRST READING

SB 5333 by Senators von Reichbauer, Johnson, Pelz, Owen, Hayner, Vognild, Sellar, McMullen, Erwin, Rasmussen, West and Thorsness

AN ACT Relating to insurance fraud; and adding a new chapter to Title 48 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 5334 by Senators Nelson, Murray, West, Johnson, Wojahn, Amondson, Niemi, L. Smith, Moore, Newhouse, Snyder, Gaspard, Williams, Conner, Rasmussen and Thorsness

AN ACT Relating to prescription medicine insurance coverage; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 41.05 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5335 by Senators Rasmussen and Barr

AN ACT Relating to emergency medical service district volunteer benefits; and adding a new chapter to Title 41 RCW.

Referred to Committee on Governmental Operations.

SB 5336 by Senator Thorsness

AN ACT Relating to authorizing the utilities and transportation commission to permit the use of certain telecommunications services with appropriate privacy protection; adding a new section to chapter 80.36 RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 5337 by Senators Hayner, Anderson, Patterson, Oke and Thorsness (by request of Governor Gardner)

AN ACT Relating to improvement of the state's human resource systems; amending RCW 41.06.030, 41.06.070, 41.06.080, 41.06.120, 41.06.130, 41.06.140, 41.06.150, 41.06.160, 41.06.163, 41.06.167, 41.06.169, 41.06.170, 41.06.280, 41.06.350, 41.06.400, 41.06.420, 41.06.430, 41.64.090, 43.03.028, 28B.16.090, 28B.16.100, and 28B.16.110; reenacting and amending RCW 41.06.020 and 28B.16.020; adding new sections to chapter 41.06 RCW; adding new sections to chapter 28B.16 RCW; decodifying RCW 41.06.230, 41.06.240, and 41.06.310; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 5338 by Senators Erwin, Vognild, Snyder, Owen, Nelson, Niemi and Roach (by request of Administrator for the Courts)

AN ACT Relating to superior courts; amending RCW 2.08.061, 2.08.062, 2.08.064, and 2.08.065; creating a new section; providing effective dates; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5339 by Senators Madsen and Barr

AN ACT Relating to water resource funding; adding a new section to chapter 43.33 RCW; adding a new section to chapter 43.27A RCW; and creating a new section.

Referred to Committee on Agriculture and Water Resources.

SB 5340 by Senators Rinehart, West, Saling and Stratton

AN ACT Relating to school nurses; adding a new section to chapter 28A.210 RCW; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Education.

SB 5341 by Senators L. Kreidler, Bailey, Murray, Talmadge, Stratton and Bauer

AN ACT Relating to insurance for foster parents; adding a new section to chapter 74.14B RCW; creating a new section; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SB 5342 by Senators Matson, Anderson, Owen, McCaslin and Oke

AN ACT Relating to payment by annuity by self-insured employers; and amending RCW 51.44.070.

Referred to Committee on Commerce and Labor.

SB 5343 by Senators Owen, Amondson, Sutherland, Conner, Metcalf, Bauer, Hansen, Vognild, Madsen and Bailey

AN ACT Relating to game fish mitigation; and adding a new chapter to Title 77 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5344 by Senators Matson, Owen, Anderson, Oke, McCaslin, Stratton, Murray and Thorsness

AN ACT Relating to industrial insurance benefits for injuries during voluntary recreational activities; and adding a new section to chapter 51.12 RCW.

Referred to Committee on Commerce and Labor.

SB 5345 by Senators Matson, Owen, Anderson, Gaspard, McCaslin, Stratton, Newhouse, Moore, Oke and Murray

AN ACT Relating to self-insured employers; and amending RCW 51.32.055.

Referred to Committee on Commerce and Labor.

SB 5346 by Senator Nelson

AN ACT Relating to communication with a minor for immoral purposes; and amending RCW 9.68A.090.

Referred to Committee on Law and Justice.

SB 5347 by Senators West, Wojahn, L. Smith, Stratton, Johnson, Niemi, Roach, Vognild, Anderson, Amondson and Erwin

AN ACT Relating to establishment of regional health promotion and disease prevention programs; amending RCW 43.59.030; adding new sections to chapter 43.70 RCW; creating a new section; and making an appropriation.

Referred to Committee on Health and Long-Term Care.

SB 5348 by Senators West, Talmadge, Owen, Johnson, Vognild, Erwin, McMullen, Sellar, Saling, McDonald, Nelson, Hayner, Thorsness and Oke

AN ACT Relating to legislative elections; adding a new section to chapter 29.18 RCW; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 5349 by Senators West and Johnson

AN ACT Relating to official mirepresentation; and adding a new section to chapter 42.20 RCW.

Referred to Committee on Governmental Operations.

SB 5350 by Senators Saling, Patterson, Thorsness, Bauer, Metcalf, Gaspard, Cantu, Amondson, Sellar, Hayner, Stratton, Craswell, Wojahn and Snyder

AN ACT Relating to requiring English proficiency for faculty and graduate assistants at state institutions of higher education; adding new sections to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Higher Education.

SB 5351 by Senators Saling, Bauer, Patterson, Stratton, Thorsness, Rasmussen, Johnson and Moore

AN ACT Relating to sick leave for exempt higher education employees; amending RCW 41.04.340; adding a new section to chapter 28B.10 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5352 by Senators Saling, Bauer, Rasmussen, Moore, Nelson, Jesernig, Vognild, Madsen, Skratek, Metcalf, von Reichbauer, Gaspard, Wojahn, West, Stratton and Snyder

AN ACT Relating to cost-of-living allowance for certain retirees; amending RCW 41.32.575 and 41.40.325; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5353 by Senators Saling, Bauer, Rasmussen, Moore, Nelson, Jesernig, Vognild, Madsen, Skratek, Metcalf, von Reichbauer, Gaspard, Wojahn, West, Stratton and Snyder

AN ACT Relating to cost-of-living allowance for certain retirees; amending RCW 41.32.575 and 41.40.325; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5354 by Senators Saling, Bauer, Rasmussen, Moore, Nelson, Jesernig, Vognild, Madsen, Skratek, von Reichbauer, Gaspard, Wojahn, West and Stratton

AN ACT Relating to cost-of-living allowance for certain retirees; amending RCW 41.32.575 and 41.40.325; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5355 by Senators Talmadge, Skratek and Metcalf

AN ACT Relating to protecting Puget Sound and other water bodies of Washington; amending RCW 90.70.011, 90.70.060, 90.70.025, 90.70.070, 43.88.030, 82.02.090, 36.70A.070, 17.21.030, 15.58.100, 90.48.037, 43.21B.300, 90.48.140, 43.131.369, 43.131.370, and 90.70.902; reenacting and amending RCW 70.146.060; adding a new section to chapter 90.70 RCW; adding new sections to chapter 90.48 RCW; adding a new section to chapter 70.146 RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 15.58 RCW; creating new sections; making appropriations; providing an effective date; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 5356 by Senators Metcalf and Rasmussen

AN ACT Relating to juries; adding a new section to chapter 10.04 RCW; and adding a new section to chapter 10.46 RCW.

Referred to Committee on Law and Justice.

SB 5357 by Senators Barr and Madsen (by request of Joint Select Committee on Water Resource Policy)

AN ACT Relating to individuals or water purveyors identified as qualified satellite system management agencies; and adding a new section to chapter 70.116 RCW.

Referred to Committee on Energy and Utilities.

SB 5358 by Senators Barr and Madsen (by request of Joint Select Committee on Water Resource Policy)

AN ACT Relating to public water system interties; amending RCW 90.03.390; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Agriculture and Water Resources.

SB 5359 by Senators Craswell, Conner, Rinehart, Gaspard, Murray, Bailey and Bauer

AN ACT Relating to the transfer of credits from out-of-state teacher retirement plans; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Education.

SB 5360 by Senators Pelz, Rinehart, McMullen, Gaspard, Williams, Talmadge, Niemi, A. Smith and Wojahn (by request of Governor Gardner)

AN ACT Relating to crimes motivated by bigotry or bias; amending RCW 9A.36.080; adding a new section to chapter 36.28A RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 5361 by Senators Talmadge, L. Smith and Stratton

AN ACT Relating to child protection; amending RCW 13.34.020 and 43.43.760; reenacting and amending RCW 43.43.735; adding new sections to chapter 36.27 RCW; adding a new section to chapter 26.44 RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter 9.94A RCW; creating new sections; and making appropriations.

Referred to Committee on Law and Justice.

SB 5362 by Senators Rasmussen, McCaslin and Roach

AN ACT Relating to real property; amending RCW 4.16.020, 7.28.010, 7.28.050, 7.28.070, and 7.28.080; adding a new section to chapter 7.28 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 5363 by Senators Thorsness, Rasmussen, Nelson, Newhouse, Hayner, Madsen, A. Smith, Erwin and L. Kreidler (by request of Department of Corrections)

AN ACT Relating to legal financial obligations; amending RCW 9.94A.145; adding new sections to chapter 9.94A RCW; creating new sections; prescribing penalties; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5364 by Senators Roach, McCaslin and Stratton

AN ACT Relating to the location of public schools; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; and adding a new section to chapter 28A.305 RCW.

Referred to Committee on Governmental Operations.

SB 5365 by Senators Nelson and Rasmussen

AN ACT Relating to disposition and sentencing of juvenile offenders; amending RCW 13.40.020, 13.40.027, 13.40.0354, and 13.40.0357; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5366 by Senators Skratek, Madsen, Talmadge, Sutherland, L. Kreidler, Williams, Murray, Hansen, Owen and Pelz

AN ACT Relating to certificated instructional staff; amending RCW 28A.305.250 and 28A.150.410; repealing RCW 28A.410.050; and declaring an emergency.

Referred to Committee on Education.

SB 5367 by Senators Patterson, Sellar, Owen and Snyder

AN ACT Relating to transporting recovered materials; and amending RCW 81.80.440.

Referred to Committee on Transportation.

SB 5368 by Senators Gaspard, Niemi, Owen, Conner, Wojahn, Bauer, Murray, Madsen, Stratton, Rasmussen, Williams, Moore, Snyder, L. Kreidler and Sutherland (by request of Governor Gardner)

AN ACT Relating to valuation for property tax purposes; amending RCW 84.36.381 and 84.36.383; adding new sections to chapter 84.36 RCW; creating a new section; providing an effective date; providing a contingent effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5369 by Senators Erwin, Bailey, Skratek, Talmadge, Bluechel, Williams, Murray, Pelz, Gaspard and A. Smith (by request of Governor Gardner)

AN ACT Relating to growth strategies; amending RCW 36.70A.010, 36.70A.030, 36.70A.020, 36.70A.040, 36.70A.070, 36.70A.080, 36.70A.170, 36.70A.060, 36.70A.110, 82.02.050, 19.27.095, 58.17.033, 36.70A.050, 36.70A.190, 43.88.110, 82.44.150, 66.08.190, and 36.93.180; adding a new section to chapter 35.02 RCW; adding a new section to chapter 36.93 RCW; adding a new section to chapter 43.99 RCW; adding a new section to chapter 43.63A RCW; adding new sections to chapter 36.70A RCW; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Governmental Operations.

SJR 8218 by Senators West, Hayner, Erwin, Owen, Saling and Sellar

Amending the Constitution to provide for initial appointment of judges and a vote to retain or reject such judge thereafter.

Referred to Committee on Law and Justice.

SJR 8219 by Senators Murray, Niemi, Bauer, Gaspard, Wojahn, Conner, Madsen, Sutherland, Williams, Moore, Skratek, L. Kreidler, Owen, Snyder and Rasmussen (by request of Governor Gardner)

Amending the Constitution to authorize property tax relief.

Referred to Committee on Ways and Means.

SCR 8402 by Senators Murray, Bailey, Rinehart, A. Smith and Pelz

Encouraging the establishment of housing assistance programs for teachers.

Referred to Committee on Education.

MOTION

At 12:03 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, January 30, 1991.

JOEL PRITCHARD, President of the Senate
GORDON GOLOB, Secretary of the Senate.

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 30, 1991

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Hansen, McDonald and Talmadge. On motion of Senator Murray, Senators Bauer, Hansen and Talmadge were excused. On motion of Senator Anderson, Senator McDonald was excused.

The Sergeant at Arms Color Guard, consisting of Pages Joseph Stuart and Chris Newbry, presented the Colors. Reverend Philip E. Norris, pastor of the Lacey Community Church, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 29, 1991

SB 5023 Prime Sponsor, Senator Talmadge: Providing expenses for defending against frivolous court actions. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, L. Kreidler, Madsen, Newhouse, Rasmussen, A. Smith.

Passed to Committee on Rules for second reading.

January 29, 1991

SB 5027 Prime Sponsor, Senator Nelson: Raising the jurisdictional limit for small claims departments to five thousand dollars. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5027 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, A. Smith.

Passed to Committee on Rules for second reading.

January 29, 1991

SB 5036 Prime Sponsor, Senator Barr: Establishing a livestock market net worth requirement. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, Newhouse.

Passed to Committee on Rules for second reading.

January 29, 1991

SB 5063 Prime Sponsor, Senator Nelson: Setting an award cap for mandatory arbitration. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen.

Passed to Committee on Rules for second reading.

January 29, 1991

SB 5075 Prime Sponsor, Senator Nelson: Creating a committee to study the Washington condominium act. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, A. Smith.

Passed to Committee on Rules for second reading.

January 29, 1991

SB 5107 Prime Sponsor, Senator Nelson: Making multiple changes to the statutes governing corporations. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, A. Smith.

Passed to Committee on Rules for second reading.

January 29, 1991

SB 5148 Prime Sponsor, Senator Nelson: Making multiple revisions concerning limited partnerships. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, A. Smith.

Passed to Committee on Rules for second reading.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504

January 24, 1991

Mr. Gordon Golob
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504

Dear Gordon:

Enclosed is our Report to the Legislature on Recruiting Foster and Adoptive Homes, as required by Chapter 505, Laws of 1987.

If you have any questions regarding this report, please contact me at 753-3395.

Sincerely,
RICHARD J. THOMPSON, Secretary

The Select Committee Report is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 5370 by Senators Rinehart, Talmadge, Murray and Pelz

AN ACT Relating to responsible expression in the public schools; adding new sections to chapter 28A.600 RCW; and creating a new section.

Referred to Committee on Education.

SB 5371 by Senators Matson, Rasmussen, Erwin, Thorsness, Oke, Craswell, Stratton and Wojahn

AN ACT Relating to good samaritans and medical services provided to low-income persons by physicians; amending RCW 18.71.220; adding new sections to chapter 18.71 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 5372 by Senators Amondson, Metcalf and Conner

AN ACT Relating to the export of timber from state lands; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SB 5373 by Senators Amondson, Metcalf and Conner

AN ACT Relating to the enforcement of laws limiting the substitution of timber in the export market; and creating a new section.

Passed to Committee on Environment and Natural Resources.

SB 5374 by Senators Anderson, Newhouse, Vognild, West, Conner and Thorsness

AN ACT Relating to the industrial insurance labor-management cooperation program; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Commerce and Labor.

SB 5375 by Senators Anderson, Rasmussen, Bailey, Johnson, Metcalf, Matson, McCaslin, Thorsness, Roach, Cantu, Oke, Craswell, A. Smith and L. Smith

AN ACT Relating to teacher certification; and amending RCW 28A.410.040 and 28A.410.050.

Referred to Committee on Education.

SB 5376 by Senators L. Kreidler and Moore

AN ACT Relating to the state employees' benefits board; and amending RCW 41.05.055.

Referred to Committee on Governmental Operations.

SB 5377 by Senators Niemi, Moore, Murray, Jesernig, Rinehart, Bauer and Skratek

AN ACT Relating to child care; and making an appropriation.

Referred to Committee on Ways and Means.

SB 5378 by Senator Vognild

AN ACT Relating to collecting bargaining for ferry employees; and amending RCW 47.64.190.

Referred to Committee on Transportation.

SB 5379 by Senators McCaslin, Rasmussen and Anderson

AN ACT Relating to relocation assistance for low-income tenants; amending RCW 82.02.020 and 82.46.010; and repealing RCW 59.18.440 and 59.18.450.

Referred to Committee on Governmental Operations.

SB 5380 by Senators Saling, Bauer, Nelson, Moore, Rasmussen, Niemi, Bailey, Gaspard, West, Amondson, Owen, Talmadge, A. Smith, Snyder, McMullen, Wojahn, Vognild, Murray, Rinehart, Williams, L. Kreidler, Conner, Jesernig, Roach and L. Smith

AN ACT Relating to retirement allowances for members of the teachers' and public employees' retirement systems; and amending RCW 41.32.575 and 41.40.325.

Referred to Committee on Ways and Means.

SB 5381 by Senators West, Gaspard, Bailey, Hansen, Bauer and L. Smith

AN ACT Relating to veterinary medicine; and amending RCW 18.92.010.

Referred to Committee on Health and Long-Term Care.

SB 5382 by Senators Rinehart, Bailey, Erwin, Murray, A. Smith, Talmadge, Pelz, L. Kreidler, Bauer, Stratton, Wojahn, Rasmussen and Skratek

AN ACT Relating to early childhood education; amending RCW 28A.215.100 and 28A.215.180; and making an appropriation.

Referred to Committee on Education.

SB 5383 by Senators Hansen, Snyder, Matson, Barr and Skratek

AN ACT Relating to procedures for approving statements of intent to pay prevailing wages; for certifying affidavits of wages paid; for collection of wages owed, including penalties for noncompliance; for public works projects of two thousand five hundred dollars or less; and amending RCW 39.12.040.

Referred to Committee on Commerce and Labor.

SB 5384 by Senators Roach, Sutherland and Skratek

AN ACT Relating to public employees' collective bargaining; and amending RCW 41.56.030.

Referred to Committee on Commerce and Labor.

SB 5385 by Senators McMullen, McCaslin and Matson (by request of Department of Licensing)

AN ACT Relating to the protection of consumers in the sale of lands; amending RCW 58.19.010, 58.19.020, 58.19.030, 58.19.070, 58.19.120, 58.19.130, 58.19.140, 58.19.180, 58.19.190, 58.19.270, 58.19.300, and 58.19.940; adding new sections to chapter 58.19 RCW; and repealing RCW 58.19.040, 58.19.050, 58.19.060, 58.19.080, 58.19.090, 58.19.100, 58.19.110, 58.19.150, 58.19.160, 58.19.170, 58.19.200, 58.19.210, 58.19.220, 58.19.230, 58.19.240, 58.19.250, 58.19.260, 58.19.290, 58.19.900, 58.19.910, and 58.19.930.

Referred to Committee on Governmental Operations.

SB 5386 by Senators McCaslin and Bailey

AN ACT Relating to establishing a certificate of merit procedure in law suits alleging professional negligence; adding a new section to chapter 4.24 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 5387 by Senators West, Moore, Matson, Murray, McCaslin, McMullen and Newhouse

AN ACT Relating to exempting microbreweries from any rule requiring the labeling of beer containers to reflect alcohol content; and amending RCW 66.08.030.

Referred to Committee on Commerce and Labor.

SB 5388 by Senators A. Smith, Talmadge, Madsen, L. Kreidler, Rasmussen and Wojahn

AN ACT Relating to full disclosure of civil court proceedings relating to public hazards; amending RCW 19.108.050; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Law and Justice.

SB 5389 by Senators Sutherland, Newhouse, Barr and Hansen

AN ACT Relating to water rights; and adding a new section to chapter 284, Laws of 1969 ex.s. as last amended by chapter 127, Laws of 1988 and to chapter 90.14 RCW.

Referred to Committee on Agriculture and Water Resources.

SB 5390 by Senators Owen and McCaslin

AN ACT Relating to the renting and leasing of tangible personal property; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5391 by Senators Thorsness, Sutherland and Stratton (by request of Utilities and Transportation Commission)

AN ACT Relating to emergency adjudications of the utilities and transportation commission; and amending RCW 80.01.060.

Referred to Committee on Energy and Utilities.

SB 5392 by Senators McDonald, Rinehart, Conner, Rasmussen and Erwin (by request of Governor Gardner)

AN ACT Relating to the capital budget; amending 1990 c 299 s 202 (uncodified); amending 1989 1st ex.s. c 12 s 395 (uncodified); amending 1989 1st ex.s. c 12 s 397 (uncodified); amending 1989 1st ex.s. c 12 s 398 (uncodified); amending 1989 1st ex.s. c 12 s 462 (uncodified); amending 1989 1st ex.s. c 12 s 466 (uncodified); amending 1989 1st ex.s. c 12 s 709 (uncodified); amending 1989 1st ex.s. c 12 s 729 (uncodified); amending 1989 1st ex.s. c 12 s 733 (uncodified); amending 1989 1st ex.s. c 12 s 739 (uncodified); amending 1989 1st ex.s. c 12 s 792 (uncodified); adding new sections to chapter 12, Laws of 1989 1st ex.s. (uncodified); repealing 1989 1st ex.s. c 12 s 464 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5393 by Senators McDonald, Rinehart and Conner (by request of Governor Gardner)

AN ACT Relating to state general obligation and revenue bonds and related accounts; amending RCW 43.99H.060 and 28B.14D.900; adding new chapters to Title 43 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5394 by Senators McDonald, Rinehart, Conner, Rasmussen and Erwin (by request of Governor Gardner)

AN ACT Adopting the capital budget; making appropriations and authorizing expenditures for the capital improvements; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5395 by Senators McDonald, Niemi, Conner, Rasmussen, Bauer and Erwin (by request of Governor Gardner)

AN ACT Relating to fiscal matters; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1989, and ending June 30, 1991; amending 1990 1st ex.s. c 16, ss 106, 108, 109, 111, 112, 114, 116, 118, 121, 124, 202, 207, 208, 209, 211, 218, 221, 225, 227, 229, 230, 231, 232, 302, 308, 309, 311, 502, 504, 505, 506, 507, 509, 510, 511, 512, 515, 516, 514, 701, 707, 711 (uncodified), 1989 1st ex.s. c 19, ss 113, 133, 201, 506, 511, 616, and 708 (uncodified); repealing 1990 1st ex.s. c 16 s 210, 1989 1st ex.s. c 19 s 209 (uncodified); repealing 1990 1st ex.s. c 16 s 212, 1989 1st ex.s. c 19 s 211 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5396 by Senators McDonald, Niemi, Conner and Rasmussen (by request of Governor Gardner)

AN ACT Relating to fiscal matters; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1991, and ending June 30, 1993; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5397 by Senators Nelson, Rasmussen, Erwin, Newhouse, Madsen and Hayner

AN ACT Relating to the right of privacy for approved common carrier services; and amending RCW 9.73.070.

Referred to Committee on Law and Justice.

SB 5398 by Senators Hansen and Rasmussen

AN ACT Relating to a sixty-five mile per hour speed limit; and amending RCW 46.61.400, 46.61.405, 46.61.410, and 46.61.415.

Referred to Committee on Transportation.

SB 5399 by Senator Hansen

AN ACT Relating to exceptions to the implied consent law; and amending RCW 46.20.308.

Referred to Committee on Law and Justice.

SB 5400 by Senators Hansen, Barr and Bailey

AN ACT Relating to civil fines for failure to submit proper prior notice for construction of water wells; amending RCW 18.104.155; and prescribing penalties.

Referred to Committee on Agriculture and Water Resources.

SB 5401 by Senator Hansen

AN ACT Relating to the distribution of receipts from the privilege tax imposed on public utility districts operating facilities for the generation, distribution, and sale of electric energy; and amending RCW 54.28.010.

Referred to Committee on Energy and Utilities.

SB 5402 by Senators Gaspard, Murray, Rasmussen, Pelz, Rinehart, L. Kreidler, Bauer, Stratton and A. Smith

AN ACT Relating to basic education; and amending RCW 28A.150.260.

Referred to Committee on Education.

SB 5403 by Senators Murray, Gaspard, Rasmussen, Pelz, Rinehart, L. Kreidler, Bauer, Stratton and A. Smith

AN ACT Relating to school staffing ratios through the 2000-01 school year; amending RCW 28A.150.260; and creating a new section.

Referred to Committee on Education.

SB 5404 by Senators Murray, Pelz, Skratek, A. Smith, Rinehart, L. Kreidler, McMullen and Gaspard

AN ACT Relating to "foundation for families act"; amending RCW 49.78.020, 49.78.030, 49.78.040, 49.78.050, 49.78.070, 49.78.130, 74.13.0901, 74.13.0902, 43.31.085, 43.31.512, 74.13.0903, 82.02.020, 49.12.121, 49.12.170, 49.46.130, 49.46.020, 49.46.100, 49.48.040, and 49.48.060; adding new sections to chapter 49.12 RCW; adding a new section to chapter 49.78 RCW; adding a new section to chapter 74.13 RCW; adding a new section to chapter 82.02 RCW; adding new sections to chapter 49.46 RCW; creating new sections; repealing RCW 49.78.060, 49.78.210, and 49.12.123; prescribing penalties; making appropriations; providing effective dates; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5405 by Senators A. Smith, Murray, Talmadge, Pelz, Skratek, Rinehart, Vognil, Moore, L. Kreidler, Niemi, McMullen and Wojahn

AN ACT Relating to employment; amending RCW 49.12.121, 49.12.170, 49.46.100, 49.48.040, and 49.48.060; adding new sections to chapter 49.12 RCW;

creating new sections; repealing RCW 49.12.123; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5406 by Senators Pelz, Talmadge, Skratek, Murray, A. Smith, Rinehart, Vognild, Williams, Moore, L. Kreidler and Wojahn

AN ACT Relating to periodic adjustments of the state minimum wage; and amending RCW 49.46.020.

Referred to Committee on Commerce and Labor.

SB 5407 by Senators Murray, Rinehart, A. Smith, Pelz, Skratek, Talmadge, Vognild, Williams, Moore, L. Kreidler, Niemi and McMullen

AN ACT Relating to leave from employment for family care; amending RCW 49.78.020, 49.78.030, 49.78.040, 49.78.050, 49.78.070, and 49.78.130; adding a new section to chapter 49.12 RCW; adding a new section to chapter 49.78 RCW; repealing RCW 49.78.060 and 49.78.210; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 5408 by Senators L. Kreidler, Murray, Pelz, Skratek, A. Smith, Rinehart, Vognild, Madsen, Williams, Bauer, McMullen, Gaspard, Wojahn and Rasmussen

AN ACT Relating to employer-assisted child and family care; amending RCW 74.13.0901, 74.13.0902, 43.31.085, 43.31.512, 74.13.0903, and 82.02.020; adding a new section to chapter 74.13 RCW; adding a new section to chapter 82.02 RCW; creating new sections; and making appropriations.

Referred to Committee on Commerce and Labor.

SB 5409 by Senators Skratek, A. Smith, Murray, Pelz, Rinehart, Williams, L. Kreidler and Niemi

AN ACT Relating to conditions of employment; amending RCW 49.46.130; and adding new sections to chapter 49.46 RCW.

Referred to Committee on Commerce and Labor.

SB 5410 by Senators Hansen, Newhouse, Barr and Bailey

AN ACT Relating to civil infractions; amending RCW 7.80.100, 15.58.260, 49.17.180, and 51.48.090; reenacting and amending RCW 17.21.050; and declaring an emergency.

Referred to Committee on Agriculture and Water Resources.

SJR 8220 by Senators McCaslin, Conner, Murray and A. Smith

AN ACT Relating to civil infractions; amending RCW 7.80.100, 15.58.260, 49.17.180, and 51.48.090; reenacting and amending RCW 17.21.050; and declaring an emergency.

Referred to Committee on Ways and Means.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9048, Dorothy L. Aiken, as a member of the Board of Trustees for Yakima Valley Community College District No. 16, was confirmed.

Senator Newhouse spoke to the confirmation of Dorothy Aiken as a member of the Board of Trustees for Yakima Valley Community College.

APPOINTMENT OF DOROTHY L. AIKEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Bauer, Hansen, McDonald, Talmadge - 4.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9081, Kathleen Gutierrez, as a member of the Board of Trustees for Everett Community College District No. 5, was confirmed.

APPOINTMENT OF KATHLEEN GUTIERREZ

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Bauer, McDonald - 2.

MOTION

On motion of Senator Anderson, Senator McCaslin was excused.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9085, Minh Anh Hodge, as a member of the Board of Trustees for Columbia Basin Community College District No. 19, was confirmed.

APPOINTMENT OF MINH ANH HODGE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46

Excused: Senators Bauer, McCaslin, McDonald - 3.

MOTION

On motion of Senator Newhouse, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1991-8607

By Senators Pelz, Gaspard, Rasmussen, Conner, Vognild, Hansen, Niemi, Rinehart, Stratton, Bluechel, McMullen, Williams, Wojahn, Erwin, L. Kreidler, Skratek, Oke, Thorsness, Snyder, Matson, Bailey, Talmadge, Roach, Newhouse, Bauer, Moore, Madsen, Jesernig, Owen, Sutherland, A. Smith, von Reichbauer and Lieutenant Governor Joel Pritchard

WHEREAS, Throughout his life, Senator George Fleming has been a champion, a leader, and a statesman for all the people of the state of Washington; and

WHEREAS, From the honors of being a standout running back for the 1960 and 1961 Husky Rose Bowl teams, to the accomplishments of providing for the poor and underserved, Senator Fleming enriched the lives of the citizens of this state; and

WHEREAS, Senator Fleming spent twenty-two years serving the Thirty-Seventh District, first as a Representative and then as a Senator; and

WHEREAS, Senator Fleming served as caucus vice-chairman for seven years and as caucus chairman for eight years; and

WHEREAS, During his legislative service, Senator Fleming's energy, courage, and dedication to the citizens of this state brought chore services and quality nursing homes to the elderly, low-income housing and emergency food and shelter to the dispossessed, and economic development to the underdeveloped areas of our cities; and

WHEREAS, Senator Fleming's leadership brought protection for the civil rights of all Washington's citizens and his leadership brought a day to this state where all celebrate the rights and freedoms we have - Dr. Martin Luther King, Jr. Day; and

WHEREAS, Senator Fleming found time to raise a family with his wife, Tina, and be a father to his two daughters, Sonja and Yemi, and be rewarded with a granddaughter, Arica;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognizes, honors, and celebrates the service and leadership of Senator George Fleming; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Senator George Fleming and his family.

Senators Pelz and Sellar spoke to Senate Resolution 1991-8607.

PERSONAL PRIVILEGE

Senator Sutherland: "Mr. President, a point of personal privilege. This is just a note of thank you for all of you who joined with Senator Thorsness, myself and others contributing, yesterday, to the blood drive. There were eighty individuals that showed up; seventy-two of which had blood good enough to be able to donate, so there are seventy-two pints of additional blood available in the blood banks of this area. If that's a need in the Persian crisis, that would be available.

"With the eve of ground action now occurring in the Gulf, there may, in fact, be a great demand for it. I just wanted to say a personal thank you."

MOTION

At 10:27 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:21 a.m. by President Pritchard.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Education was relieved of further consideration of Senate Bill No. 5359.

On motion of Senator Newhouse, Senate Bill No. 5359 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Senate Bill No. 5361.

On motion of Senator Newhouse, Senate Bill No. 5361 was referred to the Committee on Children and Family Services.

On motion of Senator Newhouse, the Committee on Transportation was relieved of further consideration of Gubernatorial Appointment No. 9147, Sharon Nelson, as Chair of the Utilities and Transportation Commission.

On motion of Senator Newhouse, Gubernatorial Appointment No. 9147 was referred to the Committee on Energy and Utilities.

MOTION

At 11:23 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, January 31, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

EIGHTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 31, 1991

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 29, 1991

SB 5041 Prime Sponsor, Senator Sellar: Permitting motorcyclists to use Washington state patrol approved audio headsets and earphones. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Conner, Erwin, Hansen, Madsen, McMullen, Oke, Sellar, Skratek, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

January 29, 1991

SB 5047 Prime Sponsor, Senator Bauer: Designating a state tartan. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

January 29, 1991

SB 5050 Prime Sponsor, Senator McCaslin: Providing protection to the lieutenant Governor. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

January 29, 1991

SB 5104 Prime Sponsor, Senator Moore: Revising pilot examinations.
Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Erwin, Madsen, McMullen, Oke, Sellar, Skratek, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

January 29, 1991

SB 5141 Prime Sponsor, Senator McCaslin: Accelerating changes to five-member boards of county commissioners. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 30, 1991

GA 9016 PAUL ISAKI, appointed April 19, 1990, for a term ending at the Governor's pleasure, as Director of the Department of Trade and Economic Development.
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, Moore, McMullen, Skratek.

Passed to Committee on Rules.

January 29, 1991

GA 9036 MARK E. SOELLING, appointed August 13, 1990, for a term ending December 5, 1991, as a member of the Western State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

January 29, 1991

GA 9051 JAMES ANDRYCH, appointed December 5, 1989, for a term ending December 5, 1991, as a member of the Western State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

January 29, 1991

GA 9053 JACK A. ASBY, appointed December 5, 1989, for a term ending December 5, 1993, as a member of the Western State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

January 29, 1991

GA 9055 SCOTT BOND, appointed February 6, 1990, for a term ending December 5, 1993, as a member of the Eastern State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

January 29, 1991

GA 9057 DR. DEAN R. BROOKS, appointed December 5, 1989, for a term ending December 5, 1993, as Chair of the Western State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

January 29, 1991

GA 9070 **ARLENE B. ENGEL**, appointed December 5, 1989, for a term ending December 5, 1992, as a member of the Western State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

January 30, 1991

GA 9074 **FRANK E. FENNERTY**, reappointed May 19, 1989, for a term ending June 17, 1995, as a member of the Board of Industrial Insurance Appeals.
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, Moore, McMullen, Skratek.

Passed to Committee on Rules.

January 29, 1991

GA 9082 **RUTH J. HAGEROTT**, appointed December 5, 1989, for a term ending December 5, 1993, as a member of the Western State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

January 29, 1991

GA 9084 **DR. LEONARD L. HESTON**, appointed February 6, 1990, for a term continuing concurrent with his position as Director of the Mental Illness Research and Training Institute, as a member of the Eastern and Western State Hospital Advisory Boards.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

January 29, 1991

GA 9088 KAREN A. KELLY, appointed February 6, 1990, for a term ending December 5, 1993, as a member of the Eastern State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

January 29, 1991

GA 9089 KEVIN KELLY, appointed February 6, 1990, for a term ending December 5, 1992, as a member of the Eastern State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

January 29, 1991

GA 9091 IRA S. KLEIN, appointed December 5, 1989, for a term ending December 5, 1992, as a member of the Western State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

January 29, 1991

GA 9094 PAM LUCAS, appointed February 6, 1990, for a term ending December 5, 1991, as a member of the Eastern State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

January 29, 1991

GA 9099 ELIZABETH MUKTARIAN, appointed December 5, 1989, for a term ending December 5, 1991, as a member of the Western State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

January 29, 1991

GA 9100 JOHN MURPHY, appointed February 6, 1990, for a term ending December 5, 1992, as a member of the Eastern State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

January 29, 1991

GA 9101 AVERY NELSON, appointed February 6, 1990, for a term ending December 5, 1991, as a member of the Eastern State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

January 29, 1991

GA 9105 E. DAN PEDERSON, appointed February 6, 1990, for a term ending December 5, 1993, as a member of the Eastern State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

January 29, 1991

GA 9110 JANE RENO, appointed December 5, 1989, for a term ending December 5, 1992, as a member of the Western State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

January 29, 1991

GA 9113 THOMAS ROE, appointed February 6, 1990, for a term ending December 5, 1991, as a member of the Eastern State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

January 29, 1991

GA 9116 HELEN SCHWEDENBERG, appointed December 5, 1989, for a term ending December 5, 1993, as a member of the Western State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

January 29, 1991

GA 9118 KATHRYN A. SHARP, appointed February 6, 1990, for a term ending December 5, 1992, as a member of the Eastern State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

January 29, 1991

GA 9120 DR. JOSE R. SILVAS, appointed February 6, 1990, for a term ending December 5, 1992, as a member of the Eastern State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

January 29, 1991

GA 9124 MICHAEL G. SOUTH, appointed February 6, 1990, for a term ending December 5, 1991, as a member of the Eastern State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

January 29, 1991

GA 9129 JAMES L. TAYLOR, appointed December 5, 1989, for a term ending December 5, 1991, as a member of the Western State Hospital Advisory Board.
Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, Wojahn.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 5411 by Senators Bailey, Anderson, Hansen, Barr, McMullen, Conner and Skratek

AN ACT Relating to the alleviation of flood damage; amending RCW 86.16.120, 79.72.010, 79.72.020, 79.72.030, 79.72.070, 79.90.455, 90.58.020, 90.58.030, 75.20.100, 75.20.103, 75.10.130, 43.21C.020, 43.21C.037, 47.28.140, 79.01.135, 86.26.007, 36.32.290, 86.26.005, 86.26.040, 86.26.050, 86.26.060, 86.26.070, 86.26.100, and 86.26.105; adding a new section to chapter 79.72 RCW; adding a new section to chapter 90.58 RCW; adding a new section to chapter 86.16 RCW; adding a new section to chapter 86.26 RCW; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SB 5412 by Senators Bailey, Snyder and von Reichbauer

AN ACT Relating to tuition waivers for public school employees; and amending RCW 28B.15.558.

Referred to Committee on Higher Education.

SB 5413 by Senators Saling, Bailey, Gaspard, Snyder and Bauer

AN ACT Relating to the local master's degree teacher training program; creating a new section; and making an appropriation.

Referred to Committee on Higher Education.

SB 5414 by Senators Vognild, Bauer, Oke and Conner

AN ACT Relating to military service credit; and amending RCW 41.40.170.

Referred to Committee on Ways and Means.

SB 5415 by Senators Madsen and Conner

AN ACT Relating to early retirement; and amending RCW 41.40.180, 41.40.185, and 41.40.630.

Referred to Committee on Ways and Means.

SB 5416 by Senators L. Kreidler and Sutherland

AN ACT Relating to state employees; amending RCW 43.01.040; and repealing RCW 43.01.044.

Referred to Committee on Governmental Operations.

SB 5417 by Senators Madsen and Conner

AN ACT Relating to state civil and higher education employees; adding a new section to chapter 28B.16 RCW; and adding a new section to chapter 41.06 RCW.

Referred to Committee on Governmental Operations.

SB 5418 by Senators Thorsness, Rasmussen, Nelson and Talmadge

AN ACT Relating to criminal justice; adding new sections to chapter 10.98 RCW; creating a new section; and making an appropriation.

Referred to Committee on Law and Justice.

SB 5419 by Senators Barr, Patterson, Hansen, McCaslin and Bauer

AN ACT Relating to the regulatory taking of private property by state government; adding a new chapter to Title 8 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 5420 by Senators Barr, Bailey, McCaslin, Saling, Amondson, Patterson, Conner, Owen, Sutherland, Hansen, Snyder and Sellar

AN ACT Relating to providing state funding assistance to school districts; adding a new chapter to Title 28A RCW; and making an appropriation.

Referred to Committee on Education.

SB 5421 by Senators Barr and Hansen

AN ACT Relating to exemptions from motor vehicle insurance requirements; and amending RCW 46.30.020.

Referred to Committee on Financial Institutions and Insurance.

SB 5422 by Senators Talmadge, Nelson, Stratton, Roach and von Reichbauer

AN ACT Relating to foster parents; and amending RCW 13.34.090.

Referred to Committee on Children and Family Services.

SB 5423 by Senators Thorsness, Sutherland and Saling (by request of Washington State Energy Office)

AN ACT Relating to the geothermal account; and amending RCW 43.140.900 and 28A.515.320.

Referred to Committee on Energy and Utilities.

SB 5424 by Senators Erwin, Rasmussen, Nelson, A. Smith, Hayner, L. Kreidler, Newhouse and Thorsness

AN ACT Relating to campaign contributions; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Law and Justice.

SB 5425 by Senator Owen

AN ACT Relating to taillights on old vehicles; and amending RCW 46.37.100.

Referred to Committee on Transportation.

SB 5426 by Senators Rasmussen, Bauer, Snyder, Oke, Rinehart, Bailey, Amondson, Sellar, L. Smith and Conner

AN ACT Relating to game and game fish; and amending RCW 77.32.230.

Referred to Committee on Environment and Natural Resources.

SB 5427 by Senators Gaspard, West, McMullen, Patterson, Madsen, Snyder, Vognild, Conner, Wojahn and A. Smith

AN ACT Relating to specialized transportation for elderly and handicapped persons; adding a new chapter to Title 47 RCW; and making an appropriation.

Referred to Committee on Health and Long-Term Care.

SB 5428 by Senators Metcalf, Owen, Oke, Barr and Snyder

AN ACT Relating to Pacific Ocean Resources Compact; adding a new chapter to Title 90 RCW; and making an appropriation.

Referred to Committee on Environment and Natural Resource.

SB 5429 by Senators Oke, Patterson, Thorsness, Bailey and Bauer

AN ACT Relating to Vietnam veterans; adding a new section to chapter 73.04 RCW; prescribing penalties; and making an appropriation.

Referred to Committee on Ways and Means.

SB 5430 by Senators Murray, McCaslin, Vognild, Bluechel, Matson, Rasmussen, Moore, Snyder, Sellar, Stratton and Wojahn

AN ACT Relating to payment for work of improvement on real property; adding a new chapter to Title 60 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 5431 by Senators Patterson, Vognild, Snyder, Madsen, McMullen, von Reichbauer and Thorsness (by request of Legislative Transportation Committee)

AN ACT Relating to disposition of drivers' license fees; and amending RCW 46.68.041.

Referred to Committee on Transportation.

SB 5432 by Senators Patterson, Vognild, Snyder, Skratek, Hansen, Oke, Madsen, McMullen, von Reichbauer, Thorsness and Conner (by request of Legislative Transportation Committee)

AN ACT Relating to traffic safety programs; and amending RCW 43.08.250.

Referred to Committee on Transportation.

SB 5433 by Senators Nelson, Madsen and Matson

AN ACT Relating to voter registration verification procedures; and amending RCW 29.10.180.

Referred to Committee on Governmental Operations.

SB 5434 by Senators Patterson, Snyder and Hansen (by request of Utilities and Transportation Commission)

AN ACT Relating to state and federal regulation of railroads; repealing RCW 81.34.010, 81.34.020, 81.34.030, 81.34.040, 81.34.050, 81.34.060, 81.34.070, 81.34.080, 81.34.090, 81.34.100, and 81.34.110; and decodifying RCW 81.34.900.

Referred to Committee on Transportation.

SB 5435 by Senators L. Kreidler, Metcalf, Owen, Amondson, Sutherland, Snyder, Patterson, Oke, Wojahn and Conner

AN ACT Relating to the taxation of redeemable credits or deposits on automotive products; and amending RCW 70.95.030 and 82.04.070.

Referred to Committee on Environment and Natural Resources.

SB 5436 by Senators Matson, Owen and Newhouse

AN ACT Relating to real estate excise taxes; and amending RCW 36.32.570 and 82.46.070.

Referred to Committee on Governmental Operations.

SB 5437 by Senators Nelson, Owen, McMullen, Talmadge, Moore, A. Smith, Wojahn and Skratek

AN ACT Relating to court orders; and amending RCW 26.50.050, 26.50.070, and 10.14.080.

Referred to Committee on Law and Justice.

SB 5438 by Senators Nelson, Owen, Talmadge and Moore

AN ACT Relating to increasing stolen property values for determining degree of theft; amending RCW 9A.56.010, 9A.56.030, 9A.56.040, 9A.56.050, 9A.56.060, 9A.56.150, 9A.56.160, and 9A.56.170; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5439 by Senators Nelson, Erwin, McMullen, Owen, Oke, A. Smith, Stratton and Thorsness

AN ACT Relating to driving violations; amending RCW 46.61.525; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5440 by Senators Roach, Vognild, Conner and Skratek

AN ACT Relating to service retirement of law enforcement officers and fire fighters; and amending RCW 41.26.430.

Referred to Committee on Ways and Means.

SB 5441 by Senators Rasmussen, Nelson, Hayner and Johnson

AN ACT Relating to bookmaking; amending RCW 9.46.0213, 9.46.0265, 9.46.160, 9.46.170, 9.46.180, 9.46.185, 9.46.190, 9.46.196, 9.46.240, and 9.46.220; adding new sections to chapter 9.46 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5442 by Senator Moore

AN ACT Relating to motorcycle permit restrictions; and amending RCW 46.20.510.

Referred to Committee on Transportation.

SB 5443 by Senator Moore

AN ACT Relating to insurance holding company systems; amending RCW 48.31A.020 and 48.31A.050; and repealing RCW 48.31A.055.

Referred to Committee on Financial Institutions and Insurance.

SB 5444 by Senators Moore and A. Smith

AN ACT Relating to the duty of a bank customer to discover and report unauthorized signatures and alterations; and amending RCW 62A.4-406.

Referred to Committee on Financial Institutions and Insurance.

SB 5445 by Senators McDonald, Bluechel, McMullen, Vognild, Bailey and Conner (by request of Commissioner of Public Lands)

AN ACT Relating to purchase of state forest lands; amending RCW 76.12.080; reenacting and amending RCW 76.12.120; adding a new section to chapter 84.28 RCW; adding a new section to chapter 84.33 RCW; adding a new section to chapter 84.34; adding new sections to chapter 76.12 RCW; repealing RCW 76.12.100; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 5446 by Senators Owen, Metcalf and Pelz

AN ACT Relating to moratorium on leases for oil and gas exploration, development, or production; amending RCW 43.143.010 and 43.143.020; and repealing RCW 43.143.040.

Referred to Committee on Environment and Natural Resources.

SB 5447 by Senators Owen and Metcalf

AN ACT Relating to the tax on enhanced food fish; and amending RCW 82.27.030.

Referred to Committee on Environment and Natural Resources.

SB 5448 by Senators Owen, Williams, Jesernig and Thorsness

AN ACT Relating to public utility district elections; amending RCW 54.12.010 and 54.12.010; and providing an effective date.

Referred to Committee on Energy and Utilities.

SB 5449 by Senators Sellar, Vognild and Bailey.

AN ACT Relating to discharges of educational employees; and adding a new section to chapter 28A.400 RCW.

Referred to Committee on Education.

SB 5450 by Senators Sellar, Snyder, Matson, Moore, McMullen, McDonald and Skratek

AN ACT Relating to pasteurization in relation to licenses for the sale of beer; and amending RCW 66.24.320, 66.24.330, 66.24.350, and 66.24.360.

Referred to Committee on Commerce and Labor.

SB 5451 by Senators Roach and Sutherland

AN ACT Relating to water and sewer districts; amending RCW 43.09.240, 56.08.100, 56.08.140, 57.08.100, and 57.08.120; reenacting and amending RCW 57.08.010; adding a new section to chapter 57.08 RCW; adding a new section to chapter 56.16 RCW; and adding a new section to chapter 57.20 RCW.

Referred to Committee on Energy and Utilities.

SB 5452 by Senators Roach and Stratton (by request of Department of Social and Health Services)

AN ACT Relating to clarification of existing public assistance statutes; amending RCW 74.04.005, 74.04.055, 74.04.060, 74.04.500, and 74.04.515; adding a new chapter to Title 74 RCW; and repealing RCW 74.04.390, 74.04.400, 74.04.410, 74.04.420, 74.04.430, 74.04.440, 74.04.450, 74.04.460, 74.04.470, 74.04.473, 74.04.505, 74.22.010, 74.22.020, 74.22.030, 74.22.040, 74.22.050, 74.22.060, 74.22.070, 74.22.080, 74.22.090, 74.22.100, 74.22.110, 74.22.120, 74.23.005, 74.23.010, 74.23.020, 74.23.030, 74.23.040, 74.23.050, 74.23.060, 74.23.070, 74.23.080, 74.23.090, 74.23.100, 74.23.110, 74.23.120, and 74.23.900.

Referred to Committee on Children and Family Services.

SB 5453 by Senators Rinehart, Owen, McCaslin, Skratek and A. Smith

AN ACT Relating to the release of lighter-than-air balloons; adding new sections to chapter 70.94 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 5454 by Senators West, Vognild, von Reichbauer, Snyder and Johnson

AN ACT Relating to mandatory continuing education credit; and amending RCW 18.71.080.

Referred to Committee on Health and Long-Term Care.

SB 5455 by Senators Saling, West, Rinehart, Murray, Stratton, L. Smith and Anderson

AN ACT Relating to heritable disorders; and amending RCW 70.83.010, 70.83.020, and 70.83.030.

Referred to Committee on Health and Long-Term Care.

SB 5456 by Senators Saling, Cantu and Bluechel

AN ACT Relating to tenure modification; amending RCW 28B.50.851, 28B.50.852, and 28B.50.857; adding a new section to chapter 28B.50 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5457 by Senators L. Smith, Rasmussen, West, Stratton, Johnson, Owen, Saling, McCaslin, Bailey, Metcalf, Craswell, Amondson, Hayner, Thorsness and Cantu

AN ACT Relating to persons infected with HIV; amending RCW 49.60.174; adding a new section to chapter 70.24 RCW; adding a new section to chapter 18.130 RCW; and prescribing penalties.

Referred to Committee on Health and Long-Term Care.

SB 5458 by Senators L. Smith, Jesernig, Bauer and Newhouse

AN ACT Relating to regional service centers for the deaf; reenacting and amending RCW 43.20A.360; adding new sections to chapter 43.20A RCW; and making an appropriation.

Referred to Committee on Health and Long-Term Care.

SB 5459 by Senators Moore, Conner and Williams

AN ACT Relating to animal traps; adding new sections to chapter 77.16 RCW; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 5460 by Senator Williams

AN ACT Relating to permits for the treatment, storage, or disposal of hazardous wastes, including substances composed of both radioactive and hazardous components; amending RCW 70.105.109; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 5461 by Senators Williams and Sutherland

AN ACT Relating to the Washington representative to the Northwest low-level waste compact committee; and amending RCW 43.145.020.

Referred to Committee on Energy and Utilities.

SB 5462 by Senators Williams, Thorsness, Sutherland and A. Smith

AN ACT Relating to modification of the Northwest interstate compact on low-level radioactive waste management; and amending RCW 43.145.020.

Referred to Committee on Energy and Utilities.

SB 5463 by Senators A. Smith, Bailey, Erwin, Rinehart, Owen, Pelz, Bauer, Conner and Skratek

AN ACT Relating to site-based councils; adding new sections to chapter 28A.240 RCW; creating a new section; and making an appropriation.

Referred to Committee on Education.

SB 5464 by Senators Gaspard, Snyder, Wojahn, Murray, Rinehart, Vognild, Owen, Stratton, Conner, Madsen, Williams, Talmadge, Moore, Skratek, L. Kreidler, A. Smith, Bauer and McMullen

AN ACT Relating to legislative sessions; and amending RCW 44.04.010.

Referred to Committee on Governmental Operations.

SJM 8006 by Senators Madsen, Bauer, A. Smith and McCaslin

Asking the department of defense to send our thanks to operation desert storm troops from Washington.

Referred to Committee on Governmental Operations.

SJR 8221 by Senators Nelson, Talmadge, McMullen, Owen, Thorsness, Moore, Oke and A. Smith

Amending the state Constitution and clarifying courts' jurisdiction.

Referred to Committee on Law and Justice.

SCR 8403 by Senators Williams and Sutherland

Forming a joint select committee to review the Northwest interstate compact on low-level radioactive waste management.

Referred to Committee on Energy and Utilities.

MOTION

At 12:02 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, February 1, 1991.

JOEL PRITCHARD, President of the Senate
GORDON GOLOB, Secretary of the Senate.

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 1, 1991

The Senate was called to order at 10:00 a.m. by President Pro Tempore Craswell. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Bluechel, Cantu, Hayner, McDonald and Metcalf. On motion of Senator Anderson, Senators McDonald and Metcalf were excused.

The Sergeant at Arms Color Guard, consisting of Pages Elissa Beem and Shelby Starr, presented the Colors. Reverend Philip E. Norris, pastor of the Lacey Community Church, offered the prayer.

MOTION

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

REPORT OF STANDING COMMITTEE

January 31, 1991

SB 5043 Prime Sponsor, Senator Nelson: Authorizing facsimile filing of election documents. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504

January 30, 1991

Mr. Gordon Golob
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504

Dear Gordon:

Enclosed is our Report to the Legislature on the Alcoholism and Drug Addiction Treatment and Support Act, as required by Chapter 18, Laws of 1989, 1st Extraordinary Session.

If you have any questions regarding this report, please contact me at 753-3395.

Sincerely,
RICHARD J. THOMPSON, Secretary

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
General Administration Building
Olympia, Washington 98504

January 30, 1991

TO: Gordon Golob
Secretary of the Senate
FROM: Paul Isaki, Director
SUBJECT: Service Delivery Task Force Final Report

In accordance with ESHB 2929, the Department of Trade and Economic Development submits the following report on economic development service delivery.

You'll find additional comments on pages 1 and 2. If you have questions, please call Mike Movius (586-3021).

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

WASHINGTON ECONOMIC DEVELOPMENT FINANCE AUTHORITY
YEAR END REPORT 1990

December 15, 1990

BACKGROUND

The Washington Economic Development Finance Authority (WEDFA) was created by the State Legislature in 1989 by passage of Substitute House Bill No. 1553, RCW 43.163. WEDFA is required to report each December on its activities to the House Trade and Economic Development Committee and to the Senate Economic Development and Labor Committee.

The original statute authorized WEDFA to help small and medium-sized businesses and farms gain access to capital. WEDFA is directed by statute to develop and conduct three programs: 1) small business export financing, 2) loans for conservation reserve program (CRP) advances for eligible farmers, and 3) loan pooling programs for eligible businesses or farms.

WEDFA is comprised of a board of eighteen members including the State Treasurer, the Directors of the Departments of Trade and Economic Development, Community Development, and Agriculture, two Senators appointed by the President of the Senate, two Representatives appointed by the Speaker of the House and a majority of business and financial practitioners appointed by the Governor. The private sector members must include a representative of a minority-owned small business and a representative of a woman-owned small business. The members participate in committees to advance specific activities. The existing standing committees are: Export Finance Committee, Conservation Reserve Program Committee, Loan Pooling Committee, Reserve Fund Committee, General Plan Committee and Legal Committee.

The Select Committee Report is on file in the Office of the Secretary of the Senate.

**MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT**

January 29, 1991

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

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

Max M. Snyder, reappointed January 29, 1991, for a term ending April 3, 1994, as member of the State Board for Community College Education.

Sincerely,
BOOTH GARDNER, Governor

Referred to the Committee on Higher Education.

MESSAGES FROM SECRETARY STATE

CERTIFICATION OF INITIATIVE TO LEGISLATURE 119

Pursuant to Article II, Section 1 of the Washington State Constitution, RCW 29.79.200, and WAC 434-79-010, the office of the Secretary of State has caused the signatures submitted in support of Initiative to the Legislature 119 to be examined in the following manner:

1) It was determined that 218,327 signatures were submitted by the sponsors of the initiative. A random sample of 21,689 signatures was taken from those submitted;

2) Each sampled signature was examined to determine if the signer was a registered voter of the state at the address indicated on the petition, if the signature was reasonably similar to the one appearing on the record of that voter, and if the same signature appeared more than once in the sample. We found 19,151 valid signatures, 2,452 signatures invalid due to non-registration or improper form, and 86 pairs of duplicated signatures in the sample;

3) We calculated an allowance for the chance error of sampling (75) by multiplying the square root of the number of invalid signatures by 1.5;

4) We estimated the upper limit of the number of signatures on the initiative petition which were invalid (25,438) by dividing the sum of the number of invalid signatures in the sample and the allowance for the chance error of sampling by the sampling ratio;

5) We determined the maximum allowable number of pairs of signatures on the petition (27,887) by subtracting the sum of 110% of the number of signatures required by Article II, section 1 of the Washington State Constitution (165,002) and the estimate of the upper limit of the number of invalid signatures on the petition from the number of signatures submitted;

6) We determined the expected number of pairs of signatures in the sample (275) by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures on the initiative petition;

7) We determined the acceptable number of pairs of signatures in the sample (247) by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample; and

8) Since the number of pairs of signatures in the sample is less than the acceptable number of pairs of signature in the sample, I hereby declare Initiative to the Legislature 119 to be sufficient.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State of Washington, this 30th day of January, 1991.

(Seal)

RALPH MUNRO
Secretary of State

CERTIFICATION OF INITIATIVE TO LEGISLATURE 120

Pursuant to Article II, Section 1 of the Washington State Constitution, RCW 29.79.200, and WAC 434-79-010, the office of the Secretary of State has caused the signatures submitted in support of Initiative to the Legislature 120 to be examined in the following manner:

1) It was determined that 242,004 signatures were submitted by the sponsors of the initiative. A random sample of 11,794 signatures was taken from those submitted;

2) Each sampled signature was examined to determine if the signer was a registered voter of the state at the address indicated on the petition, if the

signature was reasonably similar to the one appearing on the record of that voter, and if the same signature appeared more than once in the sample. We found 10,085 valid signatures, 1,677 signatures invalid due to non-registration or improper form, and 32 pairs of duplicated signatures in the sample;

3) We calculated an allowance for the chance error of sampling (63) by multiplying the square root of the number of invalid signatures by 1.5;

4) We estimated the upper limit of the number of signatures on the initiative petition which were invalid (36,361) by dividing the sum of the number of invalid signatures in the sample and the allowance for the chance error of sampling by the sampling ratio;

5) We determined the maximum allowable number of pairs of signatures on the petition (40,641) by subtracting the sum of 110% of the number of signatures required by Article II, section 1 of the Washington State Constitution (165,002) and the estimate of the upper limit of the number of invalid signatures on the petition from the number of signatures submitted;

6) We determined the expected number of pairs of signatures in the sample (96) by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures on the initiative petition;

7) We determined the acceptable number of pairs of signatures in the sample (79) by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample; and

8) Since the number of pairs of signatures in the sample is less than the acceptable number of pairs of signature in the sample, I hereby declare Initiative to the Legislature 120 to be sufficient.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State of Washington, this 31st day of January, 1991.

(Seal)

RALPH MUNRO
Secretary of State
By DONALD F. WHITING
Assistant Secretary of State

MESSAGE FROM THE HOUSE

January 30, 1991

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4406, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5465

by Senators West, Moore, Conner, McDonald, Newhouse, Nelson, Bluechel, Johnson, Niemi, Wojahn and von Reichbauer

AN ACT Relating to the required pharmacy assistant ratio; and amending RCW 18.64A.040.

Referred to Committee on Health and Long-Term Care.

SB 5466 by Senators Nelson, Moore, Amondson, Conner, Johnson, Newhouse, West, Rasmussen, Wojahn, Sutherland and L. Smith

AN ACT Relating to licensed pharmacists, limiting their liability by declaring them to be nonproduct sellers who are not subject to Title 62A RCW; amending RCW 7.72.010; adding a new section to chapter 18.64 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5467 by Senators Moore, Matson, McMullen, Newhouse and Vognilid

AN ACT Relating to labeling and advertising restrictions established by the liquor control board; amending RCW 66.08.030 and 66.08.060; adding a new section to chapter 66.08 RCW; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 5468 by Senators Williams and Rinehart

AN ACT Relating to Washington public employees' retirement system membership; amending RCW 41.40.120; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5469 by Senator Niemi

AN ACT Relating to dispensing prescriptions for contact lenses by licensed pharmacists; and amending RCW 18.64.011, 18.34.010, and 18.53.040.

Referred to Committee on Health and Long-Term Care.

SB 5470 by Senators Cantu and Williams (by request of Department of General Administration)

AN ACT Relating to a facility land bank; adding a new chapter to Title 79 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5471 by Senators McCaslin, Madsen, Cantu, Williams, L. Kreidler and Amondson (by request of Department of General Administration)

AN ACT Relating to transportation to and from and parking at state facilities; adding new sections to chapter 43.19 RCW; creating a new section; repealing RCW 46.08.172; providing an effective date; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5472 by Senators McCaslin and Madsen (by request of Department of General Administration)

AN ACT Relating to cost recovery by the department of general administration; and amending RCW 43.01.090.

Referred to Committee on Governmental Operations.

SB 5473 by Senators McCaslin and Madsen (by request of Department of General Administration)

AN ACT Relating to the tort claims revolving fund; amending RCW 4.92.160; adding a new section to chapter 4.92 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 5474 by Senators Rinehart, Bailey, Murray, West and Bauer

AN ACT Relating to a data collection and reporting system on children's education and well-being; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Education.

SB 5475 by Senators Bauer, Saling, Rinehart, Bailey and Murray

AN ACT Relating to higher education; and amending RCW 28B.50.140, 28B.35.205, and 28B.40.206.

Referred to Committee on Higher Education.

SB 5476 by Senators Bailey, Barr, Hansen, Anderson, Conner, Newhouse, Gaspard and Bauer

AN ACT Relating to the marketing of milk; amending RCW 15.35.030, 15.35.060, 15.35.070, 15.35.080, 15.35.090, 15.35.100, 15.35.110, 15.35.120, 15.35.140, 15.35.150, 15.35.170, 15.35.180, 15.35.230, and 15.35.310; adding a new section to chapter 15.35 RCW; repealing RCW 15.35.020, 15.35.040, and 15.35.050; and declaring an emergency.

Referred to Committee on Agriculture and Water Resources.

SB 5477 by Senators Conner, Rasmussen, Bauer and Nelson

AN ACT Relating to veterans; and amending RCW 41.04.005 and 72.36.035.

Referred to Committee on Governmental Operations.

SB 5478 by Senators Conner and Wojahn

AN ACT Relating to curbside recycling; and adding a new section to chapter 81.77 RCW.

Referred to Committed on Transportation.

SB 5479 by Senators Matson, Newhouse, Hansen, Jesernig and von Reichbauer

AN ACT Relating to construction of a criminal justice facility in Yakima; creating new sections; and making an appropriation.

Referred to Committee on Ways and Means.

SB 5480 by Senators Oke, Owen, Sutherland and Metcalf (by request of Department of Ecology)

AN ACT Relating to underground storage tank law preemption; and amending RCW 90.76.110.

Referred to Committee on Environment and Natural Resources.

SB 5481 by Senators Sellar and McMullen

AN ACT Relating to open spaces; amending RCW 84.34.020, 84.34.035, 84.34.037, 84.34.050, 84.34.060, 84.34.065, 84.34.070, 84.34.108, 84.34.145, 84.34.150, 84.34.155, 84.34.160, 84.34.320, and 84.34.360; adding new sections to chapter 84.34 RCW; and providing an effective date.

Referred to Committee on Agriculture and Water Resources.

SB 5482 by Senators Williams, Talmadge, Pelz, Murray and L. Kreidler

AN ACT Relating to firearms; and amending RCW 9.41.090, 9.41.040, 9.41.070, and 9.41.010.

Referred to Committee on Law and Justice.

SB 5483 by Senators West and Niemi

AN ACT Relating to counselors; and amending RCW 18.19.040.

Referred to Committee on Health and Long-Term Care.

SB 5484 by Senators West, Rinehart and Vognild

AN ACT Relating to nonresident tuition and fees; and reenacting and amending RCW 28B.15.014.

Referred to Committee on Higher Education.

SB 5485 by Senators von Reichbauer, Vognild, Moore and L. Smith

AN ACT Relating to credit for military service under the teachers' retirement system; amending RCW 41.32.260; and declaring an emergency.

Referred to Committee on Ways and Means.

SJM 8007 by Senators West, Moore, Amondson, Conner, Johnson, Newhouse, Nelson, L. Kreidler, Rasmussen, Niemi and Wojahn

Requesting a review of multitiered pricing for prescription drugs.

Referred to Committee on Health and Long-Term Care.

SJM 8008 by Senators Owen, Thorsness, Johnson, Oke, Nelson, Erwin, Rasmussen, Vognild, Stratton, Matson, McCaslin, Conner, Craswell, Saling, Madsen and Bauer

Requesting Congress to propose a Constitutional amendment to prohibit physical desecration of the United States flag.

Referred to Committee on Law and Justice.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4406 by Representatives Ebersole and Ballard

Resolving to amend the joint rules of the senate and the house of representatives.

HOLD.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4406 was advanced to second reading and placed on the second reading calendar.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9097, Priscilla Dee McMillan, as a member of the Board of Trustees for Spokane Community College District No. 17, was confirmed.

APPOINTMENT OF PRISCILLA DEE McMILLAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 4; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Absent: Senators Barr, Bluechel, Cantu, Hayner - 4.

Excused: Senators McCaslin, Metcalf - 2.

MOTION

On motion of Senator Anderson, Senators Barr, Bluechel, Cantu and Hayner were excused.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9103, Michael C. Ormsby, as a member of the Board of Trustees for Eastern Washington University, was confirmed.

APPOINTMENT OF MICHAEL C. ORMSBY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Excused: Senators Barr, Bluechel, Cantu, Hayner, McCaslin, Metcalf - 6.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9119, Philip E. Sharpe, Jr., as a member of the Board of Trustees for Whatcom Community College District No. 21, was confirmed.

Senator Anderson spoke to the confirmation of Philip Sharpe, Jr. as a member of the Board of Trustees for Whatcom Community College.

APPOINTMENT OF PHILIP E. SHARPE, JR.

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Barr, Bluechel, Cantu, McCaslin, Metcalf - 5.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4406, by Representatives Ebersole and Ballard

Resolving to amend the joint rules of the senate and the house of representatives.

The concurrent resolution was read the second time.

MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen, Newhouse and Snyder be adopted:

On page 11, line 21, after "senate," insert "and by distribution to the desks of the members."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen, Newhouse and Snyder on page 11, line 21, to House Concurrent Resolution No. 4406.

The motion by Senator Rasmussen carried and the amendment was adopted.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4406, as amended by the Senate, was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4406, as amended by the Senate.

House Concurrent Resolution No. 4406, as amended by the Senate, was adopted by voice vote.

MOTION

On motion of Senator Newhouse, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1991-8608

By Senators Craswell, Owen, Oke, Rasmussen, Johnson and Skratek

WHEREAS, Marine Lance Corporal Michael E. Linderman, Jr., formerly of Silverdale, Washington, died an American hero on the sands of Saudi Arabia on January 29, 1991; and

WHEREAS, Michael fell in battle, fighting to achieve the universal aspirations of mankind: Peace and security, freedom, and the rule of law; and

WHEREAS, Michael believed that America has a unique responsibility to do the hard work of freedom, and that he, in turn, had a duty to do that work on behalf of his country; and

WHEREAS, Michael lived a short, rich life, that ended at age nineteen. He loved books, he loved the rain, and he loved his friends and family;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby honors Michael E. Linderman, Jr. and prays that his family will find some solace in his heroism and sacrifice in the service of his country; and

BE IT FURTHER RESOLVED, That the Senate hereby expresses its unequivocal support for United States military personnel in the Middle East and prays for their personal safety and their families' peace of mind; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the family of Michael Linderman, Jr. and to the President of the United States, The Honorable George Bush.

Senator Oke and Craswell spoke to Senate Resolution 1991-8608.

PERSONAL PRIVILEGE

Senator Skratek: "Madam President and members of the State Senate. In the fine tradition of the Washington State Senate, I offer to you a token of my appreciation for allowing me to make my first presentation this past Friday. I would also like to acknowledge the effort that my husband put in to this activity. When I informed him of his duty in the Pelz tradition, he said, 'No problem, just let me know the name of your caterer.'

"Thank you very much."

MOTIONS

On motion of Senator Newhouse the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Environment and Natural Resources was relieved of further consideration of Senate Bill No. 5331.

On motion of Senator Newhouse, Senate Bill No. 5331 was referred to the Committee on Health and Long-Term Care.

On motion of Senator Newhouse, the Committee on Environment and Natural Resources was relieved of further consideration of Senate Bill No. 5411.

On motion of Senator Newhouse, Senate Bill No. 5411 was referred to the Committee on Agriculture and Water Resources.

MOTION

At 10:35 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:42 a.m. by President Pro Tempore Craswell.

MOTION

At 11:42 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, February 4, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

TWENTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 4, 1991

The Senate was called to order at 10:00 a.m. by President Pro Tempore Craswell. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Anderson, Bauer and McCaslin. On motion of Senator Linda Smith, Senators Anderson and McCaslin were excused. On motion of Senator Murray, Senator Bauer was excused.

The Sergeant at Arms Color Guard, consisting of Pages Catherine Della Maggio and Kelly O'Connell, presented the Colors. Reverend Father George Edgar Brown, pastor of St. Anselm of Canterbury Anglican Catholic Church of Sequim, and a guest of Senator Paul Conner, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 31, 1991

SB 5010 Prime Sponsor, Senator Moore: Including occupational therapy coverage in the department of social and health services limited casualty program. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; Amondson, Johnson, L. Kreidler, and Wojahn.

Referred to Committee on Ways and Means.

January 31, 1991

SB 5016 Prime Sponsor, Senator Metcalf: Including mussels and clams as enhanced food fish for tax purposes. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5016 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Oke,

Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, Snyder, and Sutherland.

Referred to Committee on Ways and Means.

January 31, 1991

SB 5059 Prime Sponsor, Senator Metcalf: Directing the department of fisheries to improve the pink salmon fishery through the "Alaska method." Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, and Snyder.

MINORITY REPORT: Do not pass. Signed by Senator Sutherland.

Referred to Committee on Ways and Means.

January 31, 1991

SB 5060 Prime Sponsor, Senator Metcalf: Reviewing alternative environmental strategies. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5060 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, Snyder, and Sutherland.

Referred to Committee on Ways and Means.

January 31, 1991

SB 5081 Prime Sponsor, Senator L. Smith: Creating two-day steelhead catch record cards. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5081 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

January 31, 1991

SB 5082 Prime Sponsor, Senator Bauer: Requiring licenses for professional salmon fishing guides. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5082 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Conner, Owen, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

January 31, 1991

SB 5225 Prime Sponsor, Senator Oke: Providing for environmental interpretation in state parks. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5225 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

January 31, 1991

SB 5309 Prime Sponsor, Senator L. Smith: Limiting the ability of other jurisdictions to collect income taxes on pension and retirement benefits of Washington residents. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5309 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENT

January 31, 1991

GA 9121 DR. CURTIS G. SMITCHE, reappointed June 10, 1988, for a term ending at the Governor's pleasure, as Director of the Department of Wildlife.
Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Be referred to the Senate without recommendation. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504

February 1, 1991

Mr. Gordon Golob
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504

Dear Gordon:

Enclosed is our Report to the Legislature on Hospice Services. This report is required by Chapter 25, Laws of 1990.

If you have any questions regarding this report, please contact me at 753-3395.

Sincerely,
RICHARD J. THOMPSON, Secretary

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
General Administration Building
Olympia, Washington 98504

January 30, 1991

Gordon Golob
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504

Report of the Washington Committee for Recycling Markets

In accordance with ESHB 1761, Section 101, the Department of Trade and Economic Development and the Department of Ecology hereby transmit the final report to the Legislature of the Washington Committee for Recycling Markets.

The recommendations set forth in this report were developed during 16 months of committee and subcommittee discussions. The committee members represent recycling businesses, solid waste collectors, local government, citizen groups, manufacturers, higher education, the Department of Ecology and legislators.

In keeping with the legislative mandate of the committee and in respect to its independence, DTED and DOE neither endorse nor oppose the committee's findings and recommendations.

PAUL ISAKI, Director

The Select Committee Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE HOUSE

February 1, 1991

MR. PRESIDENT:

The House concurred in the Senate amendment to HOUSE CONCURRENT RESOLUTION NO. 4406 and adopted the concurrent resolution as amended by the Senate.

ALAN THOMPSON, Chief Clerk

February 1, 1991

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4403, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4403.

INTRODUCTION AND FIRST READING

SB 5486 by Senators Vognild, Moore, Rinehart and Conner

AN ACT Relating to industrial insurance premium liabilities of workers; and amending RCW 51.16.140, 51.16.210, and 51.48.050.

Referred to Committee on Commerce and Labor.

SB 5487 by Senators McMullen, Talmadge, A. Smith, Moore, Vognild, Madsen, Bauer, Rinehart, Sutherland, Conner and L. Smith

AN ACT Relating to payments for time lost from work while attending a medical examination for industrial insurance; and amending RCW 51.32.110.

Referred to Committee on Commerce and Labor.

SB 5488 by Senators McMullen, Murray, A. Smith, Vognild, Madsen, Bauer, Rinehart, Moore, Sutherland, Conner and L. Smith

AN ACT Relating to maintaining employee benefits; amending RCW 51.32.090; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5489 by Senators Vognild, Talmadge, A. Smith, Bauer, Rinehart, Moore and Conner

AN ACT Relating to workers' compensation benefits; amending RCW 51.32.050, 51.32.060, and 51.32.090; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5490 by Senators Skratek, Talmadge, A. Smith, Rinehart, Vognild, Moore, Bauer, Sutherland and Conner

AN ACT Relating to industrial insurance permanent partial disability awards; and amending RCW 51.32.080.

Referred to Committee on Commerce and Labor.

SB 5491 by Senators Nelson, Rasmussen, Johnson, Talmadge and Conner.

AN ACT Relating to professional service corporation formation by psychologists and physicians; and amending RCW 18.100.050.

Referred to Committee on Law and Justice.

SB 5492 by Senators Matson, Owen, West, Conner, L. Smith and Amondson

AN ACT Relating to workers' compensation insurance; adding a new section to chapter 51.04 RCW; and creating new sections.

Referred to Committee on Commerce and Labor.

SB 5493 by Senators Niemi, Matson, Rinehart, Rasmussen and Talmadge

AN ACT Relating to employees using video display terminals; and amending RCW 49.17.050.

Referred to Committee on Commerce and Labor.

SB 5494 by Senators von Reichbauer, Pelz, Johnson, Owen, Thorsness, Vognild, Sellar and Moore

AN ACT Relating to collection of debts; amending RCW 12.40.105, 12.40.070, and 62A.3-515; and adding a new chapter to Title 19 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 5495 by Senator Talmadge

AN ACT Relating to long-term care of children; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Children and Family Services.

SB 5496 by Senators Talmadge, Murray, Wojahn, Niemi, Williams, Gaspard, L. Kreidler, Stratton and Bauer

AN ACT Relating to nutritional counseling for medicaid recipients; creating new sections; and making an appropriation.

Referred to Committee on Health and Long-Term Care.

SB 5497 by Senators McMullen, Matson, Rasmussen, Sellar, McCaslin, Murray and Stratton

AN ACT Relating to construction liens; amending RCW 19.27.095 and 60.04.230; adding new sections to chapter 60.04 RCW; repealing RCW 60.04.010, 60.04.020, 60.04.030, 60.04.040, 60.04.045, 60.04.050, 60.04.060, 60.04.064, 60.04.067, 60.04.070, 60.04.080, 60.04.090, 60.04.100, 60.04.110, 60.04.115, 60.04.120, 60.04.130, 60.04.140, 60.04.150, 60.04.160, 60.04.170, 60.04.180, 60.04.200, 60.04.210, 60.04.220, 60.20.010, 60.20.020, 60.20.030, 60.20.040, 60.20.050, 60.20.060, 60.48.010, and 60.48.020; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 5498 by Senators Bluechel, Niemi, Patterson, Rinehart, Jesernig, Stratton, Bauer, Conner, Johnson, L. Smith and Roach

AN ACT Relating to higher education retirement plans; amending RCW 28B.10.420; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5499 by Senators Bailey, Murray and Pelz

AN ACT Relating to student learning; amending 28A.320.200; adding new sections to chapter 28A.150 RCW; and creating a new section.

Referred to Committee on Education.

SB 5500 by Senators Owen, Conner and Hansen

AN ACT Relating to game fish enhancement groups; and adding new sections to chapter 77.12 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5501 by Senators Owen, Sutherland, L. Smith, Vognild, Amondson and Bauer

AN ACT Relating to commercial salmon fishing licenses; and amending RCW 75.30.120.

Referred to Committee on Environment and Natural Resources.

SB 5502 by Senators Sellar, McMullen, Wojahn, Conner, Madsen and Newhouse

AN ACT Relating to limitations of actions; amending RCW 42.17.390; and adding a new section to chapter 4.16 RCW.

Referred to Committee on Law and Justice.

SB 5503 by Senators Thorsness, Madsen and Barr (by request of Utilities and Transportation Commission)

AN ACT Relating to placing the burden of proof on utilities to show that certain operations are not subject to regulation; and amending RCW 80.04.015.

Referred to Committee on Energy and Utilities.

SB 5504 by Senators Bauer, Bailey, Rinehart, Saling, Murray, Pelz, Gaspard, Patterson, A. Smith, Sutherland and L. Smith

AN ACT Relating to student teaching centers; adding new sections to chapter 28A.415 RCW; repealing RCW 28A.625.420; and making an appropriation.

Referred to Committee on Higher Education

SB 5505 by Senators Talmadge, Pelz and Bauer

AN ACT Relating to Pacific Rim education programs; amending RCW 28B.107.010, 28B.107.030, 28B.107.040, 28B.107.050, 28A.630.320, 28A.630.340, and 28A.300.200; repealing RCW 28B.107.900 and 28A.405.020; and making appropriations.

Referred to Committee on Higher Education.

SB 5506 by Senator Gaspard

AN ACT Relating to survival of actions; and amending RCW 4.20.020, 4.20.060, 4.20.046, 43.20B.415, 43.20B.445, and 4.24.010.

Referred to Committee on Law and Justice.

SB 5507 by Senators McCaslin, Moore, Matson, Bauer, Sellar, Conner, Cantu, McDonald, Owen, Thorsness and L. Smith

AN ACT Relating to commercial activity by government agencies; and adding a new chapter to Title 43 RCW.

Referred to Committee on Governmental Operations.

SB 5508 by Senators West, Vognild, Talmadge, Williams, Stratton, Murray, Craswell, Saling, Cantu, Moore, A. Smith, Amondson, Metcalf, Oke, L. Smith, Roach and Bauer

AN ACT Relating to certificate of need exemptions for certain continuing care retirement communities operating nursing home beds; and amending RCW 70.38.025 and 70.38.111.

Referred to Committee on Health and Long-Term Care.

SB 5509 by Senators Rinehart, Oke, Moore, McDonald and von Reichbauer

AN ACT Relating to automobile mechanics' service bills; and amending RCW 46.71.043.

Referred to Committee on Commerce and Labor.

SB 5510 by Senators Rasmussen, Moore, Nelson, Bauer, Saling and L. Smith

AN ACT Relating to Washington public employees' retirement system; and amending RCW 41.40.150.

Referred to Committee on Ways and Means.

SB 5511 by Senators von Reichbauer, Johnson and Rasmussen

AN ACT Relating to contracts with insurance agents; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 5512 by Senators McCaslin and Madsen

AN ACT Relating to sewer and water districts; amending RCW 56.20.030, 56.20.080, 57.16.060, and 57.16.090; adding a new section to chapter 56.08 RCW; adding a new section to chapter 57.08 RCW; and prescribing penalties.

Referred to Committee on Governmental Operations.

SB 5513 by Senator Sutherland

AN ACT Relating to surface mining; amending RCW 78.44.030, 78.44.070, 78.44.080, 78.44.090, 78.44.100, 78.44.110, 78.44.130, 78.44.140, and 78.44.160; adding new sections to chapter 78.44 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 5514 by Senators West, Niemi and L. Smith

AN ACT Relating to health care professional shortages; amending RCW 18.130.010, 18.120.030, 18.150.020, 18.150.030, 18.150.040, 18.150.050, 18.150.060, 28B.20.500, and 70.180.005; adding new sections to chapter 18.130 RCW; adding a new section to chapter 70.180 RCW; adding a new section to chapter 18.53 RCW; adding a new section to chapter 18.35 RCW; adding a new section to chapter 18.50 RCW; adding a new section to chapter 18.34 RCW; adding new chapters to Title 28B RCW; adding a new chapter to Title 70 RCW; creating new sections; recodifying RCW 18.150.010, 18.150.020, 18.150.030, 18.150.040, 18.150.050, 18.150.060, 18.150.070, 18.150.080, 18.150.900, and 18.150.910; repealing RCW 18.150.080, 28B.102.010, 28B.102.020, 28B.102.030, 28B.102.040, 28B.102.045, 28B.102.050, 28B.102.060, 28B.102.070, 28B.102.900, 28B.102.905, 70.180.007, 70.180.010, 70.180.050, 70.180.060, 70.180.070, 70.180.080, 70.180.090, 70.180.100, and 70.180.910; prescribing penalties; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5515 by Senators Vognild, Madsen and Talmadge

AN ACT Relating to driver's licenses for persons under eighteen; and amending RCW 46.20.100.

Referred to Committee on Transportation.

SB 5516 by Senators Williams, Moore and Pelz

AN ACT Relating to consumer credit information; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SB 5517 by Senators Moore and Johnson

AN ACT Relating to industrial welfare; adding new sections to chapter 49.12 RCW; making an appropriation; and providing a contingent effective date.

Referred to Committee on Commerce and Labor.

SB 5518 by Senators Thorsness, Sutherland, Patterson, Jesernig, Stratton and Roach (by request of Attorney General)

AN ACT Relating to telephone information delivery services; amending RCW 80.36.500; and adding a new chapter to Title 19 RCW.

Referred to Committee on Energy and Utilities.

SB 5519 by Senators Newhouse, Matson, Hansen, Jesernig and Barr

AN ACT Relating to the Stampede Pass rail line; adding new sections to chapter 47.76 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9126, Barbara A. Stephenson, as a member of the Board of Trustees for Olympic Community College District No. 3, was confirmed.

APPOINTMENT OF BARBARA A. STEPHENSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Anderson, Bauer, McCaslin - 3.

MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9011, Tim Douglas, as a member of the Puget Sound Water Quality Authority, was confirmed.

APPOINTMENT OF TIM DOUGLAS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused - 3.

Voting yea: Senators Amondson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senator Hayner - 1.

Excused: Senators Anderson, Bauer, McCaslin - 3.

MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9012, Duane Fagergren, as a member of the Puget Sound Water Quality Authority, was confirmed.

APPOINTMENT OF DUANE FAGERGREN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused - 3.

Voting yea: Senators Amondson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senator Hayner - 1.

Excused: Senators Anderson, Bauer, McCaslin - 3.

MOTION

At 10:24 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:18 a.m. by President Pro Tempore Craswell.

MOTION

At 11:18 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Tuesday, February 5, 1991.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

TWENTY-THIRD DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, February 5, 1991

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 4, 1991

SB 5030 Prime Sponsor, Senator Nelson: Prohibiting the unauthorized reproduction or recording of material. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5030 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

January 31, 1991

SB 5109 Prime Sponsor, Senator West: Removing the six-month limit on filling prescriptions written by an authorized prescriber not licensed by this state. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; Amondson, Johnson, L. Kreidler, and Wojahn.

Passed to Committee on Rules for second reading.

January 31, 1991

SB 5234 Prime Sponsor, Senator Bailey: Establishing the reach for excellence grant program. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5234 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Metcalf, Murray, Oke, Pelz, Rinehart, and A. Smith.

Referred to Committee on Ways and Means.

January 31, 1991

SB 5235 Prime Sponsor, Senator Bailey: Creating the fair start program. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5235 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Metcalf, Murray, Pelz, Rinehart, and Talmadge.

Referred to Committee on Ways and Means.

February 4, 1991

SB 5243 Prime Sponsor, Senator Rinehart: Adding submarine veterans of World War II to the list of organizations represented on the veterans advisory affairs committee. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 4, 1991

SB 5256 Prime Sponsor, Senator Nelson: Providing franchise investment protection. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5256 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

February 4, 1991

SB 5371 Prime Sponsor, Senator Matson: Allowing retired physicians to provide medical services to low-income persons. Reported by Committee on Law and Justice

MAJORITY recommendation: Do Pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Newhouse, and Rasmussen.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENTS

February 4, 1991

GA 9005 DEANNA COOK, reappointed October 1, 1990, for a term ending September 30, 1995, as a member of the Board of Trustees for Centralia Community College District No. 12.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton, von Reichbauer.

Passed to Committee on Rules.

February 4, 1991

GA 9008 RICHARD DAVIS, appointed April 2, 1990, for a term ending September 30, 1995, as a member of the Board of Regents for Washington State University.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton, von Reichbauer.

Passed to Committee on Rules.

February 4, 1991

GA 9009 DR. DANIEL DEANE, reappointed September 26, 1990, for a term ending September 30, 1995, as a member of the Board of Trustees for Big Bend Community College District No. 18.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton, von Reichbauer.

Passed to Committee on Rules.

February 4, 1991

GA 9015 DR. RICHARD GRAHAM, reappointed October 1, 1990, for a term ending September 30, 1995, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton, von Reichbauer.

Passed to Committee on Rules.

February 4, 1991

GA 9018 SUSAN M. JOHNSON, reappointed September 26, 1990, for a term ending September 30, 1995, as a member of the Board of Trustees for Shoreline Community College District No. 7. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton, von Reichbauer.

Passed to Committee on Rules.

February 4, 1991

GA 9032 FRANK R. SANCHEZ, appointed July 2, 1990, for a term ending September 30, 1994, as a member of the Board of Trustees for Central Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton, von Reichbauer.

Passed to Committee on Rules.

February 4, 1991

GA 9046 CHRISTINE WILSON, reappointed October 1, 1990, for a term ending September 30, 1995, as a member of the Board of Trustees for Walla Walla Community College District No. 20. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton, von Reichbauer.

Passed to Committee on Rules.

February 4, 1991

GA 9078 WARREN J. GILBERT, JR., appointed March 8, 1990, for a term ending September 30, 1992, as a member of the Board of Trustees for Western Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton, von Reichbauer.

Passed to Committee on Rules.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
WASHINGTON STATE COUNCIL ON VOCATIONAL EDUCATION
120 EAST UNION
Olympia, Washington 98504

January 14, 1991

The Honorable Booth Gardner
Office of the Governor
Legislative Building
Olympia, Washington 98504

Dear Governor Gardner:

The Council on Vocational Education is pleased to submit the 1989-90 Biennial Report for the Washington Award for Vocational Excellence (WAVE) Program as required by RCW 28C.04.520 through 28C.04.550.

After seven years of operation, WAVE continues to be unique to Washington State and a model for other states. Our report contains a utilization summary for 1985 and 1986 WAVE recipients whose eligibility for tuition waivers expired in 1988 and 1989 respectively. Also provided is data on 1989 and 1990 WAVE nominees and recipients.

In transmitting this report, I would like to express the Council's appreciation for the recognition WAVE gives to vocational education, as well as the opportunities presented to our outstanding vocational students for additional education and training.

Sincerely,
DAN COYNE, Chairman
Council on Vocational Education

The Select Committee Report is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE HOUSE

February 4, 1991

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 1299, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5520 by Senators Newhouse, Jesernig, Murray, Matson, Skratek, Vognild, Bluechel, McCaslin, West, Hayner, Stratton, Patterson, Gaspard, Rinehart, Bauer and Saling

AN ACT Relating to shipments of wine; and amending RCW 66.12.120.

Referred to Committee on Commerce and Labor.

SB 5521 by Senators Thorsness, Vognild, West, Snyder, Bailey, Sellar, Pelz, Moore, Owen, Stratton, Conner, Madsen, Sutherland, Jesernig, Talmadge, Skratek, L. Kreidler, A. Smith, Niemi, Bauer, Wojahn, Newhouse, Hayner, Rasmussen, McMullen, Gaspard, Murray, Rinehart, Erwin, Nelson, Saling, McCaslin, Craswell, Roach, McDonald, Oke, Amondson and Johnson

AN ACT Relating to military leave for state employees; adding a new section to chapter 38.40 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SB 5522 by Senators Vognild, West, Pelz, Bailey, Moore, Sellar, Owen, Newhouse, Conner, Talmadge, A. Smith, Murray, Wojahn, Thorsness, Erwin, L. Kreidler, Rasmussen, Nelson, Saling, McCaslin, Craswell, Roach, McDonald, Bauer, Gaspard, Snyder and Johnson

AN ACT Relating to disclosure of limitations on life insurance liability; and amending RCW 48.23.260.

Referred to Committee on Financial Institutions and Insurance.

SB 5523 by Senators West, McDonald, Matson, Vognild, Newhouse, Anderson, McMullen, Williams, Amondson and von Reichbauer

AN ACT Relating to crediting tips for state minimum wage requirements; and amending RCW 49.46.020 and 49.46.150.

Referred to Committee on Commerce and Labor.

SB 5524 by Senators West, McMullen, Conner, McCaslin, Stratton, Wojahn, Bauer, Vognild, Madsen, von Reichbauer, Saling, Newhouse, Snyder and L. Kreidler

AN ACT Relating to retail sales and use taxes; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5525 by Senators Bauer, Bailey, Saling and A. Smith

AN ACT Relating to teacher preparation programs; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28A.305 RCW; and creating a new section.

Referred to Committee on Higher Education.

SB 5526 by Senators Bauer, Newhouse, Moore, Nelson and Johnson

AN ACT Relating to noncompetition agreements; and adding new sections to chapter 49.44 RCW.

Referred to Committee on Commerce and Labor.

SB 5527 by Senators Barr, Owen, Amondson, Sutherland, Conner and Snyder

AN ACT Relating to the creation of the Washington public forest commission; adding a new chapter to Title 76 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 5528 by Senators Rinehart, Bailey, Murray and Erwin

AN ACT Relating to community support for education; amending 1990 c 290 s 2 (uncodified); adding a new section to chapter 27.04 RCW; and repealing 1990 c 290 s 3 (uncodified).

Referred to Committee on Education.

SB 5529 by Senators Thorsness, Rasmussen, McCaslin, Owen, Nelson, Niemi, A. Smith, Conner and von Reichbauer (by request of Department of Corrections)

AN ACT Relating to expedited prison construction; adding new sections to chapter 39.04 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5530 by Senators West and L. Kreidler (by request of Department of Social and Health Services)

AN ACT Relating to residential habilitation centers; and amending RCW 71A.20.020.

Referred to Committee on Health and Long-Term Care.

SB 5531 by Senators Nelson and Rasmussen (by request of Department of Social and Health Services)

AN ACT Relating to tort liability for professionals employed in psychiatric facilities; amending RCW 71.05.120; and creating a new section.

Referred to Committee on Law and Justice.

SB 5532 by Senators Matson, Owen, Oke, Murray, McCaslin, Stratton and Nelson

AN ACT Relating to the definition of acting in the course of employment; and amending RCW 51.08.013.

Referred to Committee on Commerce and Labor.

SB 5533 by Senators Matson, Owen, Anderson, Oke and Madsen

AN ACT Relating to industrial insurance benefits during confinement in an institution; and amending RCW 51.32.040.

Referred to Committee on Commerce and Labor.

SB 5534 by Senators Metcalf and Matson

AN ACT Relating to water discharge permit fees; and amending RCW 90.48.465.

Referred to Committee on Environment and Natural Resources.

SB 5535 by Senators McMullen, Vognild, Matson, Moore, Sutherland, Amondson, Gaspard, Bauer and Conner

AN ACT Relating to video reproduction games; amending RCW 9.46.0311, 9.46.0325, 9.46.070, and 9.46.110; reenacting and amending RCW 9.46.230; and adding new sections to chapter 9.46 RCW.

Referred to Committee on Commerce and Labor.

SB 5536 by Senators Thorsness, Rasmussen, Madsen, L. Kreidler, A. Smith, Erwin, Newhouse, Jesernig, Sutherland, Saling, Bauer and Stratton

AN ACT Relating to establishing the telecommunications devices for the deaf task force; creating new sections; and making an appropriation.

Referred to Committee on Energy and Utilities.

SB 5537 by Senators Barr and Hansen

AN ACT Relating to agricultural liens; and amending RCW 60.11.010, 60.11.020, 60.11.030, 60.11.040, 60.11.050, 60.11.130, 60.11.140, and 62A.9-310.

Referred to Committee on Agriculture and Water Resources.

SB 5538 by Senators L. Smith, Stratton and Roach

AN ACT Relating to early intervention services for infants and toddlers; adding a new chapter to Title 70 RCW; and making an appropriation.

Referred to Committee on Children and Family Services.

SB 5539 by Senators Amondson, Owen, Patterson, Snyder, Conner, Oke, Barr, Sellar, McCaslin, Hayner, Craswell, Bailey, L. Smith, Bauer, Matson, Sutherland, Newhouse, Thorsness, Johnson, Cantu, Metcalf and Rasmussen

AN ACT Relating to protection of private property rights; amending RCW 34.05.320, 34.05.325, 34.05.345, and 34.05.620; adding new sections to Title 64 RCW; and providing for submission of this act to a vote of the people.

Referred to Committee on Governmental Operations.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HB 1299 by Representatives Phillips, Holland, Wang, Horn, Fraser, Ballard, Rust, Brumsickle, Leonard, Tate, Pruitt, Haugen, May, Nelson, Bowman, O'Brien, Nealey, Heavey, D. Sommers, Belcher, Broback, Jacobsen, Ferguson, Morris, Winsley, Appelwick, Van Luven, Franklin, Wynne, H. Sommers, Neher, Wineberry, Mitchell, Ogden, Edmondson, Spanel, Forner, Casada, Wood, Mielke, P. Johnson, Kremen, Dorn, Paris, Wilson, Fuhrman, Lisk, Zellinsky, Vance, Hochstatter, Cooper, Betrozoff, Schmidt, Brough, Chandler, Miller, McLean, R. King, Jones, Silver, Dellwo, Rayburn, H. Myers, Bray, Roland, Valle, Basich, Hine, Scott and Anderson

Increasing the maximum income limits for senior citizens and retired persons' tax exemptions.

Referred to Committee on Ways and Means.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Higher Education was relieved of further consideration of Senate Bill No. 5504.

On motion of Senator Newhouse, Senate Bill No. 5504 was referred to the Committee on Education.

MOTION

Senator Conner moved that his name be removed as a sponsor of Senate Bill No. 5492.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Conner to remove his name as a sponsor of Senate Bill No. 5492.

The motion by Senator Conner carried and Senator Conner's name will be removed from any further printing of Senate Bill No. 5492.

MOTION

On motion of Senator Murray, her name was removed as a sponsor of Senate Bill No. 5532, which was on the Introduction and First Reading Calendar for today.

MOTION

At 12:08 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 12:22 p.m. by President Pro Tempore Craswell.

MOTION

On motion of Senator Newhouse, the Senate returned to the first order of business.

REPORT OF STANDING COMMITTEE

February 4, 1991

SB 5008 Prime Sponsor, Senator Bluechel: Establishing the Pacific Northwest Economic Region. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5008 be substituted therefor, and the substitute bill do pass. Signed by Senators Matson, Chairman; Bluechel, McCaslin, McDonald, McMullen, and Skratek.

Passed to Committee on Rules for second reading.

MOTION

At 12:22 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, February 6, 1991.

JOEL PRITCHARD, President of the Senate
GORDON GOLOB, Secretary of the Senate.

TWENTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 6, 1991

The Senate was called to order at 10:00 a.m. by Vice President Pro Tempore Bluechel. The Secretary called the roll and announced to the Vice President Pro Tempore that all Senators were present except Senators McCaslin, Owen, and Thorsness. On motion of Senator Anderson, Senators McCaslin and Thorsness were excused. On motion of Senator Murray, Senator Owen was excused.

The Sergeant at Arms Color Guard, consisting of Pages Zach Beard and David Roach, presented the Colors. Reverend Randal Burtis, pastor of the Neighborhood Christian Center of Tumwater, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 5, 1991

SB 5077 Prime Sponsor, Senator Nelson: Perfecting certain security interests upon recording. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Erwin, Hayner, L. Kreidler, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

February 5, 1991

SB 5120 Prime Sponsor, Senator Nelson: Making adjustments to child support guidelines. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5120 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Madsen, Newhouse, and Rasmussen.

Referred to Committee on Ways and Means.

February 5, 1991

SB 5147 Prime Sponsor, Senator Nelson: Protecting alternative dispute resolution processes and mediators and arbitrators from legal action. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

February 5, 1991

SB 5210 Prime Sponsor, Senator von Reichbauer: Adjusting the measure of tax on insurance agents, brokers and solicitors. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5210 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Matson, McCaslin, Moore, Owen, Pelz, Rasmussen, Sellar, Vognild, and West.

Referred to Committee on Ways and Means.

February 5, 1991

SB 5318 Prime Sponsor, Senator von Reichbauer: Prescribing penalties for money laundering. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5318 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Moore, Owen, Pelz, Rasmussen, Sellar, and West.

Passed to Committee on Rules for second reading.

February 5, 1991

SB 5389 Prime Sponsor, Senator Rasmussen: Providing for filing a statement of claim for water rights. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

February 5, 1991

SJR 8203 Prime Sponsor, Senator McCaslin: Amending the Constitution to provide an additional method for a county to frame a "home rule" charter. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 5540 by Senators West and L. Kreidler

AN ACT Relating to immunizations for infectious diseases; amending RCW 46.20.117 and 46.20.181; adding new sections to chapter 43.20 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 70.47 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 18.130 RCW; adding a new section to chapter 70.41 RCW; adding a new section to chapter 70.175 RCW; adding a new section to chapter 18.51 RCW; adding a new section to chapter 18.46 RCW; adding new sections to chapter 70.01 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5541 by Senators Moore, Vognild, Hansen, Conner, Matson, Sellar, Bauer, Madsen and McMullen-

AN ACT Relating to funding the fire services trust fund; amending RCW 48.14.020; adding new sections to chapter 43.63A RCW; and creating new sections.

Referred to Committee on Financial Institutions and Insurance.

SB 5542 by Senator Roach

AN ACT Relating to sudden infant death syndrome; adding a new section to chapter 68.50 RCW; and creating a new section.

Referred to Committee on Children and Family Services.

SB 5543 by Senators Bailey and Rinehart

AN ACT Relating to the professional standards unit within the office of the superintendent of public instruction; adding a new section to chapter 28A.300 RCW; and making an appropriation.

Referred to Committee on Education.

SB 5544 by Senator Metcalf

AN ACT Relating to corporations; and amending RCW 23B.05.010 and 23B.15.070.

Referred to Committee Law and Justice.

SB 5545 by Senators Vognild, West, L. Kreidler, von Reichbauer, Roach, Pelz, Sutherland, Stratton, Conner, Madsen, Williams, Moore, Talmadge, A. Smith, Niemi, McMullen, Bauer, Gaspard, Wojahn, Murray, Rasmussen, Rinehart, Jesernig, Snyder, Skratek, Hansen, Bailey and Johnson

AN ACT Relating to state employees; amending RCW 34.05.030, 41.04.230, 41.06.070, 41.06.110, 41.06.150, 41.06.170, 4.24.490, 28B.10.824, 28B.10.650, 28B.12.060, 28B.15.558, 28B.50.060, 28B.80.350, 28B.80.430, 28C.15.020, 34.12.020, 41.04.340, 41.04.670, 41.06.079, 41.06.155, 41.06.160, 41.06.163, 41.48.140, 41.60.015, 42.17.2401, 41.60.160, 42.40.020, 43.06.410, 43.06.425, 43.23.010, 43.88.280, 43.105.052, 49.46.010, 49.74.020, 49.74.030, 49.74.040, 50.13.060, 51.32.300, and 70.24.300; reenacting and amending RCW 41.06.020; adding new sections to chapter 41.06 RCW; adding a new section to chapter 41.05 RCW; adding a new chapter to Title 41 RCW; creating new sections; repealing RCW 28B.16.010, 28B.16.020, 28B.16.030, 28B.16.040, 28B.16.041, 28B.16.042, 28B.16.060, 28B.16.070, 28B.16.080, 28B.16.090, 28B.16.100, 28B.16.101, 28B.16.105, 28B.16.110, 28B.16.112, 28B.16.113, 28B.16.116, 28B.16.120, 28B.16.130, 28B.16.140, 28B.16.150, 28B.16.160, 28B.16.170, 28B.16.180, 28B.16.190, 28B.16.200, 28B.16.210, 28B.16.220, 28B.16.230, 28B.16.240, 28B.16.255, 28B.16.265, 28B.16.275, 28B.16.900, 28B.16.910, 28B.16.920, 28B.16.930, 41.64.010, 41.64.020, 41.64.030, 41.64.040, 41.64.050, 41.64.060, 41.64.070, 41.64.080, 41.64.090, 41.64.100, 41.64.110, 41.64.120, 41.64.130, 41.64.140, 41.64.900, 41.64.910, 41.06.230, 41.06.310, and 41.06.340; and providing effective dates.

Referred to Committee on Governmental Operations.

SB 5546 by Senators Vognild, Bailey, Pelz, Johnson, Moore, Conner, Williams, Talmadge, Niemi, A. Smith, Murray, Bluechel, Rinehart, Snyder and Bauer

AN ACT Relating to the construction and development of an intrastate rapid rail transportation system; amending RCW 82.36.025 and 46.68.090; adding a new section to chapter 46.68 RCW; adding a new section to chapter 47.04 RCW; and adding a new section to chapter 39.12 RCW.

Referred to Committee on Transportation.

SB 5547 by Senators Thorsness, Rasmussen and Talmadge (by request of Attorney General)

AN ACT Relating to petroleum distribution; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Energy and Utilities.

SB 5548 by Senators L. Smith and West

AN ACT Relating to adult family homes; amending RCW 70.128.010 and 70.128.060; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5549 by Senators Conner, Snyder, Wojahn and Owen

AN ACT Relating to tax deferrals for hotel and motel investment projects; and amending RCW 82.61.010 and 82.61.030.

Referred to Committee on Commerce and Labor.

SB 5550 by Senator Craswell (by request of Secretary of State)

AN ACT Relating to municipal census data; and amending RCW 35.13.260 and 35A.14.700.

Referred to Committee on Governmental Operations.

SB 5551 by Senators Madsen, Barr and Williams (by request of Department of Health)

AN ACT Relating to public water system operating permits; amending RCW 70.119A.030 and 70.119A.060; adding new sections to chapter 70.119A RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture and Water Resources.

SB 5552 by Senators Barr, Madsen and Williams (by request of Department of Health)

AN ACT Relating to water systems operator certification and registration; and amending RCW 70.119.010, 70.119.020, 70.119.030, 70.119.060, 70.119.090, 70.119.100, 70.119.110, and 70.119.130.

Referred to Committee on Energy and Utilities.

SB 5553 by Senators Owen and McCaslin

AN ACT Relating to the removal of presidents of state institutions of higher education for misrepresentation; and adding new sections to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

SB 5554 by Senators Cantu, Gaspard, L. Smith, Owen and Anderson

AN ACT Relating to the license fees of real estate brokers, real estate salespersons, and professional engineers; and amending RCW 18.85.220 and 18.43.150.

Referred to Committee on Ways and Means.

SB 5555 by Senators Owen, Conner, Snyder, Metcalf, Jesernig, Amondson, Sutherland, Patterson, Hansen, Bailey, Rasmussen, von Reichbauer, Johnson, Pelz, West, Talmadge, A. Smith, Williams, L. Kreidler, Rinehart, Newhouse, Stratton, Gaspard, McMullen, Moore, Madsen, Bauer, Wojahn, Matson, Roach and L. Smith

AN ACT Relating to economic and employment impact of timber harvest variation in Washington state; amending RCW 28B.15.740, 70.47.010, 70.47.020, 70.47.060, 70.47.080, 43.210.030, 82.60.020, 82.62.010, 43.168.020, 43.155.010, 43.155.020, 43.155.050, 43.155.060, and 43.155.070; adding new sections to chapter 43.31 RCW; adding new sections to chapter 43.63A RCW; adding a new section to chapter 50.22 RCW; adding a new section to chapter 28B.15 RCW; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 43.131.325, 43.131.326, 43.131.355, and 43.131.356; and making appropriations.

Referred to Committee on Ways and Means.

SB 5556 by Senators Matson, McCaslin, Newhouse, McDonald, Anderson and Barr

AN ACT Relating to prevailing rates for apprentice workers; and amending RCW 39.12.021.

Referred to Committee on Commerce and Labor.

SB 5557 by Senators Nelson and Sutherland

AN ACT Relating to recording of surveys; and amending RCW 58.09.090.

Referred to Committee on Governmental Operations.

SB 5558 by Senators Sellar, Owen, Matson and Wojahn

AN ACT Relating to child labor regulation; amending RCW 49.12.121, 49.12.170, and 49.12.123; adding new sections to chapter 49.12 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

MOTION

On motion of Senator Newhouse, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1991-8609

By Senators Sellar, Conner, Rasmussen, Stratton, Skratek and Snyder

WHEREAS, In the age old battle for the ideals of peace with justice, freedom from tyranny and aggression, and the sanctity of rule of law among peoples and nations, Eric Douglas Hedeem, a son of Washington, is truly a hero; and

WHEREAS, On February 2, 1991, returning from a B-52 combat mission to the island of Diego Garcia, Eric, an Air Force First Lieutenant, lost his life over the waters of the Indian Ocean; and

WHEREAS, Eric, following his father's ennobling example as an Air Force officer, believed in a sacred responsibility to serve his community and country, and died fully committed to the cause for which he so valiantly fought; and

WHEREAS, Eric was a lifelong resident of the Wenatchee Valley, having graduated from Wenatchee High School in 1982, and later with a degree in architecture from Washington State University; and

WHEREAS, In the week preceding his death, Eric's mind was on his fellow troops, especially those at Diego Garcia, when he wrote home to express gratitude for recent showings of support for this country and its troops and to indicate the extent to which that visible support positively affected troop morale; and

WHEREAS, Eric fully understood the hard work of freedom, and he and his family have made the supreme sacrifice for that cause;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby honors Eric Douglas Hedeem as an American hero and patriot and expresses its hopes that Eric's family, friends and fellow troops will gain some solace through the memory of Eric's heroic sacrifice and service; and

BE IT FURTHER RESOLVED, That in accordance with Eric's wishes, the Senate hereby declares its support and gratitude for United States military personnel around the world, especially for those now stationed at Diego Garcia, and for the efforts and leadership of President George Bush as Commander in Chief; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the family of Eric Douglas Hedeem, to the President of the United States, The Honorable George Bush, and to the military command at Diego Garcia.

Senator Sellar spoke to Senate Resolution 1991-8609.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the 1991 Washington State Dairy Princesses and appointed Senators Bailey, Anderson, McMullen, Metcalf and Madsen to escort the honored guests to the Senate Rostrum.

The President introduced Dairy Princess Christine Shultz and the Alternate Princess Kendra Felt.

With permission of the Senate, business was suspended to permit Princess Christine to address the Senate.

The President introduced the 1991 Washington Dairy Family, the Fakkema family of Oak Harbor, as well as special guests accompanying the Dairy Princesses, all seated in the gallery.

The committee escorted the special guests from the Senate Chamber and the committee was discharged.

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9003, Martha Choe, as a member of the Board of Trustees for Western Washington University, was confirmed.

APPOINTMENT OF MARTHA CHOE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators McCaslin, Owen, Thorsness - 3.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9005, Deanna Cook, as a member of the Board of Trustees for Centralia Community College District No. 12, was confirmed.

APPOINTMENT OF DEANNA COOK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators McCaslin, Owen, Thorsness - 3.

MOTION

At 10:28 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:34 a.m. by Vice President Pro Tempore Bluechel.

SECOND READING

SENATE BILL NO. 5309, by Senators L. Smith, Bauer, Barr, Sutherland, Saling, McMullen, Craswell, McCaslin, and Johnson

Limiting the ability of other jurisdictions to collect income taxes on pension and retirement benefits of Washington residents.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 5309 was substituted for Senate Bill No. 5309 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Substitute Senate Bill No. 5309 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5309.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5309 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek,

A. Smith, L. Smith, Snyder, Stratton, Sutherland, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senators Moore, Niemi, Talmadge - 3.

Excused: Senators Owen, Thorsness - 2.

SUBSTITUTE SENATE BILL NO. 5309, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1991-8610

By Senators McCaslin and Rasmussen

WHEREAS, For over thirty years, Ernest F. LaPalm has diligently served the people of this state as an employee of the Washington State Employment Security Department; and

WHEREAS, During his tenure with the department, Mr. LaPalm earned a reputation for honesty, integrity and fairness; and

WHEREAS, Ernie LaPalm served as Chief Deputy to four Employment Security Commissioners representing four different Governors over the past fifteen years; and

WHEREAS, Shortly after responding to press inquiries concerning wrongdoing by a former Employment Security Director, Mr. LaPalm was summarily dismissed from state employment; and

WHEREAS, Over six hundred state employees signed petitions protesting the dismissal of Ernie LaPalm and citing the chilling effect that his dismissal will have on state employees' willingness to discuss and expose abuse of public office and other governmental wrongdoing; and

WHEREAS, On January 31, 1991, Ernie LaPalm left office, over objections coming from across the state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate, on behalf of the people of this state, thanks Ernie LaPalm for his years of service and expresses its regrets at the way in which those years have now come to an untimely end; and

BE IT FURTHER RESOLVED, That the Senate hereby states its dedication to the protection of any state employee placed in the position of airing illegal actions on the part of public officials.

MOTION

Senator Gaspard moved that the following amendment by Senators Gaspard, Snyder and McMullen be adopted:

Beginning on line 1, strike all of the resolution and insert the following:

WHEREAS, For over thirty years, Ernest F. LaPalm has diligently served the people of this state as an employee of the Washington State Employment Security Department; and

WHEREAS, During his tenure with the Department, Mr. LaPalm earned a reputation for honesty, integrity and fairness; and

WHEREAS, Ernie LaPalm served as Chief Deputy to four Employment Security Commissioners representing four different Governors over the past fifteen years; and

WHEREAS, on January 31, 1991, Ernie LaPalm left office;

NOW, THEREFORE, BE IT RESOLVED, That the Senate, on behalf of the people of this state, thanks Ernie LaPalm for his years of service.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Gaspard, Snyder and McMullen beginning on line 1 to Senate Resolution 1991-8610.

The motion by Senator Gaspard failed and the amendment was not adopted.

MOTION

Senator Vognild moved that further consideration of Senate Resolution 1991-8610 be deferred.

Debated ensued.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Vognild to defer further consideration of Senate Resolution 1991-8610.

The motion by Senator Vognild failed on a rising vote.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution 1991-8610.

Further debate ensued.

Senate Resolution 1991-8610 was adopted by voice vote.

MOTION

On motion of Senator Newhouse, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

February 5, 1991

SB 5117

Prime Sponsor, Senator Matson: Modifying the signature requirements for initiatives and referendums. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; and Matson.

MINORITY recommendation: Do not pass. Signed by Senators Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 5, 1991

SJR 8202 Prime Sponsor, Senator Matson: Modifying the signature requirements for initiatives and referendums. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; and Matson.

MINORITY recommendation: Do not pass. Signed by Senators Madsen and Sutherland.

Passed to Committee on Rules for second reading.

MOTION

At 12:03 p.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, February 7, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

TWENTY-FIFTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 7, 1991

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 6, 1991

SB 5204 Prime Sponsor, Senator West: Changing licensure provisions for licensed practical nurses. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5204 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1991

SB 5213 Prime Sponsor, Senator West: Changing the billing period to twelve months. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1991

SB 5219 Prime Sponsor, Senator Patterson: Changing the limits on liability of common carriers for damage or loss of baggage. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Hansen, Oke, Sellar, Skratek, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

February 5, 1991

SB 5220 Prime Sponsor, Senator Patterson: Modifying railroad crossing inspection fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; von Reichbauer, Vice Chairman; Conner, Erwin, Hansen, Oke, Sellar, Skratek, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

February 5, 1991

SB 5221 Prime Sponsor, Senator Sellar: Requiring motor carriers to submit copies of contracts with permit applications. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Hansen, Sellar, Skratek, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENTS

February 6, 1991

GA 9045 JANICE WIGEN, appointed October 15, 1990, for a term ending August 2, 1996, as a member of the Lottery Commission.
Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McMullen and Skratek.

Passed to Committee on Rules.

February 6, 1991

GA 9148 MAUREEN E. SANDISON, reappointed December 11, 1990, for a term ending January 19, 1995, as a member of the Pharmacy Board.
Reported by Committee on Health and Long-Term Care.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi and Wojahn.

Passed to Committee on Rules.

February 6, 1991

GA 9149 DONALD V. HOBBS, reappointed December 11, 1990, for a term ending January 19, 1995, as a member of the Pharmacy Board.
Reported by Committee on Health and Long-Term Care.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi and Wojahn.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

February 6, 1991

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 1297,
HOUSE BILL NO. 1298,
SUBSTITUTE HOUSE BILL NO. 1301,
SUBSTITUTE HOUSE BILL NO. 1331,
HOUSE JOINT RESOLUTION NO. 4208, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 6, 1991

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4406, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 4406.

INTRODUCTION AND FIRST READING

SB 5559 by Senators Nelson, Madsen, Matson, Thorsness and Rasmussen

AN ACT Relating to residential landlord-tenant duties; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Law and Justice.

SB 5560 by Senators McDonald, Owen, Craswell and Niemi

AN ACT Relating to enforcement of cigarette and tobacco statutes; amending RCW 66.28.090, 66.44.010, 66.44.370, 82.24.010, 82.24.027, 82.24.030, 82.24.040, 82.24.050, 82.24.070, 82.24.090, 82.24.110, 82.24.120, 82.24.130, 82.24.135, 82.24.145, 82.24.180, 82.24.190, 82.24.210, 82.24.230, 82.24.250, 82.24.510, 82.24.520, 82.24.550, 82.24.560, 82.26.010, 82.26.050, 82.26.060, 82.26.080, 82.26.090, 82.26.110, and 82.26.120; adding new sections to chapter 82.24 RCW; adding a new section to chapter 82.26 RCW; adding a new section to chapter 82.32 RCW; creating new sections; repealing RCW 82.24.260; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5561 by Senators Erwin, Thorsness, Hansen, Anderson, Johnson, McMullen, Sellar, Bluechel, von Reichbauer, Nelson and A. Smith

AN ACT Relating to driving on multilane highways; amending RCW 46.61.100; and creating a new section.

Referred to Committee on Transportation.

SB 5562 by Senators Erwin, Vognild, Thorsness, Nelson and Johnson

AN ACT Relating to the use of reserved lanes on multilane highways; amending RCW 46.61.165; and creating a new section.

Referred to Committee on Transportation.

SB 5563 by Senator Erwin

AN ACT Relating to purchase of Martha lake park; creating new sections; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 5564 by Senators Erwin, Thorsness, Johnson, von Reichbauer, Snyder, Nelson and A. Smith

AN ACT Relating to increasing the use of van pools; adding a new section to chapter 47.20 RCW; creating a new section; and making an appropriation.

Referred to Committee on Transportation.

SB 5565 by Senators Erwin, Rinehart, Bailey, Murray, Talmadge, Metcalf, A. Smith, Pelz, Anderson, Craswell, Oke and von Reichbauer

AN ACT Relating to programs for students with learning problems; amending RCW 28A.630.050 and 28A.630.060; adding a new section to chapter 28A.630 RCW; and creating a new section.

Referred to Committee on Education.

SB 5566 by Senators Rasmussen, Johnson, Owen, Vognild, Moore, Bluechel, Barr and Sellar

AN ACT Relating to allowable provisions in construction contracts; and amending RCW 4.24.115.

Referred to Committee on Law and Justice.

SB 5567 by Senators West, Murray, Saling, L. Kreidler and Bailey (by request of Department of Health)

AN ACT Relating to tobacco control; amending RCW 82.24.520 and 82.24.530; adding a new chapter to Title 70 RCW; adding a new section to chapter 43.20 RCW; adding a new section to chapter 82.24 RCW; adding a new section to chapter 82.26 RCW; adding a new section to chapter 43.70 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5568 by Senators Roach, Stratton, Talmadge, L. Smith, Pelz, Bailey, Gaspard, Vognild, Williams, Skratek, Murray, Newhouse, McMullen, Matson, Bauer, West, L. Kreidler, A. Smith, Wojahn, Moore, Rinehart and Snyder

AN ACT Relating to hunger and nutrition; adding new sections to chapter 74.04 RCW; adding new sections to Title 28A RCW; creating new sections; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Children and Family Services.

SB 5569 by Senators Hansen, Patterson, Stratton, Bauer, Vognild, Bailey, Barr, Moore, Skratek, Amondson, Rasmussen, Wojahn, Conner and von Reichbauer

AN ACT Relating to hazardous waste; amending RCW 70.105.010; and adding a new section to chapter 70.105 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5570 by Senators Rasmussen, Matson, Nelson, Thorsness and Stratton

AN ACT Relating to invalidated local laws; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; and prescribing penalties.

Referred to Committee on Governmental Operations.

SB 5571 by Senators Thorsness, Rasmussen, Matson and Nelson

AN ACT Relating to damages from governmental actions affecting real property rights; amending RCW 64.40.010 and 64.40.020; and repealing RCW 64.40.030.

Referred to Committee on Law and Justice.

SB 5572 by Senators Nelson, Rasmussen, Matson, Thorsness and Stratton

AN ACT Relating to administrative searches; adding a new section to Title 4 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 5573 by Senators Pelz and Williams

AN ACT Relating to nuclear projects at Satsop; and adding a new section to chapter 80.50 RCW.

Referred to Committee on Energy and Utilities.

SJM 8009 by Senators Hayner and Jesernig

Requesting Congress to create a HAMMER training center at Hanford.

Referred to Committee on Energy and Utilities.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1297 by Representatives Wang, Nelson, Horn, Phillips, Fraser, Heavey, Rust, Brumsickle, Leonard, Belcher, Haugen, Winsley, Jacobsen, Ferguson, Morris, Spanel, Appelwick, O'Brien, H. Sommers, Franklin, Wineberry, Dorn, Cooper, R. King, Jones, Pruitt, H. Myers, Ogden, Bray, Cole, Roland, Basich, Hine, Scott and Anderson

Providing temporary property tax relief for low-income homeowners.

Referred to Committee on Ways and Means.

HB 1298 by Representatives Wang, Holland, Nelson, Phillips, Fraser, Brumsickle, Rust, Ballard, Leonard, Horn, Haugen, May, Heavey,

Ferguson, Jacobsen, O'Brien, Morris, Winsley, Appelwick, H. Sommers, Dorn, Belcher, Van Luven, Morton, Locke, Brekke, Pruitt, Spanel, Wineberry, Kremen, Cooper, Betrozoff, Jones, Franklin, Dellwo, H. Myers, Ogden, Bray, Cole, Roland, Basich, Scott and Anderson)

Providing property tax exemptions for low-income homeowners.

Referred to Committee on Ways and Means.

SHB 1301 by Committee on Revenue (originally sponsored by Representatives Wang, Holland, Fraser, Horn, Rust, Brumsickle, Leonard, Ballard, Nelson, Heavey, Haugen, Winsley, Jacobsen, May, Morris, Ferguson, Appelwick, Phillips, H. Sommers, Belcher, Locke, Pruitt, Franklin, Spanel, Van Luven, Cooper, Wineberry, H. Myers, Bray, Scott and Anderson)

Improving property tax administrative practices.

Referred to Committee on Governmental Operations.

SHB 1313 by Committee on Revenue (originally sponsored by Representatives Fraser, Brumsickle, Phillips, Jones and Scott)

Modifying qualifications for senior citizen property tax relief.

Referred to Committee on Ways and Means.

HJR 4208 by Representatives Wang, Holland, Nelson, Phillips, Fraser, Brumsickle, Rust, Ballard, Leonard, Ferguson, Haugen, Horn, Morris, Heavey, May, Jacobsen, O'Brien, Appelwick, Winsley, H. Sommers, Dorn, Belcher, Van Luven, Morton, Kremen, Locke, Brekke, Pruitt, Spanel, Wineberry, Paris, Cooper, Betrozoff, Jones, Franklin, Dellwo, H. Myers, Ogden and Anderson

Amending the Constitution to allow the legislature to grant low-income property owners relief from owner occupied residences.

Referred to Committee on Ways and Means.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Environment and Natural Resources was relieved of further consideration of Senate Bill No. 5253.

On motion of Senator Newhouse, Senate Bill No. 5253 was referred to the Committee on Agriculture.

On motion of Senator Newhouse, the Committee on Transportation was relieved of further consideration of Senate Bill No. 5478.

On motion of Senator Newhouse, Senate Bill No. 5478 was referred to the Committee on Environment and Natural Resources.

On motion of Senator Newhouse, the Committee on Ways and Means was relieved of further consideration of Senate Joint Resolution No. 8220.

On motion of Senator Newhouse, Senate Joint Resolution No. 8220 was referred to the Committee on Governmental Operations.

MOTION

At 12:04 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, February 8, 1991.

JOEL PRITCHARD, President of the Senate
GORDON GOLOB, Secretary of the Senate.

TWENTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 8, 1991

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Craswell, Johnson, Matson, McCaslin, Moore, Oke, Owen, Patterson and Rinehart. On motion of Senator Anderson, Senators Craswell, Johnson, Matson, McCaslin, Oke and Patterson were excused. On motion of Senator Murray, Senators Moore, Owen and Rinehart were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jobe Tichy and Kurtis Criddle. Reverend Randal Burtis, pastor of the Neighborhood Christian Center of Tumwater, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 5, 1991

SB 5032 Prime Sponsor, Senator Conner: Restricting the use of chlorofluorocarbons. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5032 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Conner, Owen, Patterson, and Sutherland.

Referred to Committee on Ways and Means.

February 5, 1991

SB 5055 Prime Sponsor, Senator Rasmussen: Providing for a certificate of completion for certain hazardous waste clean-up. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5055 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, and Sutherland.

Passed to Committee on Rules for second reading.

February 5, 1991

SB 5102 Prime Sponsor, Senator Metcalf: Allowing an increased penalty for violations involving big game and endangered species. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5102 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Barr, Conner, Owen, and Sutherland.

Passed to Committee on Rules for second reading.

February 5, 1991

SB 5118 Prime Sponsor, Senator Anderson: Requiring the department of fisheries to operate a food fish violations toll-free hotline. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5118 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

February 6, 1991

SB 5196 Prime Sponsor, Senator West: Allowing nondisclosure of trade information by the health care authority and state employees benefits board. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5196 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1991

SB 5263 Prime Sponsor, Senator Owen: Regulating underground storage tanks. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5263 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, and Sutherland.

Passed to Committee on Rules for second reading.

February 7, 1991

SB 5310 Prime Sponsor, Senator L. Smith: Limiting actions to enforce tax liability for other states' income tax. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Matson, and Sutherland.

Passed to Committee on Rules for second reading.

February 6, 1991

SCR 8401 Prime Sponsor, Senator Metcalf: Resolving to commend and encourage the media for environmental information. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 5574 by Senators Niemi and McDonald

AN ACT Relating to business and occupation tax exemptions for nonprofit hospitals; amending RCW 82.04.4289; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5575 by Senators Murray, Rinehart, Snyder, Vognild, Sutherland, Madsen, Skratek, L. Kreidler, Wojahn, A. Smith and Bauer

AN ACT Relating to urban hazardous waste prevention; adding new sections to chapter 70.105 RCW; creating new sections; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 5576 by Senators West and Niemi (by request of Department of Health)

AN ACT Relating to veterinary medicine; amending RCW 18.92.015 and 18.92.145; and adding a new section to chapter 18.92 RCW.

Referred to Committee on Agriculture and Water Resources.

SB 5577 by Senators West and Niemi (by request of Department of Health)

AN ACT Relating to the board of medical examiners; amending RCW 18.71.015; and adding a new section to chapter 18.71 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5578 by Senators A. Smith, Moore, Murray, Skratek, McMullen and Sutherland

AN ACT Relating to continuing education requirements for electricians; and amending RCW 19.28.550.

Referred to Committee on Commerce and Labor.

SB 5579 by Senator McCaslin

AN ACT Relating to special levies for school nurses; and amending RCW 84.52.053 and 84.52.0531.

Referred to Committee on Education.

SB 5580 by Senators Anderson, Bailey, L. Smith, McCaslin, Wojahn and A. Smith

AN ACT Relating to community-based child care resource and referral agencies; amending RCW 74.13.0903; adding a new section to chapter 74.13 RCW; creating a new section; and making an appropriation.

Referred to Committee on Children and Family Services.

SB 5581 by Senators Anderson, Murray, Pelz, McCaslin, McMullen, Moore, Craswell, Bailey, L. Smith and A. Smith

AN ACT Relating to local community development; amending RCW 41.06.072; adding new sections to chapter 43.63A RCW; creating a new section; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 5582 by Senators A. Smith and Talmadge

AN ACT Relating to disabled persons; amending RCW 9.94A.270, 9A.36.080, 18.29.056, 18.59.020, 18.59.040, 19.27.170, 20.01.330, 26.33.350, 26.40.010, 26.40.020, 26.40.030, 26.44.020, 27.04.030, 27.04.045, 28A.26.040, 28A.150.220, 28A.150.260, 28A.150.280, 28A.150.370, 28A.150.390, 28A.155.020, 28A.155.010, 28A.155.030, 28A.155.040, 28A.155.050, 28A.155.060, 28A.155.070, 28A.155.080, 28A.155.090, 28A.160.040, 28A.160.160, 28A.160.180, 28A.190.030, 28A.310.190, 28A.320.080, 28A.330.100, 28A.400.030, 28A.505.190, 28A.525.030, 28A.525.162, 28A.545.100,

28A.630.050, 28A.630.190, 28A.630.400, 28B.04.120, 28B.07.010, 28B.20.410, 28B.20.414, 29.19.010, 29.51.200, 29.57.010, 29.57.090, 29.57.120, 29.57.140, 29.57.160, 35.58.240, 35.68.075, 35.68.076, 35.86A.010, 35.86A.070, 35.92.060, 36.57.040, 36.57A.090, 39.23.005, 39.32.010, 41.26.030, 43.19.520, 43.20A.635, 43.20A.725, 43.24.090, 43.31.512, 43.99C.010, 43.99C.015, 43.99C.020, 43.99C.040, 43.99C.047, 43.99C.050, 43.180.070, 43.220.070, 46.74.010, 47.01.071, 47.04.170, 48.01.035, 48.20.420, 48.21.150, 48.30.300, 48.30.320, 48.41.140, 48.44.200, 48.44.210, 48.44.220, 48.44.260, 48.46.320, 48.46.370, 48.46.380, 49.12.110, 49.60.010, 49.60.020, 49.60.030, 49.60.120, 49.60.130, 49.60.174, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.222, 49.60.223, 49.60.224, 49.60.225, 49.74.005, 50.12.210, 51.08.030, 56.08.014, 57.08.014, 66.24.425, 70.58.300, 70.58.310, 70.82.010, 70.82.030, 70.84.010, 70.84.080, 70.106.110, 71A.10.020, 71A.10.040, 71A.12.010, 71A.12.020, 72.04A.120, 72.05.010, 72.05.130, 72.29.010, 72.40.040, 72.70.010, 74.09.524, 74.12.290, 74.13.031, 74.13.095, 74.13.109, 74.13.150, 74.13.270, 74.13.310, 74.18.010, 74.18.060, 74.18.130, 74.26.010, 74.29.005, 74.29.010, 74.29.020, 74.29.080, 74.29.100, 74.38.070, 75.25.110, 75.25.180, 75.25.200, 77.12.010, 77.32.230, 77.32.235, 79.90.460, 81.66.010, 81.68.015, 82.04.355, 82.16.047, 82.36.285, 82.38.080, 82.44.015, 82.44.041, 82.80.030, 84.36.350, and 84.36.353; and reenacting and amending RCW 19.27.031, 49.60.040, 49.60.215, 74.09.520, and 82.04.385.

Referred to Committee on Governmental Operations.

SB 5583 by Senators Anderson, McMullen, Moore, L. Smith and Oke (by request of Department of Trade and Economic Development)

AN ACT Relating to the child care facility fund; and amending RCW 43.31.502.

Referred to Committee on Commerce and Labor.

SB 5584 by Senators Newhouse, Vognild, Nelson, Hansen, Thorsness, Owen and Bailey

AN ACT Relating to eliminating joint and several liability for noneconomic damages; amending RCW 4.22.070; and creating a new section.

Referred to Committee on Law and Justice.

SB 5585 by Senators West, Stratton, McCaslin and Saling

AN ACT Relating to licenses to sell liquor in motels; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce and Labor.

SB 5586 by Senators McCaslin, Sutherland and Roach (by request of Military Department)

AN ACT Relating to technical corrections to the code governing the state militia; and amending RCW 38.04.010, 38.12.200, 38.16.030, 38.24.010,

38.38.132, 38.38.260, 38.38.404, 38.38.564, 38.40.110, 38.44.020, 38.44.030, 38.44.040, 38.44.050, and 38.44.060.

Referred to Committee on Governmental Operations.

SB 5587 by Senators McCaslin, Sutherland and Roach (by request of Military Department)

AN ACT Relating to the Washington state defense force; and amending RCW 38.04.010, 38.04.030, 38.12.095, 38.12.125, 38.12.170, 38.12.180, 38.14.006, 38.14.012, 38.14.018, 38.14.024, 38.14.030, 38.14.036, 38.16.015, 38.16.040, and 38.16.050.

Referred to Committee on Governmental Operations.

SB 5588 by Senators West, Johnson and L. Kreidler

AN ACT Relating to continuity of nursing care in nursing homes; amending RCW 74.46.481; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5589 by Senators West and L. Kreidler

AN ACT Relating to the regulation of nursing pools providing temporary nursing services to nursing homes certified under Titles XVIII and XIX of the federal social security act; amending RCW 74.46.020; adding a new section to chapter 74.46 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5590 by Senators von Reichbauer and Pelz (by request of State Investment Board)

AN ACT Relating to the administration of the state investment board; and amending RCW 43.33A.030 and 43.33A.100.

Referred to Committee on Financial Institutions and Insurance.

SB 5591 by Senators Metcalf, Amondson, A. Smith and Roach

AN ACT Relating to the reduction of solid waste through recycling; amending RCW 70.95C.120, 43.155.020, 70.93.020, 70.93.030, 70.93.130, 70.93.150, and 70.93.180; adding new sections to chapter 43.131 RCW; adding new sections to chapter 70.95C RCW; adding a new section to chapter 43.168 RCW; adding a new section to chapter 70.93 RCW; adding a new section to chapter 82.18 RCW; adding new chapters to Title 70 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 43.160.077; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 5592 by Senators McDonald, Owen, Sellar and Roach

AN ACT Relating to purchasing services by contract; amending RCW 28B.16.040, 28B.16.240, and 41.06.380; adding a new section to chapter 43.19 RCW; adding a new section to chapter 28B.16 RCW; and creating a new section.

Referred to Committee on Commerce and Labor.

SJM 8010 by Senators Metcalf and Conner

Opposing the relicensing of the Elwha river dams.

Referred to Committee on Environment and Natural Resources.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9007, Robert "Mac" Crow, as a member of the Board of Regents for Washington State University, was confirmed.

APPOINTMENT OF ROBERT "MAC" CROW

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused; 9.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, L. Kreidler, Madsen, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 40.

Excused: Senators Craswell, Johnson, Matson, McCaslin, Moore, Oke, Owen, Patterson, Rinehart - 9.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9008, Richard Davis, as a member of the Board of Regents for Washington State University, was confirmed.

APPOINTMENT OF RICHARD DAVIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, L. Kreidler, Madsen, Matson,

McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 41.

Absent: Senator L. Smith - 1.

Excused: Senators Craswell, Johnson, McCaslin, Moore, Oke, Owen, Patterson - 7.

SECOND READING

SENATE BILL NO. 5075, by Senators Nelson, Talmadge, von Reichbauer, Erwin and Skratek

Creating a committee to study the Washington condominium act.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5075 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5075.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5075 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Craswell, Moore, Oke, Owen - 4.

SENATE BILL NO. 5075, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5041, by Senators Sellar, Owen, Patterson, West, Vognild, Bauer and Thorsness

Permitting motorcyclists to use Washington state patrol approved audio headsets and earphones.

The bill was read the second time.

MOTION

On motion of Senator Sellar, the rules were suspended, Senate Bill No. 5041 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senator Bill No. 5041.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5041 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Craswell, Moore, Oke, Owen - 4.

SENATE BILL NO. 5041, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5009, by Senators Barr, Newhouse, Bailey, Anderson and Hansen

Changing record keeping and posting requirements for pesticide use.

The bill was read the second time.

MOTIONS

On motion of Senator Barr, the following amendment by Senators Barr and Hansen was adopted:

On page 4, line 13, after "area" insert "scheduled"

On motion of Senator Barr, the rules were suspended, Engrossed Senate Bill No. 5009 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5009.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5009 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Craswell, Moore, Oke, Owen - 4.

ENGROSSED SENATE BILL NO. 5009, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator McDonald was excused.

SECOND READING

SENATE BILL NO. 5047, by Senators Bauer, McCaslin, Sutherland, L. Smith, Moore, Snyder, Niemi and Wojahn

Designating a state tartan.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5047 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Conner: "Mr. President, I would like to ask Senator Bauer a question. I note where you say that this particular tartan is associated with Pacific Scottish and Irish Clans and yet you are going to have this authorized with the Scottish Tartan Society in Scotland and you don't say anything about the Irish who are part of it."

Senator Bauer did not respond.

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bauer, I am not sure, even though I want Secretary of State Munro to wear the proper kilts and tartans, would this be what you would call using our brains too much? We might be insulting some of the nations that might be buying Washington apples that may have their own colors and designs. This is a serious question. I know you don't wear kilts very often, but by declaring that this is the Washington State authorized tartan, I am wondering.

"My question is if we would be--not defaming somebody--but giving the wrong impression to all the other countries of the world that we do business with and export, too, regardless of what business they are engaged in. That is my question. I don't think it is particularly good that we just designate one country--Scotchs and Irish--and as Senator Conner raised the question, you are not registering it all over, you are just registering it with the Scots--the Scottish Tartan Society. Those are very fine people, I agree with you, but I don't think we should be designating a certain item as a state item. We usually designate something within this state. Unless you can give me a satisfactory answer, I presume I will vote 'no,' and I don't know if everybody will vote 'yes,' but I think it is a bad precedent."

Senator Bauer: "I will try to convince you, Senator, and that may be impossible, but this individual, Fred van Nus, says that he is a Scottish country dancer and a member of The Friendship Force who will be wearing this tartan as a kilt, tie or golf trousers on his visits to countries and states. The Washington State Tartan has the possibility of helping to further international relations, so I think the overall objective of it is to improve international relations to all countries. I believe it is for a good objection, Senator."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5047.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5047 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Murray, Nelson, Newhouse, Niemi, Patterson, Pelz, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 42.

Voting nay: Senators Metcalf, Rasmussen - 2.

Excused: Senators Craswell, McDonald, Moore, Oke, Owen - 5.

SENATE BILL NO. 5047, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5109, by Senators West, Amondson, Moore, Stratton, McCaslin and L. Kreidler

Removing the six-month limit on filling prescriptions written by an authorized prescriber not licensed by this state.

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, Senate Bill No. 5109 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5109.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5109 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Craswell, McDonald, Moore, Oke, Owen - 5.

SENATE BILL NO. 5109, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5031, by Senators Nelson, Madsen, Thorsness, Talmadge, Rasmussen, Oke, Gaspard, A. Smith, Snyder, Wojahn, and Johnson (by request of Attorney General)

Creating a crime stoppers assistance office.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5031 was substituted for Senate Bill No. 5031 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5031 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5031.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5031 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Craswell, Moore, Oke, Owen - 4.

SUBSTITUTE SENATE BILL NO. 5031, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:51 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:33 a.m. by Vice President Pro Tempore Bluechel.

MOTION

On motion of Senator Newhouse, the Senate reverted to the third order of business.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

February 1, 1991

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

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

Benjamin L. Watson, appointed February 1, 1991, for a term ending December 26, 1991, as a member of the Board of Pilotage Commissioners.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

February 7, 1991

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

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

Roberta J. Greene, appointed February 7, 1991, for a term ending September 30, 1993, as a member of the Board of Trustees for Spokane Community College District No. 17.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

MOTION

On motion of Senator Newhouse the Senate returned to the first order business.

REPORTS OF STANDING COMMITTEES

February 7, 1991

SB 5062 Prime Sponsor, Senator Nelson: Designating availability of utilities on recorded plats. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5062 be substituted therefor, and the substitute bill do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Nelson, Patterson, Roach, Stratton, and Williams.

Passed to Committee on Rules for second reading.

February 7, 1991

SB 5201 Prime Sponsor, Senator L. Smith: Providing for transitional living services for minors. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5201 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, and Stratton.

Referred to Committee on Ways and Means.

February 7, 1991

SB 5214 Prime Sponsor, Senator West: Revising provisions for nursing facilities. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Referred to Committee on Ways and Means.

February 7, 1991

SB 5351 Prime Sponsor, Senator Saling: Regulating sick leave for exempt higher education employees. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Jesernig, Skratek, Stratton, and von Reichbauer.

Passed to Committee on Rules for second reading.

MOTION

At 11:36 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, February 11, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

TWENTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 11, 1991

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Hayner, McCaslin, Owen, Pelz, Rinehart, Talmadge and West. On motion of Senator Anderson, Senators Hayner and McCaslin were excused. On motion of Senator Murray, Senators Owen, Pelz, Rinehart, Talmadge and Williams were excused.

The Sergeant at Arms Color Guard, consisting of Eagle Scouts Dustin Mead and Michael Farthing, presented the Colors. Reverend Hendrick Laur, pastor of the Gull Harbor Lutheran Church of Olympia, offered the prayer.

MOTION

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

INTRODUCTION OF SPECIAL GUEST

The President introduced Eagle Scout Tyler DeLane, one of many Boy Scouts in the capitol today to give the annual report on scouting to Governor Gardner.

With permission of the Senate, business was suspended to permit Eagle Scout DeLane to address the Senate.

The President introduced other Eagle Scouts and Boy Scouts seated in the gallery.

REPORTS OF STANDING COMMITTEES

February 8, 1991

SB 5004 Prime Sponsor, Senator L. Kreidler: Permitting certified public records from other states to be admissible evidence. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

February 8, 1991

SB 5045 Prime Sponsor, Senator Madsen: Providing for investigation of consumer complaints regarding drinking water quality. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5045 be substituted therefor, and the substitute bill do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

February 7, 1991

SB 5049 Prime Sponsor, Senator Madsen: Simplifying disposal of abandoned junk vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Hansen, Madsen, McMullen, Oke, Sellar, Skratek, Snyder, and Vognild.

Passed to Committee on Rules for second reading.

February 8, 1991

SB 5097 Prime Sponsor, Senator Barr: Redefining agricultural nuisances. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5097 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

February 8, 1991

SB 5098 Prime Sponsor, Senator Barr: Extending the coverage of processor liens. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5098 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

February 8, 1991

SB 5111 Prime Sponsor, Senator Madsen: Directing money received by inmates, for testifying, into the victims compensation account. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

February 5, 1991

SB 5181 Prime Sponsor, Senator Oke: Changing provisions relating to technological and vocational education. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5181 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Referred to Committee on Ways and Means.

February 7, 1991

SB 5241 Prime Sponsor, Senator Newhouse: Providing for public hospital district chaplains. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, and Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators L. Kreidler and Niemi.

Passed to Committee on Rules for second reading.

February 8, 1991

SB 5275 Prime Sponsor, Senator Nelson: Lowering necessary age difference for child molestation in first degree. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

February 7, 1991

SB 5311 Prime Sponsor, Senator McMullen: Exempting bare-boat charter boats from the provisions of the charter boat safety act. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Erwin, Hansen, Madsen, McMullen, Oke, Sellar, Skratek, Snyder, and Vognild.

Passed to Committee on Rules for second reading.

February 8, 1991

SB 5317 Prime Sponsor, Senator Saling: Establishing the center for sustaining agriculture and natural resources, and the food and environmental quality laboratory as research and extension programs of Washington State University. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5317 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Referred to Committee on Ways and Means.

February 8, 1991

SB 5357 Prime Sponsor, Senator Barr: Directing that criteria be established designating individuals or water purveyors as satellite system management agencies. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5357 be substituted therefor, and the substitute bill do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 11, 1991

GA 9017 GEORGE W. JOHNSON, reappointed April 18, 1990, for a term ending April 15, 1995, as a member of the Indeterminate Sentence Review Board. Reported by the Committee on Law and Justice.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules.

February 11, 1991

GA 9047 KAYE ADKINS, reappointed January 16, 1990, for a term ending April 15, 1994, as a member of the Indeterminate Sentence Review Board.

Reported by the Committee on Law and Justice.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules.

February 11, 1991

GA 9059 DAVID L. CARLSON, reappointed January 16, 1990, for a term ending April 15, 1994, as a member of the Indeterminate Sentence Review Board.

Reported by the Committee on Law and Justice.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504

February 7, 1991

The Honorable Gordon Golob
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504

Dear Secretary Golob:

The Department of Ecology is pleased to transmit the final Washington State Solid Waste Management Plan. Ecology was directed to prepare this plan under ESHB 1671, the "Waste Not Washington Act."

This State Solid Waste Management Plan was developed cooperatively, and in a spirit of goodwill, by representatives of the private sector, government

and citizens. This effort reflects the importance and achievability of the new priorities for solid waste management established by ESHB 1671.

The State Plan establishes goals for the next twenty years for managing solid waste in Washington. Recommendations are made for action by state and local government, by citizens, by the private sector and by the Legislature, that will help move the state toward these goals. Implementing the recommendations and moving toward the proper management of solid waste will require additional resources at the state and local level, as well as a commitment of additional time and resources by citizens and the private sector.

The State Plan recognizes several key concepts:

Decreasing waste generation per capita over the next twenty years is achievable. Society must shift from dealing with the problem of waste disposal, to avoiding the production of waste in the first place. This is the type of sustainable thinking needed for the 21st century.

There is a need to educate all citizens, including the public and private sectors, in ways to reduce waste and recycle.

There is a critical need to focus more attention on improving waste reduction and recycling of the commercial waste stream. The commercial sector is strongly encouraged to achieve this through its own initiatives.

It will be possible to meet a 50% recycling goal by 1995 if all citizens and businesses in Washington are actively involved in recycling and waste reduction and if markets for recyclable materials are established and reliable.

The public needs to be involved earlier, more effectively and more completely in solid waste management planning and implementation.

The State Solid Waste Management Plan has identified achievable goals and recommends ways to reach these goals. To meet these goals will take effort and involvement from all sectors of Washington State.

As you know, our state is a nationally recognized leader in recycling. Your passage of the "Waste Not Washington Act" provides the necessary goals and policy direction for Washington to assume the role of national leader in waste reduction as well.

If you have any questions about this plan, please contact me or Ellen Caywood in the Solid and Hazardous Waste Program (206-438-7605).

Sincerely,
Christine O. Gregoire
Director

The Select Committee Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE HOUSE

February 8, 1991

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4408, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 8, 1991

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4409, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 8, 1991

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 1096, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 8, 1991

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 1013,
SUBSTITUTE HOUSE BILL NO. 1109, and the same are
herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5593 by Senators Craswell, Rasmussen, Bailey, Conner, Metcalf, Anderson, Stratton, Oke, Erwin, L. Smith and McCaslin

AN ACT Relating to private schools; amending RCW 28A.195.010, 28A.195.030, and 28A.195.060; and adding a new section to chapter 28A.195 RCW.

Referred to Committee on Education.

SB 5594 by Senators Moore, Murray, Skratek, Vognild, Pelz and A. Smith

AN ACT Relating to providing for arbitration in public transportation labor negotiations; amending RCW 35.58.265, 36.57.090, and 36.57A.120; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Commerce and Labor.

SB 5595 by Senators McCaslin, Sutherland and Madsen

AN ACT Relating to rights of public utility customers in unincorporated areas; reenacting and amending RCW 35.92.010; adding a new section to chapter 35.92 RCW; adding a new section to chapter 35.21 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 5596 by Senator Sellar

AN ACT Relating to the definition of newspaper for purposes of sales tax exemption; and amending RCW 82.08.0253.

Referred to Committee on Ways and Means.

SB 5597 by Senators West, Snyder, Barr and Jesernig

AN ACT Relating to rural hospital services; and creating new sections.

Referred to Committee on Health and Long-Term Care.

SB 5598 by Senators Bluechel, Skratek and Thorsness

AN ACT Relating to international relations and protocol; amending RCW 43.31.145; adding a new chapter to Title 43 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5599 by Senators Talmadge, Moore and Williams

AN ACT Relating to the Washington civil rights act; amending RCW 49.60.010, 49.60.030, 49.60.120, 49.60.170, 49.60.222, 49.60.225, 49.60.226, 49.60.240, 49.60.250, 28B.110.050, 48.21.160, and 71A.10.040; reenacting and amending RCW 49.60.040 and 49.60.215; adding a new section to chapter 49.60 RCW; and adding a new section to chapter 43.10 RCW.

Referred to Committee on Law and Justice.

SB 5600 by Senators Matson, Madsen and Johnson

AN ACT Relating to voting by mail; amending RCW 29.36.120, 29.36.122, 29.36.126, 29.36.130, 29.36.130, 29.36.139, 29.36.150, and 29.10.180; adding a new section to chapter 29.36 RCW; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 5601 by Senators Cantu, McDonald and Bluechel (by request of State Convention and Trade Center and Office of Financial Management)

AN ACT Relating to the state convention and trade center; amending RCW 67.40.045 and 67.40.090; amending 1990 c 181 s 4 (uncodified); making an appropriation; and declaring an emergency.

Referred to Committee Ways and Means.

SB 5602 by Senators McDonald, Craswell, Owen, Niemi, Matson, Jesernig, L. Smith and Barr (by request of Trade and Economic Development and Office of Financial Management)

AN ACT Relating to timber impact areas; amending RCW 43.160.010 and 43.160.020; and adding a new section to chapter 43.160 RCW.

Referred to Committee on Commerce and Labor.

SB 5603 by Senators McDonald, Craswell, McCaslin and Niemi (by request of Office of Financial Management and Secretary of State)

AN ACT Relating to legal advertising of state measures; and amending RCW 29.27.072 and 29.27.074.

Referred to Committee on Governmental Operations.

SB 5604 by Senators Metcalf, McDonald, Craswell and Niemi (by request of Office of Financial Management)

AN ACT Relating to imposing fees for certain forest practices; amending RCW 76.09.010, 76.09.040, 76.09.050, and 76.09.060; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 5605 by Senators McDonald, Craswell, Niemi and Sutherland (by request of Washington Basic Health Plan and Office of Financial Management)

AN ACT Relating to coordination of the basic health plan with medical assistance; amending RCW 70.47.030, 70.47.060, and 70.47.110; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5606 by Senators McDonald, Craswell and Niemi (by request of Washington Basic Health Plan and Office of Financial Management)

AN ACT Relating to coordination of the basic health plan with medical assistance; amending RCW 70.47.030, 70.47.060, and 70.47.110; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5607 by Senators McDonald, Craswell and Niemi (by request of Office of Financial Management and Secretary of State)

AN ACT Relating to nonprofit corporation fees; amending RCW 24.03.405 and 24.06.450; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5608 by Senators McDonald, Craswell and Niemi (by request of Department of Ecology and Office of Financial Management)

AN ACT Relating to municipal water discharge permit fees; and amending RCW 90.48.465.

Referred to Committee on Environment and Natural Resources.

SB 5609 by Senators McDonald, Craswell and Niemi (by request of Department of Fisheries, Department of Wildlife and Office of Financial Management)

AN ACT Relating to imposing fees for hydraulic permits issued for construction projects in state waters; adding a new section to chapter 75.20 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 5610 by Senators McDonald, Craswell and Rinehart (by request of Office of Financial Management)

AN ACT Relating to the content of budget documents; amending RCW 43.88.030; and adding a new section to chapter 43.88 RCW.

Referred to Committee on Ways and Means.

SB 5611 by Senators Matson, Patterson, Snyder and Conner

AN ACT Relating to a tax on the rental of fleet vehicles; amending RCW 82.44.010; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Transportation.

SB 5612 by Senators Bluechel, Snyder, Metcalf and Stratton (by request of Department of Natural Resources)

AN ACT Relating to natural resources conservation areas; amending RCW 79.71.010, 79.71.020, 79.71.030, 79.71.050, 79.71.060, 79.71.070, 79.71.080, 79.71.090, and 43.84.090; creating a new section; and repealing RCW 79.71.110.

Referred to Committee on Environment and Natural Resources.

SB 5613 by Senators Matson, Moore, McCaslin, McMullen, Snyder, Bauer, Vognild, Sutherland, Thorsness, Johnson and Hansen

AN ACT Relating to pawnbrokers and second-hand dealers; amending RCW 19.60.010, 19.60.020, 19.60.040, 19.60.045, 19.60.050, 19.60.055, 19.60.060, 19.60.061, 19.60.062, and 19.60.066; adding a new section to chapter 19.60 RCW; and adding a new section to chapter 10.19 RCW.

Referred to Committee on Commerce and Labor.

SB 5614 by Senators Hansen, Barr and Bailey

AN ACT Relating to state control of noxious weeds and mosquitos; amending RCW 17.28.010, 17.10.010, and 43.88.180; and creating a new section.

Referred to Committee on Agriculture and Water Resources.

SB 5615 by Senators Matson, Bauer, Hayner, Sutherland, Saling, McCaslin, West, Vognild, Jesernig and L. Smith

AN ACT Relating to vehicle dealer licensing; and amending RCW 46.70.041.

Referred to Committee on Commerce and Labor.

SB 5616 by Senators Metcalf, Snyder, Bluechel, Bailey and McMullen (by request of Commissioner of Public Lands and Governor Gardner)

AN ACT Relating to forest lands; amending RCW 76.09.050, 76.09.060, 43.21C.037, 76.09.020, 76.09.040, 76.09.070, 90.58.150, 4.24.210, 7.48.300, 7.48.305, 7.48.310, 76.09.330, 84.33.100, 84.34.300, 84.34.310, 84.34.320, 84.34.330, 84.34.340, 84.34.360, 84.34.370, 84.34.380, 76.09.240, 76.09.170, 76.09.180, 76.09.230, 76.09.080, and 76.04.005; adding a new section to chapter 76.01 RCW; adding new sections to chapter 76.09 RCW; adding a new section to chapter 82.45 RCW; adding new sections to chapter 84.33 RCW; adding a new chapter to Title 76 RCW; creating new sections; prescribing penalties; making appropriations; providing an expiration date; providing an effective date; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 5617 by Senators Sutherland and Skratek

AN ACT Relating to the public disclosure commission; and amending RCW 42.17.170.

Referred to Committee on Law and Justice.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1013 by Representatives Zellinsky, Ferguson, Haugen, Horn, Roland, Wood and Mitchell

Changing provisions relating to newly incorporated cities and towns.

Referred to Committee on Governmental Operations.

HB 1096 by Representatives Winsley, Nelson, Ballard, Wineberry, Mitchell, Franklin, Leonard, Ogden, Riley, Roland, Jones and Sheldon

Increasing the fine for failing to install smoke detectors.

Referred to Committee on Commerce and Labor.

SHB 1109 by Committee on Education (originally sponsored by Representatives Jones, Peery, Brough, Jacobsen, Miller, Brumsickle, Rasmussen, Betzoff, Pruitt, G. Fisher, Phillips, Valle, Holland, Dorn, Roland, Dellwo, Braddock, Cole, Sprenkle, R. King, Winsley, Ferguson, Riley, Vance, Wineberry, Scott, Broback, Leonard, R. Johnson, Ludwig, Silver, H. Myers, Cooper and Brekke)

Creating a task force on children of substance abusers.

Referred to Committee on EDUCATION.

HCR 4408 by Representatives Hine, Prince and Day

Establishing the "Legislative Old Timers" Reunion.

HOLD.

HCR 4409 by Representatives O'Brien, Wineberry, Locke, Prince, Phillips, Kremen, Day, Jones, Ballard, Anderson, Hine, Wang, Ebersole, Rasmussen, Jacobsen, Orr, Hargrove, Basich, Sheldon, Ludwig, Roland, R. Meyers, R. King, Morris, H. Myers, Bray, Valle, Grant, Spanel, R. Fisher, Pruitt, Fraser, Riley, May, Bowman, Ferguson, D. Sommers, Winsley, Horn, Wynne, Moyer, Edmondson, Franklin, Brumsickle, Sprenkle, Chandler, Leonard and Haugen

Acknowledging Senator George Fleming upon his retirement from the legislature.

HOLD.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4408 and House Concurrent Resolution No. 4409 were advanced to second reading and placed on the second reading calendar.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4408, by Representatives Hine, Prince and Day

Establishing the "Legislative Old Timers" reunion.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4408 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4408.

House Concurrent Resolution No. 4408 was adopted by voice vote.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4409, by Representatives O'Brien, Wineberry, Locke, Prince, Phillips, Kremen, Day, Jones, Ballard, Anderson, Hine, Wang, Ebersole, Rasmussen, Jacobsen, Orr, Hargrove, Basich, Sheldon, Ludwig, Roland, R. Meyers, R. King, Morris, H. Myers, Bray, Valle, Grant, Spanel, R. Fisher, Pruitt, Fraser, Riley, May, Bowman, Ferguson, D. Sommers, Winsley, Horn, Wynne, Moyer, Edmondson, Franklin, Brumsickle, Sprenkle, Chandler, Leonard and Haugen

Acknowledging Senator George Fleming upon his retirement from the legislature.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4409 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Senators Newhouse, Gaspard and Rasmussen spoke to House Concurrent Resolution No. 4409.

POINT OF INQUIRY

Senator Rasmussen: "Senator Newhouse, I see my name is on the resolution, but many other Senators aren't. I wondered if the Senators names could be put on the resolution, also, without making it an amendment?"

Senator Newhouse: "Yes, Senator Rasmussen. Any member, for an hour or two after session, may go to the desk and add their name to anything introduced on that particular day."

Senator Rasmussen: "Thank you, that wasn't clear when we have a resolution with all the names on it here. I would like to have my name be added, Mr. President, and I always want to add a word of warning that we do not abolish the job that the Governor is finally considering George Fleming for. I read in the paper where he is in line for the Liquor Board and I understand the Governor is trying to abolish the Liquor Board and I don't know---that is walking on both sides of the street. But, anyway the resolution is very appropriate and I wish to have my name added to it. Thank you, Mr. President."

Senator Newhouse: "Mr. President, in reviewing the measure before us I find that it is a House Concurrent Resolution, Senator Rasmussen, and we are unable to add our names as sponsors to that resolution. However, I believe we did pass something the other day honoring Senator Fleming which all members could have been involved on."

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4409.

House Concurrent Resolution No. 4409 was adopted by voice vote.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9009, Dr. Daniel Deane, as a member of the Board of Trustees for Big Bend Community College District No. 18, was confirmed.

APPOINTMENT OF DR. DANIEL DEANE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 42.

Excused: Senators Hayner, McCaslin, Owen, Pelz, Rinehart, Talmadge, Williams - 7.

MOTION

On motion of Senator Oke, Gubernatorial Appointment No. 9013, Jerry K. Ficklin, as a member of the Puget Sound Water Quality Authority, was confirmed.

APPOINTMENT OF JERRY K. FICKLIN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 41.

Absent: Senator Patterson - 1.

Excused: Senators Hayner, McCaslin, Owen, Pelz, Rinehart, Talmadge, Williams - 7.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9015, Dr. Richard Graham, as a member of the Board of Trustees for Lower Columbia Community College District No. 13, was confirmed.

APPOINTMENT OF DR. RICHARD GRAHAM

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 42.

Excused: Senators Hayner, McCaslin, Owen, Pelz, Rinehart, Talmadge, Williams - 7.

SECOND READING

SENATE BILL NO. 5104, by Senators Moore, Amondson, and Metcalf

Revising pilot examinations.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5104 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5104.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5104 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused - 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 43.

Excused: Senators Hayner, Owen, Pelz, Rinehart, Talmadge, Williams - 6.

SENATE BILL NO. 5104, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5371, by Senators Matson, Rasmussen, Erwin, Thorsness, Oke, Craswell, Stratton and Wojahn

Allowing retired physicians to provide medical services to low-income persons.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5371 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5371.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5371 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 6; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Oke, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 37.

Voting nay: Senators L. Kreidler, Madsen, Murray, Niemi, Skratek, A. Smith - 6.

Excused: Senators Hayner, Owen, Pelz, Rinehart, Talmadge, Williams - 6.

SENATE BILL NO. 5371, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5027, by Senators Nelson, Rasmussen and Thorsness

Raising the jurisdictional limit for small claims departments to five thousand dollars.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5027 was substituted for Senate Bill No. 5027 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5027 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5027.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5027 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 2; Absent, 1; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Thorsness, Vognild, von Reichbauer, West - 40.

Voting nay: Senators Conner, Wojahn - 2.

Absent: Senator Sutherland - 1.

Excused: Senators Hayner, Owen, Pelz, Rinehart, Talmadge, Williams - 6.

SUBSTITUTE SENATE BILL NO. 5027, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5037, by Senators Anderson, Conner, Newhouse, Hansen, Bailey and Barr

Coordinating activities relating to registration of plant protection products for minor crop uses.

The bill was read the second time.

MOTION

On motion of Senator Barr, the rules were suspended, Senate Bill No. 5037 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5037.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5037 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Hayner, Owen, Pelz, Rinehart, Talmadge - 5.

SENATE BILL NO. 5037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Due to my participation in a Seattle legislative delegation meeting on education, I missed the votes on Gubernatorial Appointment No. 9009, Gubernatorial Appointment No. 9013, Gubernatorial Appointment No. 9015, Senate Bill No. 5104, Senate Bill No. 5371, Substitute Senate Bill No. 5027 and Senate Bill No. 5037.

I would have voted 'aye' on all except Senate Bill No. 5371.

SENATOR PHIL TALMADGE, 34th District

SECOND READING

SENATE BILL NO. 5068, by Senators Nelson, Rasmussen, Bailey, Metcalf, Erwin, Oke, Craswell, McCaslin, Thorsness and Sellar

Changing provisions relating to vehicular offenses.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5068 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "In the case you gave, Senator McMullen, are you referring to a case where a drunk driver comes across the road and hits you and you haven't been drinking at all, because the way I understand it is that this law only applies if you are arrested for DWI? That is the only time--you are already violating the law in order to have this kick in. I think that the case that you made would not be true unless you were found later to have been driving while under the influence."

Senator McMullen: "You have pin pointed exactly my problem with this bill. It says under Subsection 8, if you have the bill in front of you, that if a person dies and you are arrested while driving under the influence of intoxicating liquor, you can go after them, but it also says if you are arrested for driving with disregard for the safety of others, therefore the tail light being out, the burden of proof is on you to prove that you didn't kill that drunk driver. It doesn't limit itself only to drunk drivers. It has to be a fleeing felon that crosses the center line to meet your car. If that person dies and you have a tail light out, under this statute, if the prosecutor chose to charge you, you have the burden of proof, so we have gone too far. You have made my point precisely."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5068.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5068 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Hayner, Jesernig, Johnson, Madsen, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Stratton, Sutherland, Thorsness, von Reichbauer, West - 30.

Voting nay: Senators Conner, Gaspard, Hansen, L. Kreidler, Matson, McMullen, Moore, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Snyder, Talmadge, Vognild, Williams, Wojahn - 18.

Excused: Senator Owen - 1.

SENATE BILL NO. 5068, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Murray, Senator Hansen was excused.

SECOND READING

SENATE BILL NO. 5141, by Senator McCaslin

Accelerating changes to five-member boards of county commissioners.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5141 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5141.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5141 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Hansen, Owen - 2.

SENATE BILL NO. 5141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5008, by Senators Bluechel, Gaspard, Hayner, Snyder, Matson, Vognild, Cantu, McMullen, von Reichbauer, Nelson, McDonald, Barr, Sellar, Bailey, Moore, Conner and Bauer

Establishing the Pacific Northwest Economic Region.

MOTIONS

On motion of Senator Bluechel, Substitute Senate Bill No. 5008 was substituted for Senate Bill No. 5008 and the substitute bill was placed on second reading and read the second time

On motion of Senator Bluechel, the rules were suspended, Substitute Senate Bill No. 5008 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5008.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5008 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Hansen, Owen - 2.

SUBSTITUTE SENATE BILL NO. 5008, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Commerce and Labor was relieved of further consideration of Senate Bill No. 5560.

On motion of Senator Newhouse, Senate Bill No. 5560 was referred to the Committee on Ways and Means.

MOTION

At 11:27 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Tuesday, February 12, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

THIRTIETH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, February 12, 1991
 The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 11, 1991

SB 5102 Prime Sponsor, Senator Metcalf: Allowing an increased penalty for violations involving big game and endangered species. Reported by Committee on Rules

MAJORITY recommendation: That the bill be referred to Committee on Ways and Means. Signed by Senators Craswell, Vice Chairman; Amondson, Anderson, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, McMullen, Newhouse, Rasmussen, Sellar, L. Smith, Snyder, Vognild, Williams, and Wojahn.

Referred to Committee on Ways and Means.

February 7, 1991

SB 5251 Prime Sponsor, Senator Nelson: Revising regulation of motor vehicle wreckers. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5251 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Hansen, Madsen, McMullen, Oke, Sellar, Skratek, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

February 11, 1991

SB 5277 Prime Sponsor, Senator Cantu: Preventing termination of the small business export finance assistance center. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Madsen, Chairman; Bluechel, McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

February 8, 1991

SB 5346 Prime Sponsor, Senator Nelson: Defining the crime of communication with a minor for immoral purposes. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5346 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

February 11, 1991

SB 5364 Prime Sponsor, Senator Roach: Authorizing the state board of education to review public school siting decisions. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; and Madsen.

Passed to Committee on Rules for second reading.

February 11, 1991

SB 5436 Prime Sponsor, Senator Matson: Eliminating the real estate excise tax for the acquisition of conservation areas. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen, and Sutherland.

Passed to Committee on Rules for second reading.

February 7, 1991

SB 5495 Prime Sponsor, Senator Talmadge: Establishing pilot facilities for the long-term care of children. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, Stratton.

Referred to Committee on Ways and Means.

JOURNAL OF THE SENATE
MESSAGES FROM THE HOUSE

February 11, 1991

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 1400, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 11, 1991

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 1071, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5618 by Senators Matson and Madsen (by request of Secretary of State)

AN ACT Relating to voter registration; amending RCW 29.07.160; and adding a new section to chapter 29.07 RCW.

Referred to Committee on Governmental Operations.

SB 5619 by Senators McCaslin and Madsen (by request of Secretary of State)

AN ACT Relating to filing fees for candidates; amending RCW 29.18.050 and 29.15.050; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Governmental Operations.

SB 5620 by Senators McCaslin and Madsen (by request of Secretary of State)

AN ACT Relating to election costs; amending RCW 29.13.047; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 5621 by Senators Matson and Madsen (by request of Secretary of State)

AN ACT Relating to the confidentiality of initiative, referendum, and recall petitioners; adding a new section to chapter 29.79 RCW; and adding a new section to chapter 29.82 RCW.

Referred to Committee on Governmental Operations.

SB 5622 by Senators Madsen and Conner

AN ACT Relating to motor vehicle licenses for members of the armed forces; amending RCW 46.16.460, 46.16.480, and 46.16.490; and declaring an emergency.

Referred to Committee on Transportation.

SB 5623 by Senators Thorsness, Niemi, Talmadge, Metcalf and Sutherland.

AN ACT Relating to sentencing of offenders; amending RCW 7.69.020, 7.69.030, 9.94A.110, 9.94A.120, 9.94A.390, 13.40.150, 13.40.190, 9.94A.030, 9.94A.040, and 72.09.050; reenacting and amending RCW 9.94A.380; adding new sections to chapter 9.94A RCW; adding a new section to chapter 13.40 RCW; adding a new section to chapter 72.09 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5624 by Senators Craswell, Conner and Metcalf

AN ACT Relating to the protection of the food fish resource; amending RCW 75.20.100 and 75.20.130; adding new sections to chapter 75.20 RCW; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 5625 by Senators Newhouse, Rinehart, Patterson and Pelz (by request of Department of Community Development)

AN ACT Relating to appropriations for projects recommended by the public works board; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5626 by Senators McMullen, Amondson and Snyder (by request of Washington Hardwoods Commission)

AN ACT Relating to the hardwood commission; amending RCW 15.74.030 and 15.74.060; adding a new section to chapter 15.74 RCW; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 5627 by Senators Erwin, Johnson and Sellar

AN ACT Relating to motor fuel testing; amending 1990 c 298 s 31 (uncodified); creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Transportation.

SB 5628 By Senators Barr and Hansen

AN ACT Relating to crop liens for handlers; and amending RCW 60.11.010, 60.11.020, 60.11.030, 60.11.040, 60.11.050, 60.11.130, 60.11.140, and 62A.9-310.

Referred to Committee on Agriculture and Water Resources.

SB 5629 by Senators Bailey, Conner, Metcalf, Patterson, McCaslin, Hansen, Bauer, Anderson, Barr, Vognild, McMullen, Madsen, Rasmussen and Newhouse

AN ACT Relating to acts committed against animal facilities; amending RCW 9.08.065; adding new sections to chapter 9.08 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Agriculture and Water Resources.

SB 5630 by Senators McCaslin, Madsen and Nelson (by request of Department of Wildlife)

AN ACT Relating to permits or licenses issued by the department of wildlife, department of fisheries, or the state parks and recreation commission; and amending RCW 4.24.210.

Referred to Committee on Environment and Natural Resources.

SB 5631 by Senators West, Niemi and Johnson

AN ACT Relating to administrative requirements for osteopathic medicine and surgery; amending RCW 18.57.001, 18.57.003, 18.57.020, 18.57.040, 18.57.050, 18.57.080, and 18.57.145; adding new sections to chapter 18.57 RCW; and repealing RCW 18.57.085.

Referred to Committee on Health and Long-Term Care.

SB 5632 by Senators West, Niemi and Johnson

AN ACT Relating to ocularists; amending RCW 18.55.020, 18.55.040, 18.55.050, and 18.55.060; and adding new sections to chapter 18.55 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5633 by Senator West

AN ACT Relating to the definition of employment agency; and amending RCW 19.31.020.

Referred to Committee on Commerce and Labor.

SB 5634 by Senators Cantu, Bailey and A. Smith

AN ACT Relating to sterilization and infection control in dentists' offices; amending RCW 18.32.725; and adding a new section to chapter 18.32 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5635 by Senator West

AN ACT Relating to advanced registered nurse practitioners; amending RCW 18.88.010, 18.88.080, 18.88.160, 18.88.175, 18.88.220, 18.88.280, 18.88.285, 18.120.020, 18.130.040, 48.21.141, 48.44.290, 69.41.030, 69.45.010, 70.127.250, 71.05.210, 74.42.010, and 74.42.230; reenacting and amending RCW 69.41.010 and 69.50.101; adding new sections to chapter 18.88 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5636 by Senator Talmadge

AN ACT Relating to nonunion port employees compensation; and amending RCW 53.08.170.

Referred to Committee on Governmental Operations.

SB 5637 by Senator Conner

AN ACT Relating to gambling taxes; and amending 9.46.110.

Referred to Committee on Commerce and Labor.

SB 5638 by Senator Conner

AN ACT Relating to gambling taxes; and amending RCW 9.46.110.

Referred to Committee on Commerce and Labor.

SB 5639 by Senators Cantu, Snyder, Anderson, Bluechel, Madsen, Barr, Sutherland, Johnson, Bauer, Bailey, Roach, A. Smith, Thorsness and Conner

AN ACT Relating to the small business export finance assistance center; amending RCW 43.210.030; reenacting and amending RCW 43.210.050; adding new sections to chapter 43.210 RCW; adding new sections to chapter 43.131

RCW; creating new sections; repealing RCW 43.131.325 and 43.131.326; making an appropriation; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5640 by Senators Craswell, Rasmussen, Bailey, McDonald, Cantu and Thorsness

AN ACT Relating to alternate teacher certification; and adding new sections to chapter 28A.410 RCW.

Referred to Committee on Education.

SB 5641 by Senator Murray

AN ACT Relating to teachers' retirement credit; and amending RCW 41.32.260.

Referred to Committee on Ways and Means.

SB 5642 by Senators McDonald, Niemi, Craswell and Pelz (by request of Office of Financial Management and Department of Social and Health Services)

AN ACT Relating to class IV human immunodeficiency virus insurance programs; and amending RCW 70.24.440.

Referred to Committee on Ways and Means.

SB 5643 by Senator McCaslin

AN ACT Relating to internal audits by state agencies and institutions; and adding a new chapter to Title 43 RCW.

Referred to Committee on Governmental Operations.

SB 5644 by Senators Nelson, Rasmussen, Thorsness, A. Smith and Madsen

AN ACT Relating to adult entertainment businesses; amending RCW 7.48A.010 and 7.48A.040; adding a new chapter to Title 18 RCW; adding a new section to chapter 43.43 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 5645 by Senators Thorsness and Williams

AN ACT Relating to liability of handlers of low-level radioactive waste; and amending RCW 43.200.210 and 70.98.095.

Referred to Committee on Energy and Utilities.

SB 5646 by Senators Saling and West

AN ACT Relating to snowmobiles; and amending RCW 46.10.090.

Referred to Committee on Law and Justice.

SB 5647 by Senators Nelson, McMullen and Patterson (by request of Legislative Transportation Committee)

AN ACT Relating to regulation of steamboat operators; amending RCW 47.60.120, 81.84.010, 81.84.020, and 81.84.030; and adding new sections to chapter 81.84 RCW.

Referred to Committee on Transportation.

SB 5648 by Senator Moore

AN ACT Relating to condominiums; adding a new section to chapter 64.34 RCW; and declaring an emergency.

Referred to Committee on Law and Justice.

SJM 8011 by Senators Thorsness, Jesernig, Patterson, Erwin and Metcalf

Requesting that the United States Department of Energy maintain its commitment to the Tri-Party agreement.

Referred to the Committee on Energy and Utilities.

SJR 8222 by Senators Roach and Madsen (by request of Secretary of State)

Clarifying voter qualifications.

Referred to Committee on Governmental Operations.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1071 by Representatives Anderson, McLean, R. Fisher, Moyer, Dorn, Chandler, Sheldon, Bowman, Winsley, Broback, Edmondson, Paris, Holland, D. Sommers, May, Wynne, Brumsickle, Nealey, Miller, P. Johnson, Casada, Wood, Forner and Mitchell

Changing provisions relating to the appointment of precinct election officers.

Referred to Committee on Governmental Operations.

HB 1400 by Representatives Morton, Grant, Fuhrman, Bray, Sprengle, Morris, Chandler, Paris, Rasmussen, McLean, Forner and Rayburn (by request of Department of Health)

Modifying grant criteria for rural health care projects.

Referred to Committee on Health and Long-Term Care.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 5521.

On motion of Senator Newhouse, Senate Bill No. 5521 was referred to the Committee on Ways and Means.

MOTION

At 12:02 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, February 13, 1991.

JOEL PRITCHARD, President of the Senate
GORDON GOLOB, Secretary of the Senate.

THIRTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 13, 1991

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators McCaslin and Talmadge. On motion of Senator Anderson, Senator McCaslin was excused. On motion of Senator Murray, Senator Talmadge was excused.

The Sergeant at Arms Color Guard, consisting of Pages Kristi Cookson and Steve Bauml. Reverend Hendrick Laur, pastor of the Gull Harbor Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 7, 1991

SB 5113 Prime Sponsor, Senator Murray: Creating the school pathway and bus stop improvement program. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5113 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Referred to Committee on Ways and Means.

February 7, 1991

SB 5114 Prime Sponsor, Senator Murray: Requiring safety enhancements for student transportation. Reported by Committee on Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Referred to Committee on Ways and Means.

February 7, 1991

SB 5115 Prime Sponsor, Senator Murray: Requiring instruction in pedestrian, bicycle, and school bus safety. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5115 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Murray, Oke, Pelz, A. Smith, and Talmadge.

Referred to Committee on Ways and Means.

February 12, 1991

SB 5260 Prime Sponsor, Senator Thorsness: Regulating certain nonmunicipal water systems. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5260 be substituted therefor, and the substitute bill do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington, 98504

February 12, 1991

Mr. Gordon Golob
Secretary of the Senate
306 Legislative Building
Olympia, WA. 98504

Dear Gordon:

Enclosed is our Report "Our Children Our Future: Children's Statewide Action Plan" to the Legislature as required by Chapter 16, Laws of 1990 E1.

My apologies for the late submission of this report. It was my hope to make this report as comprehensive and responsive as possible. Furthermore, this report's submission at this time is merely coincidental to the introduction of specific legislation and is not intended to be a suggestion for alternative actions.

If you have any questions regarding this report, please contact me at 753-3395.

Sincerely,
RICHARD J. THOMPSON, Secretary

The Select Committee Report is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 5649 by Senator West

AN ACT Relating to the investment of state funds in corporations doing business in Northern Ireland; amending RCW 28B.20.130, 28B.30.150, 28B.35.120, 28B.40.120, 28B.50.090, 35.39.060, 41.40.077, 43.33A.110, 43.33A.140, and 43.84.080; adding a new section to chapter 43.33A RCW; adding a new section to chapter 24.44 RCW; and creating a new section.

Referred to Committee on Financial Institutions and Insurance.

SB 5650 by Senators West, Wojahn, L. Smith, Niemi, Johnson, L. Kreidler, Amondson, Barr, Sutherland and Bauer

AN ACT Relating to community outreach for health; adding new sections to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5651 by Senators Saling, Stratton, West and McCaslin

AN ACT Relating to the scenic river system; amending RCW 79.72.080; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 5652 by Senator McCaslin

AN ACT Relating to the exemption for retail sales tax and use tax of syringes; amending RCW 82.08.0283 and 82.12.0277; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5653 by Senators Roach, Bailey, Stratton, Murray, Talmadge, Vognild, McMullen, Gaspard, Snyder, Wojahn, Johnson, Jesernig, Thorsness and Pelz

AN ACT Relating to child care services for homeless families including families that are homeless due to domestic violence; adding a new section to chapter 74.15 RCW; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Children and Family Services.

SB 5654 by Senators West, Moore, Vognild and Pelz

AN ACT Relating to salaries of community mental health practitioners; and amending RCW 71.24.035 and 71.24.300.

Referred to Committee on Health and Long-Term Care.

SB 5655 by Senators von Reichbauer, Talmadge, Moore and McMullen

AN ACT Relating to unfair discrimination in insurance based upon choice of health care practitioner; amending RCW 48.30.300; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SB 5656 by Senators Newhouse, Matson, Owen, Niemi, Sutherland and McMullen (by request of Department of Community Development and Office of Financial Management)

AN ACT Relating to the public works board; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Commerce and Labor.

SB 5657 by Senators Thorsness, Rinehart, Johnson, Amondson, A. Smith and Erwin

AN ACT Relating to family-school partnerships; amending RCW 28A.605.020 and 28A.405.100; adding new sections to chapter 28A.605 RCW; creating a new section; and making appropriations.

Referred to Committee on Education.

SB 5658 by Senator West (by request of Department of Health)

AN ACT Relating to confidentiality of driver records; and adding a new section to chapter 18.72 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5659 by Senators Talmadge and McDonald

AN ACT Relating to the automated client eligibility system; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5660 by Senators Rinehart and Bluechel

AN ACT Relating to tuition waivers for graduate students pursuing degrees in music; adding a new section to chapter 28B.15 RCW; and creating a new section.

Referred to Committee on Higher Education.

SB 5661 by Senators McDonald, A. Smith and Bluechel

AN ACT Relating to the business and occupation taxation of payments and contributions to nonprofit corporations by public entities; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 5662 by Senators Anderson and Barr

AN ACT Relating to prevailing wage; and amending RCW 39.12.020.

Referred to Committee on Commerce and Labor.

SB 5663 by Senator Rasmussen

AN ACT Relating to county vehicle license fees; and repealing RCW 82.80.020.

Referred to Committee on Transportation.

SB 5664 by Senators L. Smith and Stratton

AN ACT Relating to reviews of complaints against the department of social and health services; amending RCW 74.13.300; and adding new sections to chapter 74.13 RCW.

Referred to Committee on Children and Family Services.

SB 5665 by Senators L. Smith, Stratton and Craswell

AN ACT Relating to dependent children; amending RCW 13.34.020, 13.34.120, 13.34.145, and 13.34.190; reenacting and amending RCW 13.34.130; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Children and Family Services.

SB 5666 by Senators Rasmussen, Metcalf, Snyder, Hansen, Patterson, Bauer, von Reichbauer, Barr and Thorsness

AN ACT Relating to protecting salmon and steelhead; amending RCW 75.08.012 and 77.12.240; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SJM 8012 by Senators Talmadge, Conner, Metcalf, Thorsness, McMullen, Oke and Craswell

Petitioning the United States state department to appeal to British Columbia to stem the flow of raw sewage into the strait of Juan de Fuca.

Referred to Committee on Environment and Natural Resources.

SJR 8223 by Senators Rasmussen and Anderson

Amending the Constitution to prohibit income tax.

Referred to Committee on Ways and Means.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the 1991 Washington State Apple Blossom royalty and appointed Senators Sellar, Hansen, Erwin, Gaspard and Roach to escort the honored guests to the rostrum.

The President introduced the Apple Blossom Queen, Holly Lane, and Princesses Shanna Grant and Fabiola Barbosa.

With permission of the Senate, business was suspended to permit Queen Holly to address the Senate.

The committee escorted the special guests from the Senate Chamber and the committee was discharged.

PERSONAL PRIVILEGE

Senator Barr: "A point of personal privilege, Mr. President. The young folks from Mukilteo, I think, deserve special attention. They testified in front of the Environment and Natural Resources Committee this morning on recycling. All the lobbyists and all the Senators in the room took a good lesson from them and the way they conducted themselves. It was just admirable and we want to give them special thanks and recognition for doing this."

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9018, Susan M. Johnson, as a member of the Board of Trustees for Shoreline Community College District No. 7, was confirmed.

APPOINTMENT OF SUSAN M. JOHNSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 46.

Voting nay: Senator West - 1.

Excused: Senators McCaslin, Talmadge - 2.

MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9022, Annette S. McGee, as a member of the Pollution Control Shorelines Hearings Board, was confirmed.

Senator Owen spoke to the confirmation of Annette McGee to the Pollution Control Shorelines Hearings Board.

APPOINTMENT OF ANNETTE S. MCGEE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators McCaslin, Talmadge - 2.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9032, Frank R. Sanchez, as a member of the Board of Trustees for Central Washington University, was confirmed.

APPOINTMENT OF FRANK R. SANCHEZ

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators McCaslin, Talmadge - 2.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9034, Norm Schut, as a member of the Board of Trustees for South Puget Sound Community College District No. 24, was confirmed.

Senator Stratton spoke to the confirmation of Norm Schut as a member of the Board of Trustees for South Puget Sound Community College District No. 24.

APPOINTMENT OF NORM SCHUT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators McCaslin, Talmadge - 2.

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9036, Mark E. Soelling, as a member of the Western State Hospital Advisory Board, was confirmed.

APPOINTMENT OF MARK E. SOELLING

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators McCaslin, Talmadge - 2.

MOTION

On motion of Senator Newhouse, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1991-8601

By Senators Bluechel, Cantu, Johnson, Sellar, Vognild, Anderson, Newhouse, Amondson, Hayner, Craswell, Conner, Bailey, L. Kreidler, Wojahn, A. Smith, Oke, L. Smith, Skratek, McCaslin, Saling, Patterson, Metcalf, Roach, Bauer, Snyder, Rasmussen, Williams, McMullen, Gaspard, Talmadge, Madsen, Pelz, Rinehart, Murray and von Reichbauer

WHEREAS, The University of Washington's Husky football team has brought national recognition and honor to the state of Washington with its victory in the 1991 Rose Bowl; and

WHEREAS, The individual and team achievements of the 1990 Husky players will be forever a golden mark commemorating the Huskies' centennial year; and

WHEREAS, The Huskies' 46-34 victory over the University of Iowa Hawkeyes set a record for the most points ever scored by a winning team since 1949; and

WHEREAS, The skill of Coach Don James' leadership, and the support of his wife Carol, was demonstrated by this third Rose Bowl victory in his career at the University of Washington; and

WHEREAS, Mark Brunnell's Most Valuable Player performance with one hundred sixty-three yards passing and four touchdowns places him in league with such other great Husky quarterbacks as Warren Moon and Bob Schloredt; and

WHEREAS, The game-breaking blocked punt by freshman Andy Mason, the two interceptions by Charles Mincy, and the return of twelve starters to the squad next year, portend such national recognition next year that was so well-deserved this year--the best team in the nation; and

WHEREAS, The courage and determination of running back Greg Lewis, in recovering from knee surgery, to gain one hundred twenty-eight yards in the Rose Bowl victory will be a standard for all Husky running backs to come; and

WHEREAS, The strength and power of the Husky offensive line led by team co-captain, Dean Kirkland, produced four hundred and eight offensive yards; and

WHEREAS, The leadership and outstanding play of defensive captains, Chico Fraley and Travis Richardson, were demonstrated by the Husky defense's play which produced five sacks of Iowa's quarterback, four interceptions, and one recovered fumble, and brought the near collapse of the Hawkeyes' tricky offense;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington honor the 1990 University of Washington Husky football team and Coach Don James; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Secretary of the Senate to Coach Don James and the entire 1991 Husky Rose Bowl Team.

Senators Bluechel, von Reichbauer and Gaspard spoke to Senate Resolution 1991-8601.

INTRODUCTION OF SPECIAL GUEST

The President introduced University of Washington Husky Football Coach, Don James, who was seated on the rostrum.

With permission of the Senate, business was suspended to permit Coach James to address the Senate.

MOTION

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

SENATE RESOLUTION 1991-8611

By Senator Madsen

WHEREAS, Marc Kempf has distinguished himself as Canada's "equestrian ambassador"; and

WHEREAS, Mr. Kempf left Montreal, Quebec, on July 16, 1989, on horseback with a pack horse; and

WHEREAS, Mr. Kempf arrived in Vancouver, British Columbia, on November 9, 1990, and proceeded into the United States; and

WHEREAS, Mr. Kempf will be visiting every capitol in the United States with his message of environmental awareness and the joys and benefits of horseback riding and packing; and

WHEREAS, Mr. Kempf has demonstrated his own superior horsemanship throughout Canada and will be following much of the Centennial wagon train route on his travels in Washington State;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby honors Marc Kempf as a peerless example of the initiative and adventure that represent the best of past and future equestrian activities; and

BE IT FURTHER RESOLVED, That the Senate sends its best wishes for a safe and successful journey as Mr. Kempf travels throughout the United States and back to Canada; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this resolution to Marc Kempf as he arrives in Olympia on Wednesday, February 13, 1991.

Senator Madsen spoke to Senate Resolution 1991-8611.

MOTION

On motion of Senator Newhouse, the Senate returned to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Owen, Gubernatorial Appointment No. 9121, Dr. Curtis G. Smitch, as Director of the Department of Wildlife was confirmed.

Senators Owen, Metcalf, Bailey, Oke, von Reichbauer, Rasmussen, Amondson, Sutherland, Thorsness and Linda Smith spoke to the appointment of Dr. Smitch as Director of the Department of Wildlife.

APPOINTMENT OF DR. CURTIS G. SMITCH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Bluechel, Conner, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Murray, Niemi, Owen, Patterson, Pelz, Rinehart, Saling, Sellar, Skratek, A. Smith, Snyder, Stratton, Sutherland, Vognil, von Reichbauer, West, Williams, Wojahn - 30.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Cantu, Craswell, Erwin, Hayner, Metcalf, Moore, Nelson, Newhouse, Oke, Rasmussen, Roach, L. Smith, Thorsness - 17.

Excused: Senators McCaslin, Talmadge - 2.

SECOND READING

SENATE BILL NO. 5032, by Senators Talmadge and Nelson

Providing expenses for defending against frivolous court actions.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5023 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5023.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5023 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling,

Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Talmadge - 1.

SENATE BILL NO. 5023, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Murray, Senator Madsen was excused.

SECOND READING

SENATE BILL NO. 5020, by Senator L. Smith

Changing per diem compensation for certain local officials.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5020 was substituted for Senate Bill No. 5020 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5020 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5020.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5020 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Madsen, Talmadge - 2.

SUBSTITUTE SENATE BILL NO. 5020, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5082, by Senators Bauer, L. Smith and Oke

Requiring licenses for professional salmon fishing guides.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5082 was substituted for Senate Bill No. 5082 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5082 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5082.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5082 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Madsen, Talmadge - 2.

SUBSTITUTE SENATE BILL NO. 5082, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Due to a speech on children's services before the Washington Council on Crime and Delinquency in Seattle, I missed the votes on Gubernatorial Appointment No. 9018, Gubernatorial Appointment No. 9022, Gubernatorial Appointment No. 9032, Gubernatorial Appointment No. 9034, Gubernatorial Appointment No. 9036, Gubernatorial Appointment No. 9121, Senate Bill No. 5023, Substitute Senate Bill No. 5020 and Substitute Senate Bill No. 5082.

I would have voted 'aye' on each.

SENATOR PHIL TALMADGE, 34th District

PERSONAL PRIVILEGE

Senator Oke: "Mr. President, I rise to a point of personal privilege. I am truly honored to stand here before you. Being in the back of the room, I will keep my place. I have seen tradition--and we changed a good one--we've gone from the cigar to what is now cupcakes and cookies. I look at the robust appearances and I think we need to change that tradition.

"What I have in front of you--and if you will pay attention to the little yellow piece of paper with this cup in front of you--and inside that cup there is a little acorn. That little acorn will grow sturdy and tall in the years to

come. I likewise, from the back of this room would like to grow sturdy and tall for you.

"There are planting instructions in the last paragraph of that yellow piece of paper. We gave you a planting tool--a little stick. You need to go in about an inch and a half and put that acorn in there and you shall see it sprout. This will strongly encourage wildlife in the outdoors, etc.

"I want to express appreciation to Rob Cavanaugh who provided these acorns and a special moment to my family and staff who put this together for me. I thank you for your time and I thank you for putting up with my voice on this microphone."

MOTION

On motion of Senator Newhouse the Senate returned to the first order business.

REPORTS OF STANDING COMMITTEES

February 12, 1991

SB 5209 Prime Sponsor, Senator Vognild: Revising provisions relating to the legislative transportation committee. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Hansen, Madsen, McMullen, Oke, Skratek, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

February 12, 1991

SB 5367 Prime Sponsor, Senator Patterson: Concerning the transport of recovered materials. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Hansen, Madsen, McMullen, Oke, Skratek, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

February 12, 1991

SB 5434 Prime Sponsor, Senator Patterson: Repealing certain regulatory authority over railroads. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr,

Conner, Erwin, Hansen, Madsen, McMullen, Oke, Skratek, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Higher Education was relieved of further consideration of Senate Bill No. 5505.

On motion of Senator Newhouse, Senate Bill No. 5505 was referred to the Committee on Education.

On motion of Senator Newhouse, the Committee on Environment and Natural Resources was relieved of further consideration of Senate Bill No. 5445.

On motion of Senator Newhouse, Senate Bill No. 5445 was referred to the Committee on Ways and Means.

MOTION

At 11:48 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, February 14, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

THIRTY-SECOND DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 14, 1991

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 13, 1991

SB 5026 Prime Sponsor, Senator Nelson: Authorizing preparation of a plan to merge lists of voters and persons issued driver's licenses. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5026 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

February 13, 1991

SB 5065 Prime Sponsor, Senator Nelson: Allowing a child's statement concerning attempted acts of sexual contact to be admitted in court. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5065 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

February 13, 1991

SB 5150 Prime Sponsor, Senator Nelson: Adjusting campaign finance reporting requirements. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, L. Kreidler, Madsen, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

February 8, 1991

SB 5167 Prime Sponsor, Senator Nelson: Amending the juvenile justice act. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5167 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

February 13, 1991

SB 5280 Prime Sponsor, Senator Nelson: Providing for consumer and business dispute resolution. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5280 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, L. Kreidler, Madsen, Rasmussen, and A. Smith.

Referred to Committee on Ways and Means.

February 13, 1991

SB 5290 Prime Sponsor, Senator Patterson: Defining resident for purposes of obtaining a valid driver's license. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Erwin, Hansen, Madsen, McMullen, Oke, Skratek, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

February 11, 1991

SB 5428 Prime Sponsor, Senator Metcalf: Adopting the Pacific Ocean Resources Compact. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5428 be substituted therefor, and the substitute bill do pass. Signed by Senators

Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Snyder, and Sutherland.

Referred to Committee on Ways and Means.

February 13, 1991

SB 5431 Prime Sponsor, Senator Patterson: Depositing all drivers; license fees in the highway safety fund. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson; Vice Chairman; von Reichbauer, Vice Chairman; Barr, Erwin, Hansen, Madsen, McMullen, Oke, Sellar, Skratek, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

February 13, 1991

SB 5432 Prime Sponsor, Senator Patterson: Funding programs from the public safety and education account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Erwin, Hansen, Madsen, McMullen, Oke, Sellar, Skratek, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

February 13, 1991

SB 5475 Prime Sponsor, Senator Bauer: Authorizing honorary degrees. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Stratton, von Reichbauer, and Jesernig.

Passed to Committee on Rules for second reading.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Olympia, Washington 98504

February 11, 1991

Mr. Gordon Golob
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504

Dear Gordon:

Enclosed is our Report to the Legislature on the Title XIX Personal Care Program, as required by Chapter 427, Laws of 1989.

If you have any questions regarding this report, please contact me at 753-3395.

Sincerely,
RICHARD J. THOMPSON, Secretary

The Select Committee Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE HOUSE

February 13, 1991

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 1024,
HOUSE BILL NO. 1030,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120,
HOUSE BILL NO. 1159,
SUBSTITUTE HOUSE BILL NO. 1401, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 13, 1991

MR. PRESIDENT:

The Speaker has signed:
HOUSE CONCURRENT RESOLUTION NO. 4408,
HOUSE CONCURRENT RESOLUTION NO. 4409, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 4408,
HOUSE CONCURRENT RESOLUTION NO. 4409.

INTRODUCTION AND FIRST READING

SB 5667 by Senators Niemi, West, Vognild, Bailey, Stratton, Saling, McMullen, L. Smith, Skratek and Sutherland

AN ACT Relating to local evaluation and treatment services; and amending RCW 71.24.035 and 71.24.300.

Referred to Committee on Health and Long-Term Care.

SB 5668 by Senator Niemi

AN ACT Relating to adequate compensation for mental health service providers; adding a new section to chapter 71.24 RCW; and making an appropriation.

Referred to Committee on Health and Long-Term Care.

SB 5669 by Senators Niemi and West

AN ACT Relating to housing trust fund priorities for projects submitted by regional support networks; and amending RCW 43.185.010, 43.185.060, 43.185.070, 43.185.080, 43.185.110, and 71.24.300.

Referred to Committee on Health and Long-Term Care.

SB 5670 by Senators Niemi and West

AN ACT Relating to screening and treatment of children for mental health services; amending RCW 71.24.015, 71.24.025, 71.24.035, 71.24.045, and 71.24.300; creating a new section; and repealing RCW 71.24.800.

Referred to Committee on Health and Long-Term Care.

SB 5671 by Senators Niemi, West, L. Smith and Sutherland

AN ACT Relating to including employment services with the range of services offered for community mental health; and amending RCW 71.24.035 and 71.24.045.

Referred to Committee on Health and Long-Term Care.

SB 5672 by Senators Niemi, McDonald, West, L. Smith and Sutherland (by request of Office of Financial Management and Department of Social & Health Services)

AN ACT Relating to antipsychotic medicine; amending RCW 71.05.120, 71.05.130, 71.05.210, and 71.05.370; and adding a new section to chapter 71.05 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5673 by Senators McMullen, Metcalf and Owen

AN ACT Relating to a fish and wildlife work force; adding a new chapter to Title 50 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5674 by Senators McMullen and Metcalf

AN ACT Relating to a fish and wildlife work force; adding a new chapter to Title 50 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5675 by Senators Metcalf, McMullen, Anderson and Bailey

AN ACT Relating to Skagit river salmon; and creating new sections.

Referred to Committee on Environment and Natural Resources.

SB 5676 by Senators Metcalf and A. Smith

AN ACT Relating to oil transmission lines; adding a new section to Title 35 RCW; adding a new section to Title 35A RCW; adding a new section to Title 36 RCW; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SB 5677 by Senators Matson, Vognild, Johnson, Owen and Amondson

AN ACT Relating to oil heat tank pollution liability; and adding a new chapter to Title 70 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 5678 by Senators Thorsness, Madsen, Rasmussen, Hayner, Newhouse, Erwin, A. Smith, L. Kreidler, Williams, Saling, Cantu, Sutherland, Owen, Johnson and Oke

AN ACT Relating to a day of commemoration for the national guard; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 5679 by Senator Bailey

AN ACT Relating to the vacation of county roads; and amending RCW 36.87.130.

Referred to Committee on Transportation.

SB 5680 by Senators Thorsness, Patterson, Williams and Saling

AN ACT Relating to siting of electrical transmission facilities; amending RCW 80.50.020 and 80.50.060; adding a new section to chapter 80.50 RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 5681 by Senators Thorsness, Sutherland, Williams and Saling

AN ACT Relating to geothermal resources; adding a new section to chapter 79.12 RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 5682 by Senators Thorsness, Sutherland, Barr, Williams and Saling

AN ACT Relating to the study of ethanol for supplemental energy production; creating new sections; and making an appropriation.

Referred to Committee on Energy and Utilities.

SB 5683 by Senators West, Wojahn and Johnson (by request of Department of Health)

AN ACT Relating to the practice of pharmacy; amending RCW 18.64.043, 18.64.045, 18.64.046, 18.64.047, 18.64.140, 69.43.010, 69.43.090, 69.45.070, and 69.50.301; and adding a new section to chapter 18.64A RCW.

Referred to Committee on Health and Long-Term Care.

SB 5684 by Senators West, Niemi and Johnson (by request of Department of Health)

AN ACT Relating to licensing nonresident pharmacies; amending RCW 42.17.310; adding new sections to chapter 18.64 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Health and Long-Term Care.

SB 5685 by Senators Snyder and Conner

AN ACT Relating to commercial salmon fishing; amending RCW 75.12.210 and 75.12.230; creating a new section; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 5686 by Senators Vognild, Matson and Newhouse

AN ACT Relating to auctions; amending RCW 18.11.240; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 5687 by Senators Wojahn, Talmadge, Moore and Pelz

AN ACT Relating to disposable diapers; amending RCW 70.95.110, 70.95.185, and 70.95.190; adding a new section to chapter 70.95 RCW; adding a new chapter to Title 70 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 5688 by Senator Talmadge

AN ACT Relating to consumer protection; amending RCW 19.86.010 and 19.86.090; reenacting and amending RCW 43.10.067; adding a new chapter to Title 43 RCW; adding a new section to chapter 19.86 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5689 by Senator Talmadge

AN ACT Relating to consumer protection; and amending RCW 19.86.090.

Referred to Committee on Law and Justice.

SB 5690 by Senators Talmadge and Moore

AN ACT Relating to water use efficiency; and amending RCW 19.27.170.

Referred to Committee on Commerce and Labor.

SB 5691 by Senators Barr, Murray, Gaspard and Snyder (by request of Superintendent of Public Instruction)

AN ACT Relating to school bus replacement for public school districts; amending RCW 28A.160.200; adding new sections to chapter 28A.160 RCW; and providing an effective date.

Referred to Committee on Education.

SJR 8224 by Senators Wojahn, Newhouse and Oke

Authorizing prisoners to work on state correctional facilities.

Referred to Committee on Law and Justice.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1024 by Representatives Zellinsky, Broback, Dellwo, Haugen, Kremen, Day, Wineberry, Mielke, Orr, Inslee, Ebersole, R. Meyers, Paris, Schmidt, May, Edmondson, Van Luven, Sheldon, Pruitt, Winsley, Forner and Anderson

Excluding certain driving record information pertaining to law enforcement officers and fire fighters from abstracts of driving records.

Referred to Committee on Financial Institutions and Insurance.

HB 1030 by Representatives Valle and Heavey

Requiring posting of liquor applications.

Referred to Committee on Commerce and Labor.

ESHB 1120 by Committee on Revenue (originally sponsored by Representatives Roland, Forner, Leonard, Holland, Scott, Valle, Day, O'Brien, Prince, Bowman, R. Meyers, Tate, H. Myers, Hine, Fuhrman, Rayburn, Prentice, Jacobsen, R. King, Chandler, Wilson, Inslee, Wood, Rasmussen, Cooper, R. Johnson, Vance, Sheldon, Morris, Appelwick, Brumsickle, Hochstatter, Van Luven, Paris, Haugen, Kremen, Zellinsky, Edmondson, Brough, Phillips, Lisk, Betzoff, Wynne, Nealey, Miller, Fraser, Wineberry, Sprenkle, Orr, McLean and Anderson)

Modifying disbursement of daily gross receipts in horse racing.

Referred to Committee on Commerce and Labor.

HB 1159 by Representatives Cole, Leonard, Roland, Jacobsen, Rust, Prentice, Ebersole, Phillips, Holland, Scott, R. Fisher, Fraser, Jones, Pruitt, Franklin, Brekke, Sprenkle, R. King, Wood, Basich, Wang, Spanel, Belcher, H. Myers, Appelwick, Orr, Beck, Braddock, Horn, Dellwo, R. Johnson, Morris, Nelson, Miller, Wineberry and Anderson

Requiring the adoption of a policy prohibiting corporal punishment in schools.

Referred to Committee on Education.

SHB 1401 by Committee on Revenue (originally sponsored by Representatives Wang, Wynne, Ballard, D. Sommers, Winsley, Cooper, Vance, Mielke, Van Luven, Moyer, Miller, Brumsickle, Bowman, Horn, Paris, May, Betzoff, Inslee, R. Meyers, Pruitt, Zellinsky, Bray, Franklin, Ogden, Phillips, Valle, H. Myers,

Rasmussen, Fraser, Sprenkle, Heavey, Scott, Tate, Dellwo, Silver, Jacobsen, Hine, Brekke and Peery) (by request of Department of Revenue)

Enacting the Washington taxpayers' rights and responsibilities act.

Referred to Committee on Ways and Means.

MOTION

At 12:03 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, February 15, 1991.

JOEL PRITCHARD, President of the Senate
GORDON GOLOB, Secretary of the Senate.

THIRTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 15, 1991

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Cantu, Craswell, Hansen, McCaslin, Niemi and Snyder. On motion of Senator Anderson, Senators Barr, Cantu, Craswell and McCaslin were excused. On motion of Senator Murray, Senators Hansen, Niemi and Snyder were excused.

The Sergeant at Arms Color Guard, consisting of Pages Chris Johnstone and Eric Soiset, presented the Colors. Reverend Hendrick Laur, pastor of the Gull Harbor Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 13, 1991

SB 5052 Prime Sponsor, Senator Moore: Concerning collection of public debts. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5052 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; L. Kroidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

February 14, 1991

SB 5135 Prime Sponsor, Senator McCaslin: Granting right to a permit for an on-site sewage system under certain conditions. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; and Matson.

Passed to Committee on Rules for second reading.

February 14, 1991

SB 5139 Prime Sponsor, Senator McCaslin: Changing provisions relating to incorporation elections. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Matson.

Passed to Committee on Rules for second reading.

February 13, 1991

SB 5165 Prime Sponsor, Senator Nelson: Revising references that are incorrect as a result of the creation of the department of health under chapter 9, Laws of 1989 1st ex.s. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

February 13, 1991

SB 5170 Prime Sponsor, Senator Snyder: Changing the number of district judges. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

February 14, 1991

SB 5391 Prime Sponsor, Senator Thorsness: Authorizing the utilities and transportation commission to appoint persons to do emergency adjudications. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

February 14, 1991

SB 5448 Prime Sponsor, Senator Owen: Changing procedures for public utility district elections. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

February 14, 1991

SB 5477 Prime Sponsor, Senator Conner: Authorizing veterans' benefits for Women's Air Force Service Pilots and Merchant Marines. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Matson.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 5692 by Senators L. Smith, Stratton and Pelz

AN ACT Relating to the restriction of advertisements of tobacco and alcoholic products; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 5693 by Senators Conner, Rasmussen, Bauer, Snyder, McMullen, Hansen and Moore

AN ACT Relating to earth day; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SB 5694 by Senators Wojahn, West and McMullen

AN ACT Relating to the licensing of dental hygienists; amending RCW 18.29.021, 18.29.045, 18.29.050, 18.29.060, and 18.29.130; and adding new sections to chapter 18.29 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5695 by Senators Barr, Anderson, McMullen, Matson and Johnson

AN ACT Relating to prosecuting attorneys; amending RCW 36.17.020; and creating new sections.

Referred to Committee on Law and Justice.

SB 5696 by Senators Conner, Thorsness, Vognild, Rasmussen, Murray, Amondson, Stratton, Bauer, Moore, Snyder, L. Kreidler, Gaspard, Skratek, Madsen, A. Smith, McMullen, Hansen, Wojahn, Williams, Owen, Sutherland, Roach, Jesernig, Johnson and Oke

AN ACT Relating to Washington citizens serving in the Middle East conflict; adding new sections to chapter 43.60A RCW; adding new sections to chapter 43.131 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5697 by Senators Bailey, Rinehart and Gaspard (by request of Superintendent of Public Instruction)

AN ACT Relating to student motivation programs; amending RCW 28A.175.010; adding new sections to chapter 28A.175 RCW; repealing RCW 28A.175.060 and 28A.175.080; making an appropriation; and declaring an emergency.

Referred to Committee on Education.

SB 5698 by Senators Bauer, Craswell, Rinehart, von Reichbauer and Skratek (by request of Superintendent of Public Instruction and State Board of Education)

AN ACT Relating to K-12 education personnel training and recruitment; amending RCW 28A.415.010 and 28A.405.450; adding new sections to chapter 28A.415 RCW; creating new sections; recodifying RCW 28A.305.260, 28A.305.270, and 28A.405.450; repealing RCW 28A.410.140 and 28A.625.420; and making an appropriation.

Referred to Committee on Education.

SB 5699 by Senators Owen and Conner

AN ACT Relating to leasehold excise taxes; and amending RCW 82.29A.020, 82.29A.130, and 82.29A.060.

Referred to Committee on Ways and Means.

SB 5700 by Senators Matson, Bailey, Hansen, Newhouse, Barr, McMullen, Sellar, Bauer, Anderson, Hayner, McCaslin, Owen, L. Smith and Thorsness

AN ACT Relating to the regulation of small businesses; amending RCW 90.48.260 and 90.48.465; creating new sections; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 5701 by Senator McCaslin

AN ACT Relating to representation on the redistricting commission; and amending RCW 44.05.030.

Referred to Committee on Governmental Operations.

SB 5702 by Senators McDonald, Talmadge, Craswell, McMullen, Anderson, Rasmussen, Bluechel and Thorsness

AN ACT Relating to fiscal matters; and amending RCW 82.33.010, 82.33.020, 82.33.030, 82.33.040, 41.06.087, 41.45.020, 41.45.030, 43.88.020, 43.88.030, and 43.88.120.

Referred to Committee on Ways and Means.

SB 5703 by Senators Rasmussen and Roach

AN ACT Relating to membership in the Washington law enforcement officers' and fire fighters' retirement system; amending RCW 41.26.030 and 28B.10.567; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Ways and Means.

SB 5704 by Senators Owen and Metcalf

AN ACT Relating to flood control planning; and amending RCW 86.16.025.

Referred to Committee on Environment and Natural Resources.

SB 5705 by Senators Craswell, Stratton, Roach, Hayner and Rasmussen

AN ACT Relating to dissolution of marriage; amending RCW 26.09.030, 26.09.080, 26.09.090, 26.09.100, and 26.09.140; and reenacting and amending RCW 26.09.020.

Referred to Committee on Law and Justice.

SB 5706 by Senators Craswell, Rasmussen, L. Smith, Stratton and Hayner

AN ACT Relating to consideration of marital misconduct in dissolutions; and amending RCW 26.09.080, 26.09.090, 26.09.100, and 26.09.140.

Referred to Committee on Law and Justice.

SB 5707 by Senators Craswell, Rasmussen, L. Smith and Stratton

AN ACT Relating to written marriage contracts; amending RCW 26.09.010 and 26.09.030; reenacting and amending RCW 26.09.020 and 26.09.150; and adding new sections to chapter 26.09 RCW.

Referred to Committee on Law and Justice.

SB 5708 by Senators Saling, Hayner, Rasmussen and Metcalf

AN ACT Relating to the cessation of operations of the Bothell-Woodinville branch campus of the University of Washington; adding new sections to chapter 28B.45 RCW; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5709 by Senators Jesernig, Saling, Bauer, Patterson and Stratton

AN ACT Relating to creating a state higher education budget process; amending RCW 28B.20.130, 28B.30.150, 28B.35.120, 28B.40.120, 28B.50.090, 28B.80.320, and 28B.80.330; adding a new section to chapter 28B.80 RCW; and creating new sections.

Referred to Committee on Higher Education.

SB 5710 by Senators West, Niemi, Johnson and L. Kreidler

AN ACT Relating to physician assistants; and amending RCW 18.71A.060.

Referred to Committee on Health and Long-Term Care.

SB 5711 by Senators Rinehart, Gaspard, Murray and Oke

AN ACT Relating to school and educational service districts' employee attendance incentive programs; and amending RCW 28A.310.490 and 28A.400.210.

Referred to Committee on Ways and Means.

SB 5712 by Senators Moore, von Reichbauer, McCaslin and West

AN ACT Relating to the business and occupation taxation of stock brokers, broker-dealers, and security houses; and amending RCW 82.04.260.

Referred to Committee on Financial Institutions and Insurance.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9046, Christine Wilson, as a member of the Board of Trustees for Walla Walla Community College District No. 20, was confirmed.

APPOINTMENT OF CHRISTINE WILSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Conner, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 42.

Excused: Senators Barr, Cantu, Craswell, Hansen, McCaslin, Niemi, Snyder - 7.

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9051, James Andrych, as a member of the Western State Hospital Advisory Board, was confirmed.

APPOINTMENT OF JAMES ANDRYCH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Excused: Senators Barr, Craswell, Hansen, McCaslin, Niemi, Snyder - 6.

MOTION

On motion of Senator Newhouse, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1991-8612

By Senators Skratek, Murray, Niemi, Anderson, Rinehart, Hayner, Craswell, Roach, L. Kreidler, Wojahn, L. Smith, Stratton, A. Smith, Pelz, Oke, Rasmussen, Bluechel, Bailey, Williams and Gaspard

WHEREAS, Friday, February 15, 1991, marks the one hundred seventy-first anniversary of the birth of Susan Brownell Anthony, reformer and leader of women's suffrage, who defied male electioneers and faced indictment for illegally voting in 1872; and

WHEREAS, Susan B. Anthony was director of the Female Department of the Canajoharie Academy in New York until she abandoned her career in education to devote her life to social reform, first organizing the Woman's State Temperance Society of New York; and

WHEREAS, Susan B. Anthony, along with Elizabeth Cady Stanton, founded, in 1863, the Woman's Loyal National League to petition Congress to advocate full civil and political rights for women, as well as for blacks, when the Civil War ended; and

WHEREAS, In 1866, Susan B. Anthony and other reformers formed the Equal Rights Association to further their campaign for women's suffrage; and

WHEREAS, The reformers took their suffrage campaign, in 1867, to the New York State Constitutional Convention, where the state legislature refused to consider the issue, but instead gave considerable support to legislation legalizing prostitution; and

WHEREAS, Susan B. Anthony and her suffragettes fought back with lobbying efforts that killed the prostitution bill in committee and eventually secured the first laws in New York State to guarantee women's rights over their children and control over their property and wages; and

WHEREAS, Susan B. Anthony organized the National Woman Suffrage Association that later united with the American Woman Suffrage Association to form the National American Woman Suffrage Association; and

WHEREAS, During the presidential campaign in 1872, Susan B. Anthony urged women in every state in the union to claim their rights under the Fourteenth and Fifteenth Amendments of the United States Constitution by registering and voting; and

WHEREAS, In a colorful display of her remarkable courage, Susan B. Anthony and her three sisters boldly entered a stronghold of men in a Rochester, New York, barbershop in 1872 and insisted that they be registered to vote under provisions of the Fourteenth Amendment; and

WHEREAS, On November 5, 1872, Susan B. Anthony entered her polling place, voted the Republican ticket, then was charged and indicted for voting illegally; and

WHEREAS, In another display of determination, Susan B. Anthony refused to pay her streetcar fare when the deputy marshal carted her off to jail, announcing loudly enough for all passengers to hear, "I'm travelling at the expense of this government. This gentleman is taking me to jail. Ask him for my fare!";

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor Susan B. Anthony and remember her for and emulate her in her dedication to social reform that led to the passage of the women's suffrage amendment (Nineteenth Amendment) to the United States Constitution in 1920; and

BE IT FURTHER RESOLVED, That Susan B. Anthony be remembered for her courage and determination to work for equal rights for all citizens of America as reflected in her statement: "It was we the people, not we the white male citizens, nor yet we the male citizens, but we the whole people, who formed this Union. And we formed it not to give the blessings of liberty, but to secure them, not to the half of ourselves and the half of our posterity, but to the whole people -- women as well as men."

Senators Skratek, Adam Smith, Metcalf and Rasmussen spoke to Senate Resolution 1991-8612.

MOTION

At 10:28 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:41 a.m. by President Pritchard.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Health and Long-Term Care was relieved of further consideration of Senate Bill No. 5574.

On motion of Senator Newhouse, Senate Bill No. 5574 was referred to the Committee on Ways and Means.

MOTION

On motion of Senator Newhouse, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 5221, by Senators Sellar and Snyder (by request of Utilities and Transportation Commission)

Requiring motor carriers to submit copies of contracts with permit applications.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5221 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5221.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5221 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson,

McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senators Amondson, L. Smith - 2.

Excused: Senators Craswell, Niemi, Snyder - 3.

SENATE BILL NO. 5221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Murray, Senator Vognild was excused.

On motion of Senator Anderson, Senator McDonald was excused.

SECOND READING

SENATE BILL NO. 5263, by Senators Owen, Amondson, Snyder, Matson, Hansen, Conner, Bauer, Newhouse, Anderson and Barr

Regulating underground storage tanks.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5263 was substituted for Senate Bill No. 5263 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the following amendment by Senators Metcalf, Owen, Madsen and Amondson was adopted:

On page 3, line 10, strike everything through and including "preempted." on page 4, line 10.

On motion of Senator Metcalf, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after ",'" insert "and"

On page 1, line 2 of the title, strike "and 90.76.110"

MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute Senate Bill No. 5263 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5263.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5263 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Craswell, McDonald; Niemi, Snyder, Vognild - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5263, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5389, by Senators Sutherland, Newhouse, Barr and Hansen

Providing for filing a statement of claim for water rights.

The bill was read the second time.

MOTION

On motion of Senator Barr, the rules were suspended, Senate Bill No. 5389 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5389.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5389 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 43.

Voting nay: Senator Madsen - 1.

Excused: Senators Craswell, McDonald, Niemi, Snyder, Vognild - 5.

SENATE BILL NO. 5389, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse the Senate returned to the first order business.

REPORTS OF STANDING COMMITTEES

February 14, 1991

SB 5423 Prime Sponsor, Senator Thorsness: Continuing the geothermal account ten additional years. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5423 be substituted therefor, and the substitute bill do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland, and Williams.

HOLD.

February 13, 1991

SB 5435 Prime Sponsor, Senator L. Kreidler: Exempting from the business and occupation tax certain deposits that are refunded. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

February 14, 1991

SB 5456 Prime Sponsor, Senator Saling: Modifying tenure at community colleges. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5456 be substituted therefor, and the substitute bill do pass. Signed by Senators Saling, Chairman; Bauer, Skratek, Stratton, and Jesernig.

Passed to Committee on Rules for second reading.

February 14, 1991

SB 5503 Prime Sponsor, Senator Thorsness: Placing the burden of proof on utilities to show that certain operations are not subject to regulation. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5503 be substituted therefor, and the substitute bill do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Stratton, Sutherland, and Williams.

MINORITY recommendation: Do not pass and do not substitute. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Newhouse, Senate Bill No. 5423 was held on the desk.

MOTION

At 11:58 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, February 18, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

THIRTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 18, 1991

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Matson, Pelz and Williams. On motion of Senator Murray, Senator Williams was excused.

The Sergeant at Arms Color Guard, consisting of Pages Amy Welsch and Chad Heaton, presented the Colors. Reverend Dennis Hartsook, pastor of St. Mark's Lutheran Church of Lacey, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 15, 1991

SB 5073 Prime Sponsor, Senator Nelson: Restricting the burning of certain natural or synthetic fabrics. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That the bill be referred to Committee on Law and Justice with no recommendation. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, and Patterson.

Referred to Committee on Law and Justice.

February 13, 1991

SB 5090 Prime Sponsor, Senator Roach: Concerning foster family home licenses. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5090 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, and Stratton.

Passed to Committee on Rules for second reading.

February 14, 1991

SB 5108 Prime Sponsor, Senator von Reichbauer: Regulating promotional advertising of prizes. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5108 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Moore, Pelz, Rasmussen, and Vognilid.

Passed to Committee on Rules for second reading.

February 13, 1991

SB 5127 Prime Sponsor, Senator Craswell: Establishing citizen review boards. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5127 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, and Stratton.

Referred to Committee on Ways and Means.

February 14, 1991

SB 5381 Prime Sponsor, Senator West: Allowing a veterinarian to dispense legend drugs prescribed by another veterinarian. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5381 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

February 14, 1991

SB 5465 Prime Sponsor, Senator West: Concerning the ratio of pharmacy assistants. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5465 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

February 15, 1991

SB 5536 Prime Sponsor, Senator McMullen: Studying the state's telecommunication services for the hearing impaired. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5536 be substituted therefor, and the substitute bill do pass: Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, and Sutherland.

MINORITY recommendation: Do not pass. Signed by Senator Williams.

Passed to Committee on Rules for second reading.

February 14, 1991

SJM 8004 Prime Sponsor, Senator Metcalf: Requiring a complete audit of the Federal Reserve System. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Moore, Owen, Rasmussen, and Vognilid.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Newhouse, Senate Bill No. 5423 which was held on the desk February 15, 1991, was referred to the Committee on Ways and Means.

MESSAGE FROM THE HOUSE

February 15, 1991

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1060,

SUBSTITUTE HOUSE BILL NO. 1112,

HOUSE BILL NO. 1143,

HOUSE BILL NO. 1176,

HOUSE BILL NO. 1182,

HOUSE BILL NO. 1206,

HOUSE BILL NO. 1470, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5713 by Senators Barr and Hansen (by request of Department of Agriculture)

AN ACT Relating to the administration of licenses by the department of agriculture; amending RCW 15.32.100, 15.32.110, 15.32.584, 16.49.440, 16.49.442, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 16.58.095, 16.58.110, 16.58.120, 16.58.130, 16.58.160, 20.01.040, 20.01.050, 20.01.210, 20.01.212, 20.01.370, 20.01.380, 20.01.420, 20.01.440, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 22.09.240, 17.21.070, 17.21.110, 17.21.122, 17.21.126, 17.21.129, 17.21.132, 17.21.140, 17.21.220, 15.58.200, 15.58.210, and 15.58.220; adding a new section to chapter 20.01 RCW; and repealing RCW 16.58.090.

Referred to Committee on Agriculture and Water Resources.

SB 5714 by Senators A. Smith and Talmadge

AN ACT Relating to the location of electrical facilities; amending RCW 80.32.010; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 36.32 RCW.

Referred to Committee on Energy and Utilities.

SB 5715 by Senator A. Smith

AN ACT Relating to community property; and amending RCW 26.09.080.

Referred to Committee on Law and Justice.

SB 5716 by Senators Barr, Madsen, Williams, Hansen, Newhouse and Bailey (by request of Joint Select Committee on Water Resource Policy)

AN ACT Relating to the joint select committee on water resource policy; and amending RCW 90.54.024.

Referred to Committee on Agriculture and Water Resources.

SB 5717 by Senator Moore

AN ACT Relating to the board of industrial insurance appeals; and amending RCW 51.52.010.

Referred to Committee on Commerce and Labor.

SB 5718 by Senators Owen, Oke, Rasmussen, Conner, Nelson, Thorsness, Bauer and von Reichbauer

AN ACT Relating to purple heart recipient recognition day; and amending RCW 1.16.050.

Referred to Committee on Governmental Operations.

SB 5719 by Senators Matson and Moore

AN ACT Relating to health studios; and amending RCW 19.142.040.

Referred to Committee on Commerce and Labor.

SB 5720 by Senators Patterson, Vognild and Nelson (by request of Department of Transportation)

AN ACT Relating to motorist information signs; amending RCW 47.42.020; adding a new section to chapter 47.36 RCW; and recodifying RCW 47.42.046, 47.42.047, 47.42.0475, 47.42.052, 47.42.160, and 47.42.170.

Referred to Committee on Transportation.

SB 5721 by Senators McDonald, Vognild and Patterson (by request of Department of Transportation and Department of General Administration)

AN ACT Relating to state and local government; and adding new sections to chapter 4.24 RCW.

Referred to Committee on Transportation.

SB 5722 by Senators Oke and Owen (by request of Department of Natural Resources)

AN ACT Relating to interest rates for the department of natural resources; amending RCW 79.90.520, 79.90.535, and 76.04.620; and reenacting and amending RCW 76.04.630.

Referred to Committee on Environment and Natural Resources.

SB 5723 by Senator Williams

AN ACT Relating to automobile insurance; adding a new section to chapter 48.30 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SB 5724 by Senators Sutherland, Hayner and Owen

AN ACT Relating to water pollution control of chlorinated organic compound emissions; adding a new section to chapter 90.48 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 5725 by Senators Gaspard, Matson, Sutherland, Johnson, Moore, Murray and McCaslin

AN ACT Relating to electrical licensing exemptions; and amending RCW 19.28.200.

Referred to Committee on Energy and Utilities.

SB 5726 by Senators Conner, Rinehart, Bailey and Bauer

AN ACT Relating to fiscal responsibility for school programs; and adding a new section to chapter 43.135 RCW.

Referred to Committee on Education.

SB 5727 by Senators Amondson, Vognild, Owen, Stratton, McCaslin, West and Johnson

AN ACT Relating to the imposition of moratorium or interim zoning by permit-granting agencies; adding new sections to chapter 36.70 RCW; adding new sections to chapter 36.63 RCW; adding new sections to chapter 35A.63 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 5728 by Senators Amondson, Vognild, Owen, Bauer, Stratton, McCaslin, West and Johnson

AN ACT Relating to the state environmental policy act; adding a new section to chapter 43.21C RCW; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SB 5729 by Senators Rinehart, Pelz, Wojahn, Skratek, Bauer, Talmadge, Moore, Sutherland, Conner, Rasmussen, Murray and L. Kreidler

AN ACT Relating to state printing; amending RCW 43.78.110 and 43.78.030; adding a new section to chapter 43.78 RCW; and prescribing penalties.

Referred to Committee on Governmental Operations.

SB 5730 by Senators von Reichbauer, Moore, Talmadge, West, McMullen, Rasmussen, Gaspard, Conner, Wojahn, Hansen, Murray, Rinehart, Vognild, Madsen, Jesernig, Williams and Bauer

AN ACT Relating to the state investment board; and amending RCW 43.33A.020.

Referred to Committee on Financial Institutions and Insurance.

SB 5731 by Senators West, Stratton, Saling, Barr, McCaslin, Hayner, Madsen, McMullen, Gaspard, Patterson, Nelson, Moore, von Reichbauer, Talmadge, Hansen, Newhouse, Sellar, Rinehart, Bluechel and Johnson

AN ACT Relating to public facilities districts; amending RCW 82.14.050 and 82.14.060; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Ways and Means.

SB 5732 by Senators Moore and Williams

AN ACT Relating to enhanced telecommunications services; amending RCW 80.04.010 and 80.36.370; adding new sections to chapter 80.36 RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 5733 by Senator Williams

AN ACT Relating to property insurance; adding a new section to chapter 48.27 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SB 5734 by Senator Williams

AN ACT Relating to renter's insurance; adding a new section to chapter 48.27 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SB 5735 by Senators von Reichbauer, McMullen, Anderson, Gaspard and Talmadge

AN ACT Relating to athletic agents; adding a new chapter to Title 67 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SJM 8013 by Senators Patterson, McCaslin, Stratton, West, Matson, Saling, Barr, Moore, Hansen and Anderson

Petitioning to make Eastern Washington a separate state.

Referred to Committee on Governmental Operations.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1060 by Representatives Ludwig, Padden, R. Meyers, Orr, Winsley and Sheldon

Requiring the notice to the creditors of a deceased person to be filed with the clerk of the court.

Referred to Committee on Law and Justice.

SHB 1112 by Committee on Natural Resources and Parks (originally sponsored by Representatives Ferguson, Belcher, Brumsickle, R. King, Rasmussen and Miller)

Providing for environmental interpretation in state parks.

Referred to Committee on Environment and Natural Resources.

HB 1143 by Representatives Wood, Jacobsen, Schmidt, May, Miller, Paris, Jones, Beck, Spanel, Fuhrman, Haugen, Heavey, Winsley, Forner, Mitchell, Betrozoff and Wynne

Authorizing honorary degrees.

Referred to Committee on Higher Education.

HB 1176 by Representatives Leonard, Holland, Peery, Brough, Cole, Forner, Rayburn, Vance, Brumsickle, Jones, Miller, Fuhrman, Phillips, Winsley, Paris and Betrozoff

Specifying timing and voting on filling school board vacancies.

Referred to Committee on Education.

HB 1182 by Representatives Wineberry, Padden, Van Luven, Riley, Orr and Rasmussen

Restructuring penalties for driving while suspended.

Referred to Committee on Law and Justice.

HB 1206 by Representatives Jones, Fuhrman, R. King and Winsley (by request of Department of Labor and Industries)

Establishing a procedure for collecting overpayments and allowing eligible surviving spouses to choose a lump sum payment equal to two years of monthly payments.

Referred to Committee on Commerce and Labor.

HB 1470 by Representatives Ogden, Brough, H. Sommers, Jacobsen, Schmidt, Wynne, Paris, May, Haugen, Betzoff, Winsley, Edmondson, Cooper, Wilson, Forner, D. Sommers, Tate, Mitchell, Fraser, Spanel and R. Johnson (by request of Department of Community Development)

Making appropriations for public works projects.

Referred to Committee on Commerce and Labor.

NOTICE OF PROTEST

February 18, 1991

Pursuant to Senate Rule No. 34, I request the following statement of protest be entered in the Senate Journal.

To date, I have chosen to not vote on confirmations on the floor of the Senate. The present method of consideration of gubernatorial appointees is a matter of concern to me and should be of concern to the Legislature and to the public. Too many appointees are subject to the confirmation process. The Senate has little or no time to appropriately consider the candidates. Those appointments which should be carefully and methodically reviewed are usually rushed through the system and, to make matters worse, the formal floor vote is generally viewed as a "roll taker"--something to do until we get to the important issues.

In the past, I have taken the position that I would not be a party to this process. A process which doesn't even have to be followed because we allow an appointee to assume office without voting, up or down, on the appointment. A vote should be required.

I have decided that the appointees who are before us deserve that vote. It is not their fault we are marching in a nonsensical, rubber-stamping parade. I have decided to reverse my position on not voting on confirmation issues--out of respect for the appointees, not the process.

I will continue to press for meaningful changes which are needed to restore credibility to the role of the Senate in its deliberations on the Governor's appointees.

SENATOR BOB McCASLIN, 4th District

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9049, Queenie Allado, as a member of the Parks and Recreation Commission, was confirmed.

APPOINTMENT OF QUEENIE ALLADO

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Wojahn - 46.

Absent: Senators Matson, Pelz - 2.

Excused: Senator Williams - 1.

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9053, Jack A. Asby, as a member of the Western State Hospital Advisory Board, was confirmed.

Senator Johnson spoke to the confirmation of Jack Asby as a member of the Western State Hospital Advisory Board.

APPOINTMENT OF JACK A. ASBY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Wojahn - 47.

Absent: Senator Hayner - 1.

Excused: Senator Williams - 1.

SECOND READING

SENATE BILL NO. 5004, by Senators L. Kreidler and Nelson

Permitting certified public records from other states to be admissible evidence.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5004 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5004.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5004 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, West, Wojahn - 47.

Absent: Senator Thorsness - 1.

Excused: Senator Williams - 1.

SENATE BILL NO. 5004, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5111, by Senators Madsen, Wojahn, Rasmussen, Amondson, A. Smith, Snyder, Gaspard and Skratek

Directing money received by inmates, for testifying, into the victims compensation account.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5111 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5111.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5111 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Wojahn - 48.

Excused: Senator Williams - 1.

SENATE BILL NO. 5111, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Matson was excused.

SECOND READING

SENATE BILL NO. 5243, by Senators Rinehart, McCaslin, Madsen, Thorsness, Rasmussen, Oke and Conner

Adding submarine veterans of World War II to the list of organizations represented on the veterans advisory affairs committee.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5243 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5243.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5243 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Wojahn - 47.

Excused: Senators Matson, Williams - 2.

SENATE BILL NO. 5243, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5050, by Senators McCaslin and Madsen (by request of Washington State Patrol)

Providing protection to the lieutenant governor.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5050 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5050.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5050 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Wojahn - 47.

Excused: Senators Matson, Williams - 2.

SENATE BILL NO. 5050, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1991-8613

By Senators McMullen, Bailey, Anderson, Conner and Rasmussen

WHEREAS, Western Washington experienced severe flooding during November and December of 1990; and

WHEREAS, Flooding in northwest Washington, including Snohomish, Skagit, and Whatcom counties was extremely damaging; and

WHEREAS, Thousands of our citizens were displaced from and lost their homes during the flooding; and

WHEREAS, Total monetary damages caused by flooding is estimated to be in the hundreds of millions of dollars; and

WHEREAS, In the face of extremely adverse conditions, the people living in or near affected areas met the challenge of fighting the rising waters so that additional homes and property could be saved; and

WHEREAS, Local fire fighters and police officers served their communities above and beyond the call of duty through tireless and life threatening efforts; and

WHEREAS, Organizations ranging from the National Guard, Army Corps of Engineers, and other military services stepped forward to work around the clock; and

WHEREAS, The Red Cross established shelters for people left homeless by the carnage, and significant help came from established organizations such as the United Way, numerous area churches, hundreds of community groups, and fast assistance from area corporations; and

WHEREAS, The community spirit in each threatened town and city emerged like at no other time, where neighbor helped neighbor, community helped community, and even Mt. Vernon, Ohio, pitched in to help our state; and

WHEREAS, The true heroes of the disaster were the thousands of volunteers that gave many hours to filling and hauling sandbags, keeping hot coffee and food available for famished workers, and staying there until the job was done;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize and honor all the citizens of the state affected by the floods of 1990, for their perseverance in the face of hardship.

Senators McMullen and Bailey spoke to Senate Resolution 1991-8613.

MOTION

At 10:43 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:57 a.m. by President Pritchard.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 5178.

On motion of Senator Newhouse, Senate Bill No. 5178 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Children and Family Services was relieved of further consideration of Senate Bill No. 5538.

On motion of Senator Newhouse, Senate Bill No. 5538 was referred to the Committee on Health and Long-Term Care.

MOTION

On motion of Senator Newhouse, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

February 15, 1991

SB 5028 Prime Sponsor, Senator Nelson: Authorizing summary proceedings in trials relating to domestic relations. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5028 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

February 15, 1991

SB 5054 Prime Sponsor, Senator Madsen: Enhancing the penalties for crimes committed while armed with a firearm. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, L. Kreidler, Madsen, Rasmussen, and A. Smith.

Referred to Committee on Ways and Means.

February 15, 1991

SB 5140 Prime Sponsor, Senator McCaslin: Authorizing the use of physical force against intruders. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Madsen, Newhouse and Rasmussen.

MINORITY recommendation: Do not pass. Signed by Senators L. Kreidler and A. Smith.

Passed to Committee on Rules for second reading.

February 15, 1991

SB 5289 Prime Sponsor, Senator Rasmussen: Requiring the state to pay attorneys' fees, costs, and expenses when the state is not the prevailing party. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

February 15, 1991

SB 5338 Prime Sponsor, Senator Erwin: Adding superior court judge positions. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5338 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Rasmussen, and A. Smith.

Referred to Committee on Ways and Means.

February 15, 1991

SB 5424 Prime Sponsor, Senator Erwin: Prohibiting the soliciting or accepting of campaign contributions during legislative sessions. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

MOTION

At 11:58 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Tuesday, February 19, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

THIRTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 19, 1991

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 14, 1991

SB 5022 Prime Sponsor, Senator Gaspard: Changing the Washington award for excellence in education program. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5022 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Referred to Committee on Ways and Means.

February 14, 1991

SB 5116 Prime Sponsor, Senator Murray: Allowing school bus drivers to report violators. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5116 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

February 18, 1991

SB 5121 Prime Sponsor, Senator Metcalf: Protecting whistleblowers. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5121 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; and Madsen.

Passed to Committee on Rules for second reading.

February 13, 1991

SB 5143 Prime Sponsor, Senator Metcalf: Increasing the procurement of recycled products. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5143 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, and Sutherland.

Referred to Committee on Ways and Means.

February 15, 1991

SB 5185 Prime Sponsor, Senator Newhouse: Clarifying "criminal justice purposes" for local government criminal justice assistance. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5185 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; L. Kreidler, Madsen, Newhouse, and Rasmussen.

Passed to Committee on Rules for second reading.

February 15, 1991

SB 5202 Prime Sponsor, Senator Nelson: Changing provisions relating to civil judgments. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5202 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

February 14, 1991

SB 5203 Prime Sponsor, Senator West: Changing provisions relating to nursing home administration. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5203 be substituted therefor, and the substitute bill do pass. Signed by Senators West,

Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

February 18, 1991

SB 5231 Prime Sponsor, Senator McCaslin: Providing that examinations not be required for real estate licensees' continuing education. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McMullen, and Murray.

Passed to Committee on Rules for second reading.

February 18, 1991

SB 5233 Prime Sponsor, Senator McCaslin: Giving preference to in-state contractors on public works projects when competing against certain out-of-state contractors. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Sutherland.

Passed to Committee on Rules for second reading.

February 15, 1991

SB 5266 Prime Sponsor, Senator Thorsness: Restructuring penalties for driving while suspended. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5266 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

February 14, 1991

SB 5292 Prime Sponsor, Senator West: Concerning nursing home auditing and cost reimbursement. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Referred to Committee on Ways and Means.

February 18, 1991

SB 5374 Prime Sponsor, Senator Anderson: Establishing the industrial insurance labor-management cooperation program. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McMullen, and Murray.

Referred to Committee on Ways and Means.

February 15, 1991

SB 5418 Prime Sponsor, Senator Thorsness: Creating an interagency criminal justice work group. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5418 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

February 18, 1991

SB 5433 Prime Sponsor, Senator Nelson: Facilitating voter registration address verification. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Sutherland.

Passed to Committee on Rules for second reading.

February 15, 1991

SB 5441 Prime Sponsor, Senator Rasmussen: Amending bookmaking provisions. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

February 15, 1991

SB 5466 Prime Sponsor, Senator Nelson: Limiting the strict liability of pharmacists. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5466 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Newhouse, and Rasmussen.

Passed to Committee on Rules for second reading.

February 18, 1991

SJR 8208 Prime Sponsor, Senator Newhouse: Amending the Constitution to permit municipalities and state agencies to employ chaplains. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 8208 be substituted therefor, and the substitute joint resolution do pass. Signed by Senators McCaslin, Chairman; Madsen, and Sutherland.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 18, 1991

GA 9014 JANET L. GAUNT, reappointed September 11, 1990, for a term ending September 8, 1995, as Chair of the Public Employment Relations Commission. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, and Murray.

Passed to Committee on Rules.

February 13, 1991

GA 9021 DEAN A. LYDIG, appointed July 10, 1990, for a term ending January 19, 1993, as a member of the Wildlife Commission. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, and Sutherland.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

February 18, 1991

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1016,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1037,
 SUBSTITUTE HOUSE BILL NO. 1222,
 HOUSE BILL NO. 1267,
 ENGROSSED HOUSE BILL NO. 1327,
 HOUSE JOINT RESOLUTION NO. 4201,
 ENGROSSED HOUSE BILL NO. 1450, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5736 by Senators Barr, Madsen, Bailey and Williams (by request of Joint Select Committee on Water Resource Policy)

AN ACT Relating to water resource management; amending RCW 90.03.380, 19.27.170, 35.67.020, 56.16.090, and 57.20.020; reenacting and amending RCW 35.92.010; adding a new section to chapter 90.54 RCW; adding a new section to chapter 90.14 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 90.03 RCW; adding a new section to chapter 18.104 RCW; adding a new chapter to Title 90 RCW; creating new sections; prescribing penalties; and making appropriations.

Referred to Committee on Agriculture and Water Resources.

SB 5737 by Senators von Reichbauer, Owen, Rasmussen, Johnson, Moore, McCaslin, Sellar and West

AN ACT Relating to financial institutions; amending RCW 43.19.010, 43.19.020, 43.19.030, 43.19.040, 43.19.050, 43.19.095, 30.04.010, 31.04.030, 31.04.050, 31.04.140, 31.08.010, 31.12.005, 31.12A.010, 32.04.020, 32.32.025, 32.40.010, and 33.04.010; creating new sections; repealing RCW 43.19.100, 43.19.110, and 43.19.112; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SB 5738 by Senators Anderson and Nelson

AN ACT Relating to mandatory arbitration for educational employees; amending RCW 41.59.010 and 41.59.120; and adding new sections to chapter 41.59 RCW.

Referred to Committee on Education.

SB 5739 by Senators Anderson, Talmadge, von Reichbauer, McMullen, Amondson, Johnson, Oke, L. Smith and Sutherland

AN ACT Relating to juvenile serious habitual offenders; amending RCW 13.50.050; adding a new chapter to Title 13 RCW; and making an appropriation.

Referred to Committee on Law and Justice.

SB 5740 by Senators Anderson, Thorsness, Gaspard, Bailey, Snyder, Conner, Moore, Rinehart, Bauer, Wojahn, Murray, Pelz, Jesernig, Talmadge, Williams, Sutherland, Matson, Niemi, Stratton, Roach and Johnson (by request of Commission on African-American Affairs)

AN ACT Relating to the creation of a commission on African-American affairs; creating new sections; and providing an expiration date.

Referred to Committee on Government Operations.

SB 5741 by Senator McDonald

AN ACT Relating to asbestos projects; and amending RCW 49.26.016.

Referred to Committee on Commerce and Labor.

SB 5742 by Senators Owen, Nelson and Rasmussen

AN ACT Relating to permanent parenting plans; and amending RCW 26.09.187.

Referred to Committee on Law and Justice.

SB 5743 by Senators Moore, Bailey, Conner, Vognild, Rinehart, Wojahn, Talmadge, Hansen and Bauer

AN ACT Relating to extended school year learning experiences; adding a new section to chapter 28A.630 RCW; and making appropriations.

Referred to Committee on Education.

SB 5744 by Senator L. Smith

AN ACT Relating to electrical wiring; amending RCW 19.28.015, 19.28.070, 19.28.210, and 19.28.360; and reenacting and amending RCW 19.28.010.

Referred to Committee on Commerce and Labor.

SB 5745 by Senators Moore, Matson, West, McMullen, von Reichbauer, Murray, Stratton, Anderson and Bauer

AN ACT Relating to special amusement game licenses; and amending RCW 9.46.0331.

Referred to Committee on Commerce and Labor.

SB 5746 by Senators Barr, Hansen, Owen, Hayner, McMullen, Anderson, Newhouse, Oke, Patterson, Thorsness, Rasmussen and Vognild

AN ACT Relating to encouraging compliance with environmental protection measures; amending RCW 70.94.211, 70.105.010, 70.105.080, and 70.105.095; adding a new section to chapter 70.94 RCW; and adding a new section to chapter 70.105 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5747 by Senators McMullen, Anderson and Talmadge

AN ACT Relating to compromise of industrial insurance liens in actions against third parties; and amending RCW 51.24.060.

Referred to Committee on Commerce and Labor.

SB 5748 by Senator Roach

AN ACT Relating to residential care options for special needs children; amending RCW 74.15.010 and 74.15.020; adding a new section to chapter 74.15 RCW; and creating new sections.

Referred to Committee on Children and Family Services.

SB 5749 by Senators Roach and Rasmussen

AN ACT Relating to citizen review boards for child welfare cases; creating new sections; and providing an expiration date.

Referred to Committee on Children and Family Services.

SB 5750 by Senator Barr

AN ACT Relating to contracts for architectural and engineering services; and amending RCW 39.80.010.

Referred to Committee on Commerce and Labor.

SB 5751 by Senators Roach and Rasmussen

AN ACT Relating to sludge; amending RCW 4.22.070 and 70.95.255; adding a new section to chapter 4.16 RCW; adding a new section to chapter 9A.48 RCW; adding a new section to chapter 90.48 RCW; adding a new section to

chapter 43.21C RCW; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 5752 by Senators McDonald, Craswell and Niemi (by request of Office of Financial Management and Department of Social and Health Services)

AN ACT Relating to increasing the deductible for medical care under the limited casualty program; amending RCW 74.09.700; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5753 by Senators Oke, Bauer, Owen, Craswell, Metcalf, Roach, Nelson, L. Smith, Amondson and Thorsness

AN ACT Relating to upland game bird habitats; amending RCW 77.32.350; adding new sections to chapter 77.12 RCW; creating new sections; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 5754 by Senators Niemi, Moore and A. Smith

AN ACT Relating to constraint of trade for dental hygiene services; adding a new section to chapter 18.29 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5755 by Senator Barr

AN ACT Relating to classification of range or scab land for purposes of noxious weed control; and amending RCW 17.10.150.

Referred to Committee on Agriculture and Water Resources.

SB 5756 by Senators Hayner, Jesernig and Thorsness (by request of Utilities and Transportation Commission)

AN ACT Relating to low-level waste sites; amending RCW 81.04.010, 82.16.010, and 82.04.260; adding a new chapter to Title 81 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 5757 by Senator Patterson

AN ACT Relating to the Washington traffic safety commission; and creating a new section.

Referred to Committee on Transportation.

SB 5858 by Senator Patterson

AN ACT Relating to motor vehicle title and registration services performed by counties; and adding a new section to chapter 46.01 RCW.

Referred to Committee on Transportation.

SB 5759 by Senator Rasmussen

AN ACT Relating to regulation of funeral directors, embalmers, and crematories; amending RCW 18.39.290 and 68.50.180; and adding a new section to chapter 18.39 RCW.

Referred to Committee on Commerce and Labor.

SB 5760 by Senator Patterson

AN ACT Relating to department of licensing agents and subagents; amending RCW 46.01.130; adding a new section to chapter 46.01 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5761 by Senators Amondson and Niemi (by request of Office of Financial Management and Department of Social and Health Services)

AN ACT Relating to hospice services provided by medical assistance; reenacting and amending RCW 74.09.520; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5762 by Senators Hayner, Cantu and Thorsness

AN ACT Relating to the financing of safety improvements by regulated water companies; and amending RCW 80.28.022.

Referred to Committee on Energy and Utilities.

SB 5763 by Senator Talmadge

AN ACT Relating to the sale and resale of admission tickets; adding a new section to chapter 9.91 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5764 by Senators Sutherland, Amundson, Owen, L. Smith, Snyder and Bauer

AN ACT Relating to the department of wildlife; amending RCW 75.25.005, 75.25.080, 75.25.095, 75.25.170, and 75.25.180; adding new sections to chapter 77.12 RCW; adding a new chapter to Title 77 RCW; creating a new section; recodifying RCW 75.25.005, 75.25.015, 75.25.040, 75.25.080, 75.25.090, 75.25.095, 75.25.100, 75.25.110, 75.25.120, 75.25.126, 75.25.130, 75.25.140, 75.25.150, 75.25.160, 75.25.170, 75.25.180, 75.25.190, 75.25.200, 75.25.901, and 75.25.902; and providing an effective date.

Referred to Committee on Environment and Natural Resources.

SB 5765 by Senators Barr, Madsen and Bailey

AN ACT Relating to water management; amending RCW 19.27.097; adding new sections to chapter 90.44 RCW; and providing a contingent effective date.

Referred to Committee on Agriculture and Water Resources.

SB 5766 by Senators Pelz, Bailey, Rinehart, Erwin, Murray, Anderson, A. Smith, Newhouse, Stratton and Bauer

AN ACT Relating to a program for academic excellence for at-risk youth; adding new sections to chapter 28A.630 RCW; and providing a contingent effective date.

Referred to Committee on Education.

SB 5767 by Senators Sellar, Pelz and von Reichbauer

AN ACT Relating to public utility districts borrowing or establishing lines of credit with any financial institution; and amending RCW 54.16.070.

Referred to Committee on Financial Institutions and Insurance.

SB 5768 by Senators Hayner, Barr, Newhouse and Anderson

AN ACT Relating to railroad rights of way; and adding a new chapter to Title 81 RCW.

Referred to Committee on Agriculture and Water Resources.

SB 5769 by Senators West, Vognild, Nelson and Madsen

AN ACT Relating to apportionment of fees and taxes for Washington-based nonpower vehicles; and amending RCW 46.87.140.

Referred to Committee on Transportation.

SB 5770 by Senators Thorsness and Saling

AN ACT Relating to obtaining additional electricity supplies through conservation and generation; amending RCW 80.04.250; adding a new section to chapter 19.27A RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 5771 by Senators Barr, Sutherland, Nelson and Thorsness

AN ACT Relating to payment responsibility for utility service; amending RCW 35.21.290 and 35.67.200; creating a new section; and providing an effective date.

Referred to Committee on Energy and Utilities.

SB 5772 by Senators Hayner, Bluechel, Thorsness, McDonald, Metcalf, Cantu, Roach, Craswell, Bailey and McCaslin

AN ACT Relating to gambling; amending RCW 67.70.040 and 9.46.0311; and repealing RCW 9.46.0233.

Referred to Committee on Commerce and Labor.

SB 5773 by Senator Cantu

AN ACT Relating to sales taxation; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 5774 by Senators Wojahn, L. Smith, Niemi and Sutherland

AN ACT Relating to the use of alcohol and other drugs during pregnancy; adding new sections to Title 70 RCW; creating a new section; and making an appropriation.

Referred to Committee on Health and Long-Term Care.

SB 5775 by Senators L. Kreidler, West and Johnson (by request of Department of Health)

AN ACT Relating to the regulation of persons who apply ionizing radiation to human beings; amending RCW 18.84.010, 18.84.020, 18.84.030, and 18.84.040; adding new sections to chapter 18.84 RCW; repealing RCW 43.131.349, 43.131.350, and 18.84.900; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SJM 8014 by Senator McCaslin

Requesting broadcast media advertising volume laws.

Referred to Committee on Energy and Utilities.

SJR 8225 by Senators McDonald, Sutherland, Craswell, Stratton, Bluechel, Rasmussen, McCaslin, Conner, Hayner, Owen, Bailey, Amondson, Matson, Newhouse, Anderson, Sellar, Johnson, Barr, Metcalf, Roach, Oke, L. Smith, Thorsness and Erwin

Requiring a three-fifths favorable vote of the legislature for new state taxes or tax increases.

Referred to Committee on Ways and Means

SJR 8226 by Senators McDonald, Bluechel, Sutherland, Stratton, Craswell, Rasmussen, McCaslin, McMullen, Hayner, Conner, Bailey, Owen, Amondson, Madsen, Newhouse, Anderson, Sellar, Johnson, Metcalf, Roach, Oke, Thorsness, Patterson, Erwin, L. Smith and Bauer

Amending the Constitution to create an emergency reserve fund.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1016 by Committee on Judiciary (originally sponsored by Representatives Kremen, May, Betrozoff, Zellinsky, Horn, Jacobsen, R. Fisher, Heavey, Wood, Wineberry, O'Brien, Peery, Rasmussen, D. Sommers, Dorn, Cantwell, R. Johnson, Spanel, Dellwo, Leonard, Cole, Hine, Basich, Grant, Scott, Braddock, Brekke, Winsley, Appelwick, Ludwig, Ebersole, Belcher, Fraser, Pruitt, Jones, Sheldon, Holland, Phillips, Orr, Neher, Paris, Wynne and H. Sommers)

Changing eligibility requirements for concealed weapon permits.

Referred to Committee on Law and Justice.

ESHB 1037 by Committee on Judiciary (originally sponsored by Representatives Appelwick, Prince, Wineberry, Belcher, Heavey, R. Meyers, Dorn, H. Myers, Phillips, Wang, Miller, Ludwig, Prentice, Leonard, Locke, Riley, Fraser, R. King, Nelson, Pruitt, G. Fisher, Jacobsen, Anderson and Brekke) (by request of Governor Gardner)

Creating a procedure to monitor crimes of bigotry or bias.

Referred to Committee on Law and Justice.

SHB 1222 by Committee on Education (originally sponsored by Representatives Betrozoff, Peery, Brumsickle, G. Fisher, Brough, Holland, Paris, Broback, Nealey and Orr)

Placing the responsibility for the formation of school directors' districts with the districts' boards of directors.

Referred to Committee on Education.

HB 1267 by Representatives Holland, Scott, Beck, Valle, Winsley and Wynne (by request of Department of Natural Resources)

Authorizing the board of natural resources to reconvey lands leased to counties used for sanitary landfills.

Referred to Committee on Environment and Natural Resources

EHB 1327 by Representatives Anderson, Silver, R. Fisher, McLean, Pruitt, Bowman, Moyer, Chandler, Paris, Hochstatter, Wynne, D. Sommers, Miller and Brekke

Revising sunset review responsibilities of the legislative budget committee.

Referred to Committee on Governmental Operations..

EHB 1450 by Representatives Peery, H. Myers, Morris and Cooper

Providing a business and occupation tax credit for services provided by a public safety testing lab.

Referred to Committee on Ways and Means.

HJR 4201 by Representatives Ferguson, Haugen, Horn, Roland, Wood, Zellinsky, D. Sommers, Winsley, Nealey, Nelson and Fraser

Amending the Constitution to provide an alternative method of framing a county charter.

Referred to Committee on Governmental Operations.

MOTION

At 12:05 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m. Wednesday, February 20, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

THIRTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 20, 1991

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bailey, Barr, Matson, and McDonald. On motion of Senator Anderson, Senators Bailey, Barr, Matson and McDonald were excused.

The Sergeant at Arms Color Guard, consisting of Pages Cory Rasmussen and Patrick Rasmussen, presented the Colors. Reverend Dennis Hartsook, pastor of St. Mark's Lutheran Church of Lacey, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 19, 1991

SB 5083 Prime Sponsor, Senator L. Smith: Reconstructing salmon hatcheries. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5083 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, and Snyder.

Referred to Committee on Ways and Means.

February 19, 1991

SB 5096 Prime Sponsor, Senator Barr: Requiring state laws and rules to be assessed to determine adverse impacts on agriculture. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5096 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Referred to Committee on Ways and Means.

February 19, 1991

SB 5128 Prime Sponsor, Senator Madsen: Requiring notification to witnesses upon release or escape of serious drug offenders. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, L. Kreidler, Madsen, Newhouse, and A. Smith.

Referred to Committee on Ways and Means.

February 19, 1991

SB 5180 Prime Sponsor, Senator Nelson: Restricting civil actions to appoint receivers to manage real property. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5180 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, L. Kreidler, Madsen, and A. Smith.

Passed to Committee on Rules for second reading.

February 14, 1991

SB 5190 Prime Sponsor, Senator Bailey: Permitting compensation of school directors' association directors. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Murray, Pelz, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

February 14, 1991

SB 5238 Prime Sponsor, Senator Bailey: Requiring earthquake preparedness policies for public schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Murray, Pelz, Rinehart, and Talmadge.

Passed to Committee on Rules for second reading.

February 19, 1991

SB 5269 Prime Sponsor, Senator Anderson: Eliminating waste disposal requirements for certain net pens. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5269 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

February 19, 1991

SB 5302 Prime Sponsor, Senator Snyder: Designing salmon production as the primary mission of the department of fisheries. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, and Snyder.

Passed to Committee on Rules for second reading.

February 14, 1991

SB 5382 Prime Sponsor, Senator Cantu: Changing provisions in the early childhood education and assistance program. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5382 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Murray, Pelz, Rinehart, A. Smith, and Talmadge.

Referred to Committee on Ways and Means.

February 18, 1991

SB 5447 Prime Sponsor, Senator Owen: Modifying the tax on enhanced food fish as it relates to shellfish. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Barr, Conner, Owen, and Snyder.

Referred to Committee on Ways and Means.

February 19, 1991

SB 5476 Prime Sponsor, Senator Bailey: Affecting the marketing of milk. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5476 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr,

Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

February 18, 1991

SB 5500 Prime Sponsor, Senator Owen: Enhancing game fish resources. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5500 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, and Snyder.

Referred to Committee on Ways and Means.

February 19, 1991

SB 5529 Prime Sponsor, Senator Thorsness: Expediting new prison construction. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, L. Kreidler, Madsen, and Newhouse.

Passed to Committee on Rules for second reading.

February 19, 1991

SB 5535 Prime Sponsor, Senator McMullen: Authorizing video card games for nonprofit organizations. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That the bill be referred to Committee on Ways and Means with no recommendation. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; McCaslin, McMullen, Moore, and Skratek.

Referred to Committee on Ways and Means.

February 19, 1991

SB 5581 Prime Sponsor, Senator Anderson: Creating the community partnership program. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; McCaslin, McDonald, McMullen, Moore, and Skratek.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING

SB 5776 by Senator McMullen

AN ACT Relating to alcoholic beverage control; amending RCW 66.04.010, 66.24.170, and 66.24.210.

Referred to Committee on Commerce and Labor.

SB 5777 by Senators Rasmussen, Amondson and Thorsness

AN ACT Relating to the official ballot count in elections; adding a new section to chapter 29.30 RCW; and creating new sections.

Referred to Committee on Governmental Operations.

SB 5778 by Senators Newhouse and Hansen

AN ACT Relating to the filing of a report of damage due to the use or application of a pesticide; amending RCW 17.21.190; and declaring an emergency.

Referred to Committee on Agriculture and Water Resources.

SB 5779 by Senators Bauer, Rinehart, Bailey and Sutherland

AN ACT Relating to the school for the deaf and the school for the blind; adding a new section to chapter 72.40 RCW; repealing RCW 72.40.115; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

SB 5780 by Senators L. Smith, Wojahn, Niemi, Johnson, West, Thorsness, von Reichbauer, L. Kreidler and Craswell

AN ACT Relating to enhancement of employment transition programs for developmentally disabled high school students; adding a new section to chapter 71A.12 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 28A.155 RCW; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5781 by Senators L. Smith, Rasmussen, McCaslin, Sutherland, McDonald, Thorsness and Bauer

AN ACT Relating to aggravated first degree murder; amending RCW 10.95.020; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5782 by Senators Barr, Hansen, Snyder, L. Smith and Amondson

AN ACT Relating to rural health care; amending RCW 70.175.020 and 70.175.030; adding a new section to chapter 70.175 RCW; creating a new section; and making an appropriation.

Referred to Committee on Health and Long-Term Care.

SB 5783 by Senators McCaslin and Conner

AN ACT Relating to legislative facilities; amending RCW 43.19.125, 43.19.450, and 79.24.650; adding a new chapter to Title 44 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5784 by Senator Saling

AN ACT Relating to penalties for underenrollment in institutions of higher education and branch campuses; adding a new section to chapter 28B.10 RCW; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5785 by Senators McDonald, Craswell and Niemi (by request of Department of Agriculture and Office of Financial Management)

AN ACT Relating to weights and measures; amending RCW 19.94.010, 19.94.150, 19.94.160, 19.94.180, 19.94.190, 19.94.200, 19.94.215, 19.94.220, 19.94.240, 19.94.250, 19.94.260, 19.94.290, 19.94.300, 19.94.330, 19.94.340, 19.94.350, 19.94.420, 19.94.440, 19.94.450, 19.94.480, 19.94.490, 19.94.500, 19.94.505, and 19.94.510; adding new sections to chapter 19.94 RCW; adding a new section to chapter 15.80 RCW; creating new sections; repealing RCW 19.94.020, 19.94.030, 19.94.040, 19.94.050, 19.94.060, 19.94.070, 19.94.080, 19.94.090, 19.94.100, 19.94.110, 19.94.120, 19.94.130, 19.94.140, and 19.94.270; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5786 by Senators Cantu, Owen, Metcalf, Moore, Hayner, Amondson, von Reichbauer, Stratton, Bluechel, L. Smith, Barr, Hansen, Johnson, Snyder, Anderson, Craswell, Rasmussen, Bailey, Thorsness, McCaslin, Newhouse, Nelson, Bauer and Oke

AN ACT Relating to efficiency in governmental regulation; amending RCW 34.05.220, 34.05.010, 34.05.310, 43.31.005, 43.31.125, 43.19.1911, and 42.04.060; reenacting and amending RCW 19.85.030; adding new sections to chapter 43.31 RCW; adding a new section to chapter 42.17 RCW; adding new sections to

chapter 34.05 RCW; adding a new section to chapter 19.85 RCW; adding a new section to chapter 49.17 RCW; adding a new section to chapter 19.27 RCW; adding new sections to chapter 43.19 RCW; adding new sections to chapter 42.04 RCW; and providing an expiration date.

Referred to Committee on Governmental Operations.

SB 5787 by Senators Cantu, Owen, Metcalf, Amondson, Stratton, Bailey and Thorsness

AN ACT Relating to small business financing; and adding a new section to chapter 43.31 RCW.

Referred to Committee on Commerce and Labor.

SB 5788 by Senators Cantu, Owen, Metcalf, Barr and Craswell

AN ACT Relating to employer liability; amending RCW 51.16.120; adding a new section to chapter 50.20 RCW; and adding a new section to chapter 50.32 RCW.

Referred to Committee on Commerce and Labor.

SB 5789 by Senators Cantu, Owen, Metcalf, Anderson, Craswell, Bailey, McDonald, L. Smith and Thorsness

AN ACT Relating to the federal targeted jobs tax credit program; and amending RCW 50.16.080.

Referred to Committee on Commerce and Labor.

SB 5790 by Senators von Reichbauer, Pelz, Moore, Vognild, Rasmussen, McCaslin, Johnson and West

AN ACT Relating to mandatory liability insurance; amending RCW 46.30.020 and 46.30.040; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SB 5791 by Senators Moore, von Reichbauer, McCaslin, Rasmussen, Vognild and Johnson

AN ACT Relating to notices about real property taxes; and amending RCW 84.40.045 and 84.56.050.

Referred to Committee on Financial Institutions and Insurance.

SB 5792 by Senators L. Smith, Niemi, Amondson, Jesernig, Thorsness, von Reichbauer and Conner

AN ACT Relating to chiropractic peer review; and adding new sections to chapter 18.26 RCW.

Referred to Committee on Health and Long-Term Care.

SJR 8227 by Senators McCaslin and Conner

Making all gubernatorial appointments subject to senate confirmation.

Referred to Committee on Governmental Operations.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9054, Ramon L. Barnes, as a member of the Board of Trustees for Pierce Community College District No. 11, was confirmed.

Senator Gaspard spoke to the confirmation of Ramon L. Barnes as a member of the Board of Trustees for Pierce Community College.

APPOINTMENT OF RAMON L. BARNES

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Bailey, Barr, Matson, McDonald - 4.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the Honorable Hans Jurgen Menden, the Consul General of Germany, and the Dean of the Seattle Consular Corps, who was seated on the rostrum.

With permission of the Senate, business was suspended to permit Consul General Menden to address the Senate.

INTRODUCTION OF CONSULAR OFFICERS

The President introduced the following consular officers who were seated in the gallery:

Raul Lopez Lira Castro, Consul General of Mexico; Shinsuke Hirai, Consul General of Japan; Mitsuru Murase, Consul of Japan; Roger Bull,

Consul General of Canada; Chang Soo Ko, Consul General of Korea; Hermenegildo Garcia, Consul General of the Philippines; Hsi-tsan Chen, Director General of the Coordination Council for North American Affairs representing Taiwan; Anna Kao, Assistant to the Director General of the Coordination Council for North American Affairs; Walter Weber, Consul General of Austria; Victor Schiantarelli, Consul General of Peru; Ricardo Antezana, Consul of Bolivia; Clifford Benson, Consul of Sweden; Thomas Stang, Consul of Norway; Martin Metzton, Consul of Denmark; Jon Marvin Jonsson, Consul of Iceland; Kerry Monterey, Consul of Chile; Javier Pinel, Consul of Honduras; Norman Westerberg, Consul of Finland; Edgar Wood, Consul of France; John Bollard; Consul of New Zealand; Donald Brody, Consul of Malawi; Quinto DeVitis, Vice Consul of Italy; Carl Helgren, Consul Emeritus of Finland; and Roger Gotteland, Consul Emeritus of France.

INTRODUCTION OF SPECIAL GUESTS

The President turned the gavel over to Senator Alan Bluechel, who introduced guests seated on the rostrum, Mr. Andrew Grose, Director of the Western Council of State Governments, and Ms. Kate Albert, Project Director for Westrends.

With permission of the Senate, business was suspended to permit Mr. Grose and Ms. Albert to address the Senate and to report the progress of the Western Council of State Governments and their project, Westrends.

Senator Bluechel returned the gavel to the President and escorted the honored guests from the Senate Chamber.

MOTION

At 10:59 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 12:00 noon by President Pritchard.

MOTION

On motion of Senator Newhouse, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

February 19, 1991

SB 5039 Prime Sponsor, Senator Barr: Regulating the use of biological control agents. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5039 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Referred to Committee on Ways and Means.

February 19, 1991

SB 5040 Prime Sponsor, Senator Hansen: Establishing a lid on the rate of increase for air and water permits. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Bailey, Conner, Gaspard, and Hansen.

Passed to Committee on Rules for second reading.

February 19, 1991

SB 5198 Prime Sponsor, Senator Barr: Authorizing the development of aquatic animal diagnostic, certification, and extension services and curricula. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Referred to Committee on Ways and Means.

February 19, 1991

SB 5379 Prime Sponsor, Senator McCaslin: Eliminating housing relocation for low-income tenants. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; and Matson.

Passed to Committee on Rules for second reading.

February 19, 1991

SB 5472 Prime Sponsor, Senator McCaslin: Modifying the department of general administration's duties regarding excess receipts from building rent. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5472 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Matson.

Passed to Committee on Rules for second reading.

February 19, 1991

SB 5473 Prime Sponsor, Senator McCaslin: Creating the tort claims revolving fund. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; and Madsen.

Passed to Committee on Rules for second reading.

February 19, 1991

SJM 8006 Prime Sponsor, Senator Madsen: Asking the department of defense to send our thanks to operation desert storm troops from Washington. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Matson.

Passed to Committee on Rules for second reading.

February 19, 1991

SJM 8009 Prime Sponsor, Senator Hayner: Requesting Congress to create a HAMMER training center at Hanford. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, and Stratton.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Health and Long-Term Care was relieved of further consideration of Senate Bill No. 5044.

On motion of Senator Newhouse, Senate Bill No. 5044 was referred to the Committee on Commerce and Labor.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 5273.

On motion of Senator Newhouse, Senate Bill No. 5273 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Substitute House Bill No. 1301.

On motion of Senator Newhouse, Substitute House Bill No. 1301 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Senate Bill No. 5705, Senate Bill No. 5706 and Senate Bill No. 5707.

On motion of Senator Newhouse, Senate Bill No. 5705, Senate Bill No. 5706 and Senate Bill No. 5707 were referred to the Committee on Children and Family Services.

MOTION

At 12:01 p.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, February 21, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

THIRTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 21, 1991

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 19, 1991

SB 5035 Prime Sponsor, Senator Rasmussen: Providing for a skilled nursing care center for veterans in eastern Washington. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, and L. Kreidler.

Referred to Committee on Ways and Means.

February 19, 1991

SB 5106 Prime Sponsor, Senator Patterson: Adopting the 1991 supplemental transportation budget. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5106 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Conner, Hansen, Madsen, McMullen, Oke, Sellar, Snyder, and Vognild.

Passed to Committee on Rules for second reading.

February 19, 1991

SB 5264 Prime Sponsor, Senator Oke: Authorizing the department of natural resources to establish a program in community and urban forestry. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Conner, Owen, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

February 20, 1991

SB 5276 Prime Sponsor, Senator Nelson: Requiring notice for impounded vehicle disposition. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5276 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Erwin, Madsen, McMullen, Oke, Sellar, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

February 20, 1991

SB 5289 Prime Sponsor, Senator Rasmussen: Requiring the state to pay attorney's fees, costs and expenses when the state is not the prevailing party. Reported by Committee on Rules

MAJORITY recommendation: That the bill be referred to the Committee on Ways and Means. Signed by Lieutenant Governor Joel Pritchard, Chair; Senators Craswell, Vice Chairman; Amondson, Anderson, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, McMullen, Newhouse, Rasmussen, Sellar, L. Smith, Snyder, Vognild, Williams, and Wojahn.

Referred to Committee on Ways and Means.

February 19, 1991

SB 5295 Prime Sponsor, Senator Conner: Requiring identification on big trucks. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5295 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Barr, Conner, Erwin, Hansen, Madsen, McMullen, Oke, Sellar, Skratek, and Snyder.

Passed to Committee on Rules for second reading.

February 19, 1991

SB 5343 Prime Sponsor, Senator Owen: Establishing a plan for mitigation requirements if game fish habitat is impaired. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5343 be substituted therefor, and the substitute bill do pass. Signed by Senators

Metcalf, Chairman; Oke, Vice Chairman; Amondson, Conner, Owen, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

February 19, 1991

SB 5446 Prime Sponsor, Senator Owen: Extending the moratorium on leases for oil and gas exploration, development, or production until the year 2000. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Conner, Owen, and Snyder.

MINORITY recommendation: Do not pass. Signed by Senators Amondson, Barr, and Patterson.

Passed to Committee on Rules for second reading.

February 19, 1991

SJM 8000 Prime Sponsor, Senator Conner: Requesting that Congress extend the coastal states seaward boundaries. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Conner, Owen, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 20, 1991

GA 9001 AL BRISBOIS, appointed July 10, 1990, for a term ending September 30, 1991, as a member of the Board of Trustees for Eastern Washington University.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Jesernig, Skratek, Stratton, and von Reichbauer.

Passed to Committee on Rules.

February 20, 1991

GA 9029 TERRY OLLIS, reappointed October 1, 1990, for a term ending September 30, 1995, as a member of the Board of Trustees for Everett Community College District No. 5.

Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bluechel, Jesernig, Skratek, Stratton, and von Reichbauer.

Passed to Committee on Rules.

February 20, 1991

GA 9037 LAURA STONER, reappointed October 1, 1990, for a term ending September 30, 1995, as a member of the Board of Trustees for Pierce Community College District No. 11. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bluechel, Jesernig, Skratek, Stratton, and von Reichbauer.

Passed to Committee on Rules.

February 20, 1991

GA 9140 PHYLLIS CAMPBELL, appointed October 1, 1990, for a term ending September 30, 1996, as a member of the Board of Regents for Washington State University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bluechel, Jesernig, Skratek, Stratton, and von Reichbauer.

Passed to Committee on Rules.

February 20, 1991

GA 9141 LOUIS PEPPER, reappointed October 1, 1990, for a term ending September 30, 1996, as a member of the Board of Regents for Washington State University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bluechel, Jesernig, Skratek, Stratton, and von Reichbauer.

Passed to Committee on Rules.

February 20, 1991

GA 9161 DR. MAX M. SNYDER, reappointed January 29, 1991, for a term ending April 3, 1994, as a member of the State Board for Community College Education. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bluechel, Jesernig, Skratek, Stratton, and von Reichbauer.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

February 20, 1991

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1057,
 SUBSTITUTE HOUSE BILL NO. 1061,
 HOUSE BILL NO. 1063,
 SUBSTITUTE HOUSE BILL NO. 1111,
 HOUSE BILL NO. 1116,
 ENGROSSED HOUSE BILL NO. 1128,
 SUBSTITUTE HOUSE BILL NO. 1142,
 SUBSTITUTE HOUSE BILL NO. 1237,
 SUBSTITUTE HOUSE BILL NO. 1270,
 HOUSE BILL NO. 1272,
 HOUSE BILL NO. 1273,
 HOUSE BILL NO. 1642, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5793 by Senators Madsen, Matson, Niemi and McMullen

AN ACT Relating to registration of architects; and amending RCW 18.08.350.

Referred to Committee on Commerce and Labor.

SB 5794 by Senators Niemi and McDonald

AN ACT Relating to business and occupation tax deductions for hospitals; amending RCW 82.04.4288 and 82.04.4289; creating a new section; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5795 by Senators Rasmussen, Oke, Amondson, Barr and Hansen.

AN ACT Relating to the cessation of operations of the Tacoma branch campus of the University of Washington; adding new sections to chapter 28B.45 RCW; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5796 by Senator Niemi

AN ACT Relating to the certification and registration of nursing assistants; amending RCW 18.88A.010, 18.88A.020, 18.88A.030, 18.88A.040, 18.88A.050, 18.88A.060, 18.88A.070, 18.88A.080, and 18.88A.100; adding new sections to chapter 18.88A RCW; and repealing RCW 18.52A.010, 18.52A.020, 18.52A.030, 18.52A.040, 18.52B.050, 18.52B.080, 18.52B.110, 18.52B.120, 18.52B.150, 18.52B.160, 18.52B.900, and 18.52B.901.

Referred to Committee on Health and Long-Term Care.

SB 5797 by Senators McCaslin, Thorsness, L. Smith, Matson, Amondson, Hayner, Newhouse, Oke, Anderson, Barr, Sellar, Johnson, Cantu and Patterson

AN ACT Relating to property rights; amending RCW 64.40.010, 64.40.020, and 64.40.030; and creating a new section.

Referred to Committee on Governmental Operations.

SB 5798 by Senators Craswell, Madsen and Oke

AN ACT Relating to sewage disposal systems; amending RCW 43.20.050; and reenacting and amending RCW 18.43.130.

Referred to Committee on Commerce and Labor.

SB 5799 by Senators Pelz, Rasmussen, Moore, Vognild and Owen

AN ACT Relating to automobile insurance; amending RCW 48.18.297; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 5800 by Senators Bauer, Hansen, Sellar and Sutherland

AN ACT Relating to freight brokers and forwarders; and amending RCW 81.80.430.

Referred to Committee on Transportation.

SB 5801 by Senators Patterson and Vognild

AN ACT Relating to state highway routes; amending RCW 47.17.115, 47.17.170, 47.17.225, 47.17.240, 47.17.255, 47.17.305, 47.17.330, 47.17.370, 47.17.375, 47.17.410, 47.17.445, 47.17.460, 47.17.517, 47.17.550, 47.17.615, 47.17.625, 47.17.630, 47.17.650, 47.17.660, 47.17.670, 47.17.680, 47.17.695, 47.17.730, 47.17.752, 47.17.755, 47.17.824, 47.17.825, 47.17.830, 47.17.855, 47.39.020, 46.68.090, 82.36.025, 46.68.110, and 46.68.120; adding new sections

to chapter 47.17 RCW; adding new sections to chapter 47.26 RCW; creating a new section; repealing RCW 47.17.045, 47.17.245, 47.17.270, 47.17.350, 47.17.415, 47.17.420, 47.17.450, 47.17.453, 47.17.530, 47.17.555, 47.17.590, 47.17.600, 47.17.620, 47.17.665, 47.17.675, 47.17.700, 47.17.765, 47.17.800, and 47.17.810; making appropriations; providing effective dates; and declaring an emergency.

Referred to Committee on Transportation.

SB 5802 by Senators Wojahn, Sellar, West, Saling and Vognild

AN ACT Relating to delegation of preoperative and postoperative surgical care; amending RCW 18.130.180; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Health and Long-Term Care.

SB 5803 by Senator Erwin

AN ACT Relating to growth strategies; amending RCW 36.70A.030, 36.70A.020, 36.70A.070, and 36.70A.080; adding a new section to chapter 36.70A RCW; adding a new section to chapter 43.63A RCW; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 5804 by Senator Erwin

AN ACT Relating to growth strategies; amending RCW 36.70A.030, 36.70A.020, 36.70A.070, 36.70A.170, 36.70A.060, and 36.70A.050; adding new sections to chapter 36.70A RCW; adding a new section to chapter 43.99 RCW; and creating a new section.

Referred to Committee on Agriculture and Water Resources.

SB 5805 by Senator Erwin

AN ACT Relating to growth strategies; amending RCW 36.70A.030, 36.70A.020, and 36.70A.070; and creating a new section.

Referred to Committee on Transportation.

SB 5806 by Senators Patterson, Matson, Hansen, Vognild, Snyder, Barr, Hayner, Newhouse, Owen, Oke, Metcalf, Jesernig, Madsen, Conner, McMullen, Sellar, Johnson, Bailey and L. Smith

AN ACT Relating to underground storage tanks for petroleum products; amending RCW 70.148.020 and 82.23A.020; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.32 RCW; adding new sections to chapter 70.148 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Transportation.

SB 5807 by Senators Newhouse, Bauer, Barr and Gaspard

AN ACT Relating to public ground waters; and adding a new section to chapter 90.44 RCW.

Referred to Committee on Agriculture and Water Resources.

SB 5808 by Senators Bauer, L. Smith and Sutherland

AN ACT Relating to the Erwin O. Rieger Memorial Highway; and amending RCW 47.17.640.

Referred to Committee on Transportation.

SB 5809 by Senator Erwin

AN ACT Relating to growth strategies; amending RCW 36.70A.010, 36.70A.030, 36.70A.020, 36.70A.040, 36.70A.070, 36.70A.080, 36.70A.110, 82.02.050, 19.27.095, 58.17.033, 36.70A.190, 43.88.110, 82.44.150, 66.08.190, and 36.93.180; adding a new section to chapter 35.02 RCW; adding a new section to chapter 36.93 RCW; adding new sections to chapter 36.70A RCW; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Governmental Operations.

SB 5810 by Senators Rasmussen, McCaslin and L. Smith

AN ACT Relating to the creation of state-wide affordable housing; adding new sections to chapter 35.63 RCW; adding new sections to chapter 35A.63 RCW; adding new sections to chapter 36.70 RCW; adding new sections to chapter 36.70A RCW; and creating new sections.

Referred to Committee on Governmental Operations.

SB 5811 by Senators Nelson and Rasmussen

AN ACT Relating to application of the statute of limitations to actions based on childhood sexual abuse; amending RCW 4.16.340; and creating a new section.

Referred to Committee on Law and Justice.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1057 by Representatives Anderson, McLean, R. Fisher, Ferguson and Miller (by request of Washington State Patrol)

Providing protection to the lieutenant governor.

Referred to Committee on Governmental Operations.

SHB 1061 by Committee on Judiciary (originally sponsored by Representatives Ludwig, Padden, R. Meyers, Ferguson, Miller, Orr, Kremen, Winsley and Sheldon)

Making funeral expenses and cost of administration fully deductible from the decedent's estate.

Referred to Committee on Law and Justice.

HB 1063 by Representatives Ludwig, Padden, R. Meyers and Orr

Revising provisions on disposition of disclaimed interest.

Referred to Committee on Law and Justice.

SHB 1111 by Committee on Natural Resources and Parks (originally sponsored by Representatives Scott, Beck, Belcher, Miller, Bowman, Brumsickle, Winsley, Kremen, Rasmussen, Basich and Nelson)

Authorizing the department of natural resources to establish a program in community and urban forestry.

Referred to Committee on Environment and Natural Resources.

HB 1116 by Representatives R. Meyers, Appelwick, R. Fisher, Wood, Paris and Edmondson (by request of Department of Licensing)

Authorizing alternative forms of financial responsibility.

Referred to Committee on Financial Institutions and Insurance.

EHB 1128 by Representatives R. Fisher, Schmidt, R. Meyers, Betrozoff, Wood and Zellinsky

Concerning high occupancy vehicle violations.

Referred to Committee on Transportation.

SHB 1142 by Committee on Agriculture and Rural Development (originally sponsored by Representatives Rasmussen, Bowman, Chandler, Kremen, Spanel, Roland, Tate, Sprenkle, McLean, Dorn, Rayburn, Haugen, Riley, R. Johnson, Grant, Jones, Phillips, Orr, Brumsickle, Ferguson, Ballard, P. Johnson, Sheldon, Hochstatter, Paris, Fuhrman, Morton, Padden, Edmondson, Lisk, Betrozoff, Wynne, Nealey and Moyer)

Redefining the agricultural products for which processor liens may be established.

Referred to Committee on Agriculture and Water Resources.

SHB 1237 by Committee on Agriculture and Rural Development (originally sponsored by Representatives Day, Ballard, Prentice, Ferguson, Cantwell, Paris, Rayburn, Nealey, Padden, Orr and Rasmussen)

Allowing a veterinarian to dispense legend drugs prescribed by another veterinarian.

Referred to Committee on Health and Long-Term Care.

SHB 1270 by Committee on Appropriations (originally sponsored by Representatives Spanel, Silver, Hine, Paris, May, P. Johnson, Winsley, Hochstatter, Nealey, Wynne, Edmondson, Bowman, D. Sommers, Betrozoff, Wood, Horn, Miller, Ballard, McLean and Basich)

Reorganizing the statutes governing the state's retirement system.

Referred to Committee on Ways and Means.

HB 1272 by Representatives R. Fisher, Betrozoff, Forner, Paris, Van Luven and Wineberry (by request of Utilities and Transportation Commission)

Changing the limits on liability of common carriers for damage or loss of baggage.

Referred to Committee on Transportation.

HB 1273 by Representatives R. Johnson, Betrozoff, Jones and Paris (by request of Utilities and Transportation Commission)

Requiring motor carriers to submit copies of contracts with permit applications.

Referred to Committee on Transportation.

HB 1642 by Representatives Fraser, Brumsickle, Van Luven, Phillips, Holland, Rasmussen, Winsley and Bowman

Modifying the definition of disposable income for senior citizen tax relief.

Referred to Committee on Ways and Means.

MOTION

At 12:02 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m. Friday, February 22, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FORTIETH DAY

MORNING SESSION

Senate Chamber, Friday, February 22, 1991

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cantu, Johnson, McDonald and Linda Smith. On motion of Senator Anderson, Senators Cantu and Johnson were excused.

The Sergeant at Arms Color Guard, consisting of Pages Melissa Graser and Josh Knutkowski, presented the Colors. Reverend Dennis Hartsook, pastor of St. Mark's Lutheran Church of Lacey, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 19, 1991

SB 5025 Prime Sponsor, Senator Craswell: Providing services for at-risk youth and their families. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5025 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, Stratton, and Talmadge.

Referred to Committee on Ways and Means.

February 20, 1991

SB 5361 Prime Sponsor, Senator Talmadge: Protecting children. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5361 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Stratton, and Talmadge.

Referred to Committee on Ways and Means.

February 19, 1991

SB 5720 Prime Sponsor, Senator Patterson: Recodifying statutes on motorist information signs. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5720 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Barr, Conner, Hansen, Madsen, McMullen, Oke, Sellar, Skratek, and Snyder.

Passed to Committee on Rules for second reading.

February 12, 1991

SCR 8400 Prime Sponsor, Senator Bailey: Endorsing the VISION: EDUCATION 2001 statement. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Murray, Oke, Pelz, Rinehart, and A. Smith.

Passed to Committee on Rules for second reading.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
OLYMPIA, WASHINGTON 98504

December 31, 1990

Mr. Gordon Golob
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504

Dear Mr. Golob:

Attached is a copy of the Report to the Legislature on Community Mobilization Against Substance Abuse. This report is required as part of the Omnibus Controlled Substance and Alcohol Abuse Act of 1989.

If you have any questions about this report, I may be reached at 586-0827.

Sincerely,
JUDY KOSTERMAN
Governor's Special Assistant on Substance Abuse Issues

The Select Committee Report is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 5812 by Senators Williams and Wojahn

AN ACT Relating to delinquent property taxes; amending RCW 84.56.020 and 84.38.140; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5813 by Senators Rasmussen and Niemi

AN ACT Relating to denturistry; amending RCW 18.120.020; reenacting and amending RCW 18.130.040; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new chapter to Title 18 RCW; prescribing penalties; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5814 by Senators Saling and Rasmussen

AN ACT Relating to funding additional enrollments at institutions of higher education; amending RCW 28B.15.202, 28B.15.402, 28B.15.502, 28B.15.520, and 28B.15.740; reenacting and amending RCW 28B.15.014; creating new sections; repealing RCW 28B.15.524, 28B.15.526, 28B.15.527, 28B.15.555, and 28B.15.556; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5815 by Senators Thorsness, Hansen, McMullen and Erwin

AN ACT Relating to license exemptions for certain specialized, nonpowered vehicle equipment; amending RCW 46.16.010, 46.16.030, 46.16.085, 46.87.020, and 46.87.070; and repealing RCW 46.16.083.

Referred to Committee on Transportation.

SB 5816 by Senator McCaslin

AN ACT Relating to counties; and adding a new section to chapter 36.32 RCW.

Referred to Committee on Governmental Operations.

SB 5817 by Senators Bailey, Vognild, Anderson, McMullen, Bluechel, Amondson, Conner, Bauer, Barr, Oke, Erwin, Snyder, Gaspard,

Metcalf, Hansen, L. Smith, Madsen, Sutherland, Rinehart, Owen, Johnson, Thorsness, Moore, A. Smith, Pelz and Skratek

AN ACT Relating to flood control; amending RCW 86.26.007, 86.26.070, and 86.26.090; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5818 by Senators Metcalf and Owen

AN ACT Relating to locally determined property tax assessment levels; amending RCW 84.04.030, 84.40.030, 84.40.040, 84.40.045, 84.40.060, 84.40.320, 84.41.041, 84.48.010, 84.48.065, 84.48.075, 84.48.080, 84.48.130, 84.52.043, 84.52.080, 84.12.270, 84.12.350, 84.16.040, 84.16.110, 84.52.063, and 84.70.010; adding a new section to chapter 84.40 RCW; adding a new section to chapter 84.48 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5819 by Senator Metcalf

AN ACT Relating to education; amending RCW 28A.150.100, 28A.150.250, 28A.150.260, 28A.305.160, 28A.405.230, 28A.150.290, and 28A.305.130; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Education.

SB 5820 by Senators L. Smith, Niemi, Bailey, L. Kreidler and Bauer

AN ACT Relating to residential care options for medically fragile children; amending RCW 74.15.010 and 74.15.020; adding a new section to chapter 74.15 RCW; and creating new sections.

Referred to Committee on Health and Long-Term Care.

SB 5821 by Senators Craswell, Owen and Oke

AN ACT Relating to the creation of air pollution control authorities; reenacting and amending RCW 70.94.053; and adding a new section to chapter 70.94 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5822 by Senators Bailey, Rasmussen and Skratek (by request of Superintendent of Public Instruction and State Board of Education)

AN ACT Relating to education; amending RCW 28A.150.200, 28A.150.220, 28A.150.230, 28A.150.260, 28A.150.290, 28A.195.010, 28A.230.090, 28A.230.100,

and 28A.170.100; adding new sections to chapter 28A.150 RCW; and repealing RCW 28A.150.210, 28A.230.110, 28A.305.140, 28A.320.210, and 28A.320.220.

Referred to Committee on Education.

SB 5823 by Senators West, Sutherland, Owen, Sellar and Matson

AN ACT Relating to insurance rates; and adding new sections to chapter 48.19 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 5824 by Senators Saling, Stratton, Patterson and Bauer

AN ACT Relating to community college enrollments; amending RCW 28B.15.502; adding a new section to chapter 28B.15 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5825 by Senators Nelson, Madsen, Thorsness, Erwin, Rasmussen, Oke and L. Kreidler (by request of Department of Corrections)

AN ACT Relating to restricting offenders' possession of firearms; amending RCW 9.94A.120; and adding a new section to chapter 9.41 RCW.

Referred to Committee on Law and Justice.

SCR 8404 by Senator Barr

Creating the joint select committee on Agricultural policy.

Referred to Committee on Agriculture and Water Resources.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the following Future Farmers of America State Officers who were seated on the rostrum: Tim Norris, President; Nicki Wilson, Vice President; Kim Thorne, Secretary; Josh Dykes, Treasurer; Kendra Felt, Reporter; and Kristi Rightmire, Sentinel.

Senator Sellar gave a special welcome to the Future Farmers of America State Officers.

With permission of the Senate, business was suspended to permit President Tim Norris to address the Senate.

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

MOTION

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

SENATE RESOLUTION 1991-8614

By Senators Madsen, L. Kreidler and Bailey

WHEREAS, The Future Farmers of America with agricultural education is a strong force for America's agriculture; and

WHEREAS, The Future Farmers of America and agricultural education are changing to provide training for the new high-tech careers of agriculture; and

WHEREAS, Members of the Future Farmers of America are playing an outstanding role in assuring the future progress and prosperity of our nation; and

WHEREAS, The Future Farmers of America motto - "Learning to do, doing to learn; earning to live, living to serve" - gives a direction of purpose to these students who are Providing Leadership for a Growing Planet; and

WHEREAS, The Future Farmers of America performs the valuable service of developing leadership, encouraging cooperation, promoting good citizenship, teaching modern information, and inspiring patriotism among its members;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the week of February 16, 1991, through February 23, 1991, as Future Farmers of America Week.

Senator Madsen spoke to Senate Resolution 1991-8614.

MOTION

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

SENATE RESOLUTION 1991-8615

By Senators Roach and von Reichbauer

WHEREAS, On February 23, 1886, Auburn's founders, Levi and Mary Ballard, filed the plat for the town of Slaughter; and

WHEREAS, On June 13, 1891, the town was officially incorporated as Slaughter, taking its name from Lt. William Alloway Slaughter, an army officer slain in the area that is now north Auburn during the Indian conflicts of 1855; and

WHEREAS, The town's name was officially changed to Auburn in 1893 at the urging of new arrivals like Irving B. Knickerbocker, a former resident of Auburn, New York, and long-time leader in Auburn, Washington's, civic affairs; and

WHEREAS, Auburn will celebrate one hundred years as a town and city on June 13, 1991; and

WHEREAS, Auburn enjoys a superb location near the beautiful Green River, between the Cascade Mountains and Puget Sound, in the heart of what people across the nation agree is one of America's most beautiful, liveable regions; and

WHEREAS, Auburn has managed to achieve a tasteful balance between liveability and commerce, offering people an ideal community in which to live, work, and raise their families; and

WHEREAS, Auburn retains the charm it has had since its inception, sponsoring entertaining community events like the "Good Ole Days" festival and parade, which brings Auburn citizens together to celebrate the city's roots; and

WHEREAS, The people of Auburn represent a finely blended, diverse citizenry, and have exhibited a robust community spirit in their ability to pull together to work for the benefit of their community; and

WHEREAS, Auburn is renowned for its excellent public schools, including Dick Scobee Elementary School, which in 1989 won the National Excellence Award for Education, and Auburn High School, which is currently one of our state's finalists in competition for the National Excellence Award and whose Trojan Marching Band is widely acclaimed;

NOW, THEREFORE, BE IT RESOLVED, That the Senate congratulate the city of Auburn on the eve of its one hundredth birthday, commending its citizens and businesses for making Auburn a wonderful place to live, work, and grow up; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to the Mayor of Auburn, Bob Regner.

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9055, Scott Bond, as a member of the Eastern State Hospital Advisory Board, was confirmed.

APPOINTMENT OF SCOTT BOND

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays 0; Absent, 2; Excused 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senators McDonald, L. Smith - 2.

Excused: Senators Cantu, Johnson - 2.

MOTION

On motion of Senator Anderson, Senators L. Smith and Thorsness were excused.

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9057, Dr. Dean K. Brooks, as Chair of the Western State Hospital Advisory Board, was confirmed.

APPOINTMENT OF DR. DEAN K. BROOKS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Saling, Sellar, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senator Roach - 1.

Excused: Senators Cantu, Johnson, L. Smith, Thorsness - 4.

SECOND READING

SENATE BILL NO. 5015, by Senators Metcalf, Oke and Thorsness

Providing for landowner liability protection for volunteer projects.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 5015 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5015.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5015 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senators Niemi, Rinehart - 2.

Excused: Senators Cantu, Johnson, L. Smith - 3.

SENATE BILL NO. 5015, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5225, by Senators Oke and Metcalf

Providing for environmental interpretation in state parks.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5225 was substituted for Senate Bill No. 5225 and the substitute bill was placed on second reading and read the second time.

Senator Talmadge moved that the following amendment be adopted:

On page 2, line 13, after "environment." insert "The commission shall not permit commercial advertising in state park lands or interpretive centers as a condition of such agreements. Logos or credit lines for sponsoring organizations may be permitted."

POINT OF INQUIRY

Senator Owen: "Senator Talmadge, what about a situation where McDonalds does provide some assistance? This says 'credit lines for sponsoring organizations.' Would it allow a credit line for McDonald's Corporation?"

Senator Talmadge: "Yes."

Senator Owen: "By just saying 'organizations,' that allows for the corporation, also?"

Senator Talmadge: "Yes."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 2, line 13, to Substitute Senate Bill No. 5225.

The motion by Senator Talmadge carried and the amendment was adopted.

MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute Senate Bill No. 5225 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5225.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5225 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, Snyder, Stratton, Sutherland; Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Cantu, Johnson, L. Smith - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5225, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5097, by Senators Barr, Hansen, Anderson, Gaspard, Newhouse, Conner, Bailey, Matson, Patterson, Amondson, Sellar, Bauer and L. Smith

Redefining agricultural nuisances.

MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 5097 was substituted for Senate Bill No. 5097 and the substitute bill was placed on second reading and read the second time.

Senator Murray moved that the following amendment by Senators Murray, A. Smith, Talmadge and Rinehart be adopted:

On page 2, line 14, after "activities;" strike everything down through and including "products;" on line 16

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Murray, A. Smith, Talmadge and Rinehart on page 2, line 14, to Substitute Senate Bill No. 5097.

The motion by Senator Murray failed and the amendment was not adopted.

MOTIONS

On motion of Senator Barr, the following amendments by Senators Barr and Hansen were considered simultaneously and were adopted:

On page 2, line 22, after "buildings," insert "freshwater"

On page 2, line 22, after "ponds," insert "freshwater"

On page 2, line 25, after "land or" insert "freshwater"

On page 2, line 26, after "livestock," insert "freshwater"

On page 3, line 3, after "trees," strike "fish and fish products, shellfish" and insert "freshwater fish and fish products"

Senator Madsen moved that the following amendment by Senators Madsen, Anderson and Newhouse be adopted:

On page 3, line 2, after "breeding" strike "and grazing" and insert ", grazing, and recreational equine use"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Madsen, Anderson and Newhouse on page 3, line 2, to Substitute Senate Bill 5097.

The motion by Senator Madsen carried and the amendment was adopted.

REQUEST TO DEFER BILL

Senator Vognild requested that further consideration of Substitute Senate Bill No. 5097 be deferred.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute Senate Bill No. 5097 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

On motion of Senator Newhouse, further consideration of Engrossed Substitute Senate Bill No. 5097 was deferred.

SECOND READING

SENATE BILL NO. 5067, by Senators Nelson, Talmadge, Oke, Rasmussen, Bailey, Craswell, Roach, Thorsness, McCaslin, Johnson, Anderson and Conner

Changing the alcohol standards for intoxication.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5067 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5067.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5067 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senator Hansen - 1.

Absent: Senator Newhouse - 1.

Excused: Senators Cantu, Johnson, L. Smith - 3.

SENATE BILL NO. 5067, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Murray, Senator Owen was excused.

SECOND READING

SENATE BILL NO. 5053, by Senators Nelson, Rasmussen and Roach

Allowing local ordinance notice for revoking juvenile driving privileges.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5053 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5053.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5053 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith,

Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Cantu, Johnson, Owen, L. Smith - 4.

SENATE BILL NO. 5053, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT RESOLUTION NO. 8203, by Senators McCaslin and Nelson

Amending the Constitution to provide an additional method for a county to frame a "home rule" charter.

The joint resolution was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Joint Resolution No. 8203 was advanced to third reading, the second reading considered the third and the joint resolution was placed on final passage.

Debate ensued.

POINT OF ORDER

Senator Saling: "A point of order, Mr. President. When there is something worth listening to, I shall wake up."

Further debate ensued.

MOTION

On motion of Senator Murray, Senator Vognild was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Resolution No. 8203.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8203 and the joint resolution passed the Senate by the following vote: Yeas, 33; Nays, 12; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Erwin, Gaspard, Jesernig, L. Kreidler, Madsen, Matson, McCaslin, Moore, Murray, Nelson, Niemi, Owen, Patterson, Pelz, Rinehart, Saling, Sellar, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 33.

Voting nay: Senators Conner, Craswell, Hansen, Hayner, McDonald, McMullen, Metcalf, Newhouse, Oke, Rasmussen, Roach, Skratek - 12.

Excused: Senators Cantu, Johnson, L. Smith, Vognild - 4.

SENATE JOINT RESOLUTION NO. 8203, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5049, by Senator Madsen

Simplifying disposal of abandoned junk vehicles.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5049 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5049.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5049 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Cantu, Johnson, L. Smith, Vognild - 4.

SENATE BILL NO. 5049, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5045, by Senators Madsen, Barr and Conner

Providing for investigation of consumer complaints regarding drinking water quality.

MOTIONS

On motion of Senator Thorsness, Substitute Senate Bill No. 5045 was substituted for Senate Bill No. 5045 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thorsness, the rules were suspended, Substitute Senate Bill No. 5045 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5045.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5045 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Cantu, Johnson, L. Smith, Vognild - 4.

SUBSTITUTE SENATE BILL NO. 5045, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8002, by Senators Metcalf, Conner and Roach

Requesting that the coast guard prohibit dumping of ballast water in United States waters.

The joint memorial was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Joint Memorial No. 8002 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8002.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8002 and the joint memorial passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Williams, Wojahn - 44.

Absent: Senator West - 1.

Excused: Senators Cantu, Johnson, L. Smith, Vognild - 4.

SENATE JOINT MEMORIAL NO. 8002, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5256, by Senators Nelson, A. Smith and Newhouse
Providing franchise investment protection.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5256 was substituted for Senate Bill No. 5256 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the following amendment was adopted:

On page 23, line 14, following "the" strike "franchises" and insert "franchisees"

Senator Adam Smith moved that the following amendments be considered simultaneously and be adopted:

On page 27, line 12, after "than" strike "one year" and insert "two years"

On page 27, line 14, after "than" strike "three" and insert "four"

Debate ensued.

Senator Adam Smith demanded a roll call and the demand was sustained. Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Adam Smith on page 27, lines 12 and 14, to Substitute Senate Bill No. 5256.

ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 25; Nays, 20; Absent, 1; Excused, 3.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Wojahn - 25.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Craswell, Erwin, Hayner, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, Thorsness - 20.

Absent: Senator West - 1.

Excused: Senators Cantu, Johnson, L. Smith - 3.

MOTION

On motion of Senator Newhouse, the Senate returned to the first order of business.

REPORT OF STANDING COMMITTEE

February 21, 1991

SB 5586 Prime Sponsor, Senator McCaslin: Making technical corrections to provisions for the state militia. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Matson, and Sutherland.

Passed to Committee on Rules for second reading.

MOTION

At 11:58 a.m., on motion of Senator Newhouse, the Senate recessed until 12:45 p.m.

The Senate was called to order at 12:45 p.m. by President Pritchard.

At 12:45 p.m., the Senate retired to the House Chamber for the purpose of a Memorial Service for deceased members.

JOINT SESSION

The Sergeant at Arms of the House and Senate announced the arrival of the Senate at the bar of the House.

The Speaker (Representative O'Brien presiding) instructed the Sergeants at Arms of the House and Senate to escort President of the Senate Joel Pritchard, President Pro Tempore of the Senate Ellen Craswell, Vice President Pro Tempore Alan Bluechel, Majority Leader Jeannette Hayner and Democratic Leader Marcus Gaspard to seats on the rostrum.

The Speaker (Representative O'Brien presiding) invited the Senators to seats within the House Chamber.

The Speaker (Representative O'Brien presiding) instructed the Sergeants at Arms of the Senate and House to escort the memorialists to seats within the House Chamber.

The Speaker (Representative O'Brien presiding) presented the gavel to President Pritchard.

The flag was escorted to the rostrum by the All Service Color Guard.

The Secretary of the Senate called the roll of the Senate and all members were present except Senators Cantu, Johnson and L. Smith, who were excused.

The Clerk of the House called the roll of the House and all members were present except Representatives Berozoff, Dorn, Haugen, Miller, Moyer and Phillips, who were excused.

MEMORIAL PROGRAM

Presiding: President of the Senate Joel Pritchard
Chair: Speaker Pro Tempore John L. O'Brien

INVOCATION

by

The Reverend Richard W. Hart, Master Divinity

THE MADRIGAL SINGERS

Olympia High School

Karla Timmerman, Director

Aupres de ma Blonde by Robert Shaw

My Love is Like a Red Red Rose by David Dickau

American the Beautiful
Let There Be Peace

Diane Velasco
Herb Jones

MEMORIAL TRIBUTE

by

Speaker Pro Tempore John L. O'Brien
Representative Shirley Winsley

Speaker O'Brien: "We are assembled today to pay tribute to the lives and services of distinguished former members of the Senate and House of Representatives of the state of Washington who have passed from among us.

"On behalf of the people of our state, the Fifty-Second Legislative Session of the state of Washington conveys its respect to these deceased legislators who once sat in the hallowed Chambers of the House and Senate, like we are doing today, answered roll calls on sometimes critical and perplexing bills, attended committee meetings, and above all else served to the best of their abilities in order to make our state a better and more enjoyable place to live. While they have passed to the great beyond, their achievements, records and valued services have been recorded in the Journals of the Senate and House and are now and forever more a permanent part of the history of the state of Washington.

"We express our sympathies to the bereaved families and their friends and also share with them on this memorable occasion the fond and happy memories of these legislators, who served beyond their call of duty and responsibilities and truly loved the state of Washington. They have left a legacy of dedicated services that will remain forever etched in our hearts, our memories and our legislative records."

CANDLE SERVICE

IN MEMORIUM

In tribute to the memories of our distinguished former members of the Senate and House of Representatives who have passed from among us, the Fifty-Second Legislative Session of the state of Washington conveys its respects on behalf of the people of our state. May the memory of their dedicated service remain in our hearts.

In Memory of:

Alfred O. Adams
 Fred C. Ashley
 Chester Biesen
 Max E. Benitz
 Glyn Chandler
 Pat Cochran
 D. James Constanti
 Arlie U. DeJarnatt
 Wesley R. Eldridge
 Stanton Ganders
 Cecil A. Cholson
 Sam C. Guess
 Joe Haussler
 Al Henry
 Dan Jolly
 Helmut L. Jueling
 George W. Krupka
 Mary LeCocq
 Paul N. Luvera
 Warren G. Magnuson
 William J. S. "Bill" May
 Tom Montgomery
 Gladys Morgen
 Roy Mundy
 C. R. "Dick" Nickell
 Edward F. Riley
 J. H. Robertson
 Gordon T. Sandison
 Edward P. "Eddie" Smith

Tribute by:

Representative John A. Moyer
 Representative Todd Mielke
 Senator Lois Stratton
 Senator Irv Newhouse
 Representative Gary Chandler
 Representative Jennifer M. Belcher
 Representative Barbara Lisk
 Senator Sid Snyder
 Representative Harold Hochstatter
 Senator Al Bauer
 Senator Ray Moore
 Representative Duane Sommers
 Representative Richard A. King
 Senator Dean Sutherland
 Representative Eugene Prince
 Representative Art Broback
 Senator A. L. "Slim" Rasmussen
 Representative Pete Kremen
 Senator Patrick R. McMullen
 Representative Joanne Brekke
 Representative Dennis A. Dellwo
 Representative Marilyn Rasmussen
 Representative Jean Silver
 Senator Frank "Tub" Hansen
 Representative Karen Schmidt
 Representative Jesse Wineberry
 Representative Ruth Fisher
 Senator Paul Conner
 Representative Bob Basich

FLOWER TRIBUTE

by

Members of the Senate and House of Representatives

It Is Well With My Soul

Kathy Ward

Amazing Grace by John Newton

Ralph Munro, Secretary of State

How Great Thou Art by Stewart K. Hine		Father Joseph Maguire, S.J.
Benediction		Father Joseph Maguire, S.J.
Echo Taps	9th Infantry Division (M) Band	
	Fife	SSG. Paul Dorwin
	Drummer	SFC. Barry Shaw
	Bugler	SGT. James Hunt
	Bugler	SGT. Jeffery Haag
All Service Color Guard	Army	SGT. Lamar Williams SPC. Douglas Uphoff PFC. Eric Jirouch
	Marine	SSG. Brian Roberson SGT. Clayton Barker CPL. Patrick Petracca
	Navy	EN2. Randall Miller
	Air Force	AIC. Michael Van Bavel
	Coast Guard	SN. Michael Eastman

The President of the Senate announced the conclusion of the Memorial Service.

MOTION

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

The colors were retired by the All Service Color Guard.

The President of the Senate presented the gavel to Speaker Pro Tempore O'Brien.

The Speaker (Representative O'Brien presiding) instructed the Sergeants at Arms of the House and Senate to escort President of the Senate Joel Pritchard, President Pro Tempore of the Senate Ellen Craswell, Vice President Pro Tempore Alan Bluechel, Majority Leader Jeannette Hayner, Democratic Leader Marcus Gaspard and members of the Washington State Senate from the House Chamber.

The Senate was called to order at 2:11 p.m. by President Pritchard.

MOTION

At 2:11 p.m., on motion of Senator Moore, the Senate adjourned until 10:00 a.m., Monday, February 25, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FORTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 25, 1991

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Johnson, McDonald and Thorsness. On motion of Senator Anderson, Senators Johnson, McDonald and Thorsness were excused.

The Sergeant at Arms Color Guard, consisting of Pages Carrie McMullen and Jason Sutherland, presented the Colors. Reverend Ray Morrison, pastor of the First Nazarene Church of Tumwater, offered the prayer.

MOTION

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

. **REPORTS OF STANDING COMMITTEES**

February 21, 1991

SB 5137 Prime Sponsor, Senator McCaslin: Invalidating zoning restrictions for property that is subject to an LID assessment based on uses not permitted by the zoning restrictions. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5137 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; and Matson.

Passed to Committee on Rules for second reading.

February 21, 1991

SB 5240 Prime Sponsor, Senator Bailey: Requiring the adoption of a policy prohibiting corporal punishment in schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Murray, Pelz, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

February 19, 1991

SB 5299 Prime Sponsor, Senator L. Smith: Revising provisions for adoption. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5299 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, and Stratton.

Passed to Committee on Rules for second reading.

February 21, 1991

SB 5303 Prime Sponsor, Senator Talmadge: Changing requirements for state and local initiative and referendum ballot titles. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5303 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Matson, and Sutherland.

Passed to Committee on Rules for second reading.

February 21, 1991

SB 5305 Prime Sponsor, Senator Owen: Conditioning the reduction of a student's suspension on the commencement of counseling. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5305 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Murray, Oke, Pelz, Rinehart, and A. Smith.

Passed to Committee on Rules for second reading.

February 21, 1991

SB 5463 Prime Sponsor, Senator A. Smith: Authorizing site-based councils. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5463 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Murray, Oke, Pelz, Rinehart, and Talmadge.

Referred to Committee on Ways and Means.

February 22, 1991

SJM 8011 Prime Sponsor, Senator Thorsness: Requesting that the United States Department of Energy maintain its commitment to the Tri-Party agreement. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 22, 1991

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1001,

SUBSTITUTE HOUSE BILL NO. 1255,

SUBSTITUTE HOUSE BILL NO. 1511, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5826 by Senators Rinehart, A. Smith and Talmadge

AN ACT Relating to providing the electorate a power of referendum on the building of a new runway or extending a runway at a heavily used commercial airport; and adding a new section to chapter 53.08 RCW.

Referred to Committee on Governmental Operations.

SB 5827 by Senators West, McDonald and Niemi (by request of Office of Financial Management and Department of Social and Health Services)

AN ACT Relating to regulation of nursing homes; and amending RCW 18.51.050, 74.46.660, 74.46.020, 74.46.210, 74.46.380, 74.46.410, 74.46.481, and 74.46.530.

Referred to Committee on Health and Long-Term Care.

SB 5828 by Senators Nelson, Niemi, Johnson, Bauer, Moore, Rasmussen, Saling and von Reichbauer (by request of Department of Retirement Systems)

AN ACT Relating to notification to state employees of accumulated service credit by the department of retirement systems; and amending RCW 41.50.065.

Referred to Committee on Ways and Means.

SB 5829 by Senator Erwin

AN ACT Relating to state and local government purchase of recycled materials; amending RCW 43.19.537 and 43.19.538; adding new sections to Title 43 RCW; and creating new sections.

Referred to Committee on Environment and Natural Resources.

SB 5830 by Senators Stratton, Erwin, Rasmussen, Williams, Talmadge, Wojahn, Vognild, Pelz, Snyder and Owen

AN ACT Relating to youth gang violence reduction; adding a new chapter to Title 43 RCW; creating a new section; and making appropriations.

Referred to Committee on Children and Family Services.

SB 5831 by Senator West

AN ACT Relating to employment agencies; amending RCW 19.31.020, 19.31.030, 19.31.040, 19.31.150, 19.31.170, and 19.31.190; and adding a new section to chapter 19.31 RCW.

Referred to Committee on Commerce and Labor.

SB 5832 by Senator Madsen

AN ACT Relating to imposing a privilege tax on certain city-owned hydropower facilities located in other counties; adding a new section to chapter 82.16 RCW; and providing an effective date.

Referred to Committee on Energy and Utilities.

SB 5833 by Senators Roach, A. Smith, Madsen, Matson and Sutherland

AN ACT Relating to fees based on gross receipts imposed by port districts; adding a new section to chapter 14.08 RCW; adding a new section to chapter 53.08 RCW; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5834 by Senator McCaslin (by request of Secretary of State)

AN ACT Relating to archives and records management; and amending RCW 40.14.020.

Referred to Committee on Governmental Operations.

SB 5835 by Senators Sellar, Talmadge and Nelson

AN ACT Relating to conveyances for recreational purposes at ski areas; and amending RCW 70.117.010 and 70.88.090.

Referred to Committee on Law and Justice.

SB 5836 by Senators Rinehart and Bailey

AN ACT Relating to education; adding new sections to chapter 28A.230 RCW; and creating a new section.

Referred to Committee on Education.

SB 5837 by Senators Anderson, Owen, Snyder and Matson

AN ACT Relating to employment; amending RCW 51.08.070, 51.08.180, 51.12.020, 51.12.100, 51.12.110, and 50.04.140; adding a new section to chapter 51.08 RCW; and repealing RCW 51.12.115.

Referred to Committee on Commerce and Labor.

SB 5838 by Senators Johnson and L. Kreidler

AN ACT Relating to a nonvoting physician assistant member of the medical disciplinary board; and amending RCW 18.72.040 and 18.72.050.

Referred to Committee on Health and Long-Term Care.

SB 5839 by Senators Jesernig, Talmadge, Stratton, Bailey, Gaspard, Snyder and Sutherland

AN ACT Relating to the natural death act; amending RCW 70.122.010, 70.122.020, 70.122.030, 70.122.060, 70.122.070, 70.122.080, 70.122.090, and 70.122.100; adding new sections to chapter 70.122 RCW; creating a new section; and repealing RCW 70.122.050.

Referred to Committee on Health and Long-Term Care.

SB 5840 by Senators Hansen and Barr

AN ACT Relating to regulation of commission merchants; amending RCW 20.01.210 and 20.01.420; adding new sections to chapter 20.01 RCW; prescribing penalties; and declaring an emergency.

HOLD.

SB 5841 by Senators Hansen and Barr

AN ACT Relating to clarifying existing crop lien coverage and filing procedures; and amending RCW 60.11.030 and 60.11.040.

Referred to Committee on Agriculture and Water Resources.

SB 5842 by Senators Thorsness, Erwin, Metcalf, Saling, Oke, Cantu, Patterson, Anderson, McDonald and Amondson

AN ACT Relating to the department of information services; amending RCW 43.105.032; and adding new sections to chapter 43.105 RCW.

HOLD.

SB 5843 by Senators Thorsness, L. Smith, McCaslin, Oke, McDonald, Erwin, Amondson, Metcalf, Roach, West and Rasmussen

AN ACT Relating to creating the veterans' award fund; adding a new chapter to Title 38 RCW; prescribing penalties; and making an appropriation.

Referred to Committee on Governmental Operations.

SB 5844 by Senator Moore

AN ACT Relating to securities; amending RCW 21.20.110; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SJM 8015 by Senators Vognild, Patterson, Gaspard, Hayner, Snyder, Newhouse, Anderson and McMullen

Concerning an international nautical convention.

HOLD.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1001 by House Committee on State Government (originally sponsored by Representatives Locke, Ballard, Appelwick, Peery, Ludwig, Belcher, Prince, H. Myers, Tate, Vance, D. Sommers, Morton, Wineberry, Mitchell, Beck, Forner, McLean, Brough, Edmondson, Chandler, P. Johnson, Moyer, Hochstatter, Lisk, Wood, Paris, Casada, Nealey, Brekke, Silver, Wynne, Fraser, May and Anderson)

Requiring the top two vote getters in nonpartisan elections to appear on the general election ballot.

Referred to Committee on Governmental Operations.

SHB 1255 by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Inslee, Locke, Riley, Miller, Forner, Heavey, Paris, Wang, R. Meyers, Jacobsen, Phillips, Orr,

G. Fisher and Belcher) (by request of Human Rights Commission)

Pertaining to discrimination.

Referred to Committee on Law and Justice.

SHB 1511 by House Committee on Appropriations (originally sponsored by Representatives Anderson, Silver, Pruitt, Winsley, Leonard, Riley, Beck, H. Myers, R. King, Wynne, Van Luven, Ludwig, Orr, Brekke, Roland and Brough)

Restricting disclosure of public records if disclosure would endanger life, physical safety, or property.

Referred to Committee on Law and Justice.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Joint Memorial No. 8015 was advanced to second reading and placed on the second reading calendar.

SECOND READING

SENATE JOINT MEMORIAL NO. 8015, by Senators Vognild, Patterson, Gaspard, Hayner, Snyder, Newhouse, Anderson and McMullen

Concerning an international nautical convention.

The joint memorial was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Joint Memorial No. 8015 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

POINT OF INQUIRY

Senator Metcalf: "Senator Vognild, since I don't believe that this has been sent to committee, does this have any impact or anything at all to do with pilots and the piloting after the pilots get aboard, either at Cape Flattery or the Columbia Bar?"

Senator Vognild: "No, Senator, it would not affect the pilots. They are presently under the control of the Coast Guard and of state officers and their training is assured by the laws that we pass here."

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8015.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8015 and the joint memorial passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Johnson, McDonald, Thorsness - 3.

SENATE JOINT MEMORIAL NO. 8015, having received the constitutional majority, was declared passed.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the arrival in the Senate Chamber of Miss Washington, Lynnae Marie Thurik, and appointed Senators Bauer, Linda Smith and Sutherland to escort the honored guest to the rostrum.

The President introduced Miss Washington, Lynnae Marie Thurik.

With permission of the Senate, business was suspended to permit Miss Washington to address the Senate.

INTRODUCTION OF MISS WASHINGTON SCHOLARSHIP
PAGEANT CONTESTANTS

The President introduced the Miss Washington Scholarship Pageant contestants accompanying Miss Washington, who were seated in the gallery.

The committee escorted Miss Washington from the Senate Chamber and the committee was discharged.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9070, Arlene B. Engel, as a member of the Western State Hospital Advisory Board, was confirmed.

APPOINTMENT OF ARLENE B. ENGEL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith,

L. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Johnson, McDonald, Thorsness - 3.

MOTION

On motion of Senator Murray, Senator Vognild was excused.

MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9067, Lester Eldridge, as a member of the Puget Sound Water Quality Authority, was confirmed.

Senator Lela Kreidler spoke to the confirmation of Lester Eldridge as a member of the Puget Sound Water Quality Authority.

APPOINTMENT OF LESTER ELDRIDGE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Johnson, McDonald, Thorsness - 3.

SECOND READING

SENATE BILL NO. 5055, by Senators Rasmussen and Amondson

Providing for a certificate of completion for certain hazardous waste clean-up.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5055 was substituted for Senate Bill No. 5055 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5055 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Hayner: "Senator Metcalf, I think this might have some validity if, in fact, a notice of remedial action taken was also filed in the auditor's office. But, if in fact, the property owner has to file this notice in the auditor's office and the Department of Ecology issues some kind of a message

to the property owner, but it never gets in the file, it seems to me then you are creating a real problem in the future for passage of title."

Senator Metcalf: "Your point if very well taken. I thought that notice of remedial action had to be also filed with the county auditor and go with the property. That was my thought. I can't answer the question. If you would like to hold it, I'll certainly check on that with staff and be certain on that point."

MOTION

Senator Hayner moved that further consideration of Substitute Senate Bill No. 5055 be deferred.

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Hayner to defer further consideration of Substitute Senate Bill No. 5055.

The motion by Senator Hayner carried and further consideration of Substitute Senate Bill No. 5055 was deferred.

SECOND READING

SENATE BILL NO. 5069, by Senators Nelson, Rasmussen, Talmadge, Oke, Bailey, Craswell, Thorsness, McCaslin, Johnson, Roach, Metcalf, Vogild and Conner

Changing the blood and breath alcohol content standards for intoxication for those persons under the age of twenty-one.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5069 was substituted for Senate Bill No. 5069 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5069 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

At 10:46 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:36 a.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5069, which was being considered before the Senate went at ease.

MOTION

On motion of Senator Anderson, Senator Matson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5069.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5069 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senator Vognild - 1.

Excused: Senators Johnson, Matson - 2.

SUBSTITUTE SENATE BILL NO. 5069, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Craswell, Senator Amondson was excused.

SECOND READING

SENATE BILL NO. 5077, by Senators Nelson and Rasmussen

Perfecting certain security interests upon recording.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5077 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5077 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 13; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Thorsness, von Reichbauer, West - 33.

Voting nay: Senators Cantu, Hayner, Moore, Murray, Niemi, Pelz, Rinehart, Skratek, Sutherland, Talmadge, Vognild, Williams, Wojahn - 13.

Excused: Senators Amondson, Johnson, Matson - 3.

SENATE BILL NO. 5077, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5107, by Senators Nelson, A. Smith and Newhouse

Making multiple changes to the statutes governing corporations.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5107 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Nelson, actually this is not about this substantive provision with the corporation law, but in Section 55 of the bill, the Secretary of State is presently authorized to print and distribute certain statutory segments. For example, the list of active corporations, the corporation law, etc. and those are of substantial benefit for a lot of smaller business owners across the state. Two of the items that are deleted under this proposal are the Uniform Commercial Code and also the Public Disclosure Act. Why did the committee authorize the elimination of the authority to the Secretary of State to distribute the Public Disclosure Act to citizens and also the Uniform Commercial Code?"

Senator Nelson: "Senator Talmadge, the basic reason being that the substance and the volume of information under both of those is so great that we felt it would be more proper for the individual, if they choose to have copies of that, they can effectively get them directly by going to a library or call for them specifically, but this--having the Secretary of State printing and reprinting for distribution all of this material in the case of what might be provided under 42.17--they can actually call the PDC and obtain what parts they wish rather than--"

Senator Talmadge: "Was this actually recommended by the Bar Association?"

Senator Nelson: "Yes, it was."

Senator Talmadge: "Was not, or was?"

Senator Nelson: "It was."

Further debate ensued.

MOTION

On motion of Senator Murray, Senator Vognild was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5107.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5107 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Wojahn - 42.

Voting nay: Senators Anderson, Conner, Moore, Niemi, Williams - 5.

Excused: Senators Johnson, Vognild - 2.

SENATE BILL NO. 5107, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1991-8616

By Senator Snyder

WHEREAS, Dance is the oldest of the arts, reflecting one of the most personal and effective means of communication; and

WHEREAS, Almost all important occasions in the life of modern people are celebrated by dancing; and

WHEREAS, Everyone, young and old, has enjoyed ballroom, ballet, jazz, rhumba, cha cha, foxtrot, hustle, country western, tango, waltz, ethnic, tap, shag, limbo, salsa, charleston, clogging, swing, contra, funky chicken, disco, break, dirty dancing, and jitterbug, and will continue to enjoy these and other dances forever; and

WHEREAS, Dancing is both an art form, and a form of recreation providing fun, exercise, relaxation, and companionship; and

WHEREAS, The week of February 24 through March 1 has been proclaimed by Governor Gardner as Washington Dance Week, and an appropriate time to recognize the contributions of dancing to the people of Washington; and

WHEREAS, National Ballroom Dance Champions Elizabeth and Stephan Cullip, and Jay and Lynn Offutt, vibrant Latin dancers and instructors, will perform in the Rotunda of our Legislative Building tomorrow, February 26th, at noon, one-half hour of the best ballroom and Latin dancing you'll ever see, and welcome everyone to come see, and join in and dance at 12:45 p.m.;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor the contributions dancing has brought to the people of Washington, and urge everyone to go out and dance their socks off.

Senator Snyder spoke to Senate Resolution 1991-8616.

MOTION

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

SENATE RESOLUTION 1991-8618

By Senators Thorsness, Moore, Rasmussen, Snyder, Stratton, Nelson, Murray, Cantu and Roach

WHEREAS, On February 20, 1991, Ardon B. "Brad" Cooper fell a brave hero in the battle to achieve universal peace, justice and freedom; and

WHEREAS, Brad's life ended, along with the lives of two fellow members of the United States Army First Division Cavalry, when the anti-aircraft vehicle in which the three soldiers were travelling was hit by enemy artillery; and

WHEREAS, Brad was a native of Seattle, where the memory of his life and sacrifice will live on forever; and

WHEREAS, Brad will be remembered most for his capacity to enlighten the lives of those around him with his quick smile, his infectious energy, his knack for making others laugh, and a personality that drew people to him like a magnet; and

WHEREAS, Brad will be especially missed by those who joined him in sporting events over the years, Brad having played on his high school football team, and on champion lacrosse, hockey, and curling teams; and

WHEREAS, Brad's last letters home reflected his sense of patriotism and duty, his sense of purpose, his gratitude for the opportunities presented to him during his short lifetime, and his sense of humor, having asked in one letter that his sister mail him "hundreds of chocolate chip cookies;" and

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby honors Ardon B. "Brad" Cooper as an American hero and patriot and expresses gratitude to him and his family on behalf of the people

of this state for the supreme sacrifice they have made in defense of liberty; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the family of Brad Cooper, to commanders of the First Cavalry Division, and to the President of the United States, the honorable George Bush.

Senator Thorsness spoke to Senate Resolution 1991-8618.

MOTION

On motion of Senator Newhouse, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

February 21, 1991

SB 5086 Prime Sponsor, Senator Amondson: Permitting counseling and testing for HIV diseases of charged criminal offenders. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5086 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, and Wojahn.

Passed to Committee on Rules for second reading.

February 21, 1991

SB 5145 Prime Sponsor, Senator Metcalf: Making changes to storm water regulations. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5145 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Barr, Conner, Owen, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

February 21, 1991

SB 5501 Prime Sponsor, Senator Owen: Restricting the transfer of commercial salmon fishing licenses. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5501 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Barr, Conner, Owen, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

February 21, 1991

SB 5534 Prime Sponsor, Senator Metcalf: Modifying conditions regarding water discharge permit fees. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5534 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Conner, Owen, and Snyder.

MINORITY recommendation: Do not pass. Signed by Senators Barr, Patterson, and Sutherland.

Referred to Committee on Ways and Means.

February 22, 1991

SB 5576 Prime Sponsor, Senator West: Establishing a license to practice specialized veterinary medicine. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5576 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

February 21, 1991

SB 5612 Prime Sponsor, Senator Bluechel: Changing provisions relating to natural resources conservation areas. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5612 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Barr, Conner, Owen, Patterson, Snyder, and Sutherland.

Referred to Committee on Ways and Means.

February 21, 1991

SB 5651 Prime Sponsor, Senator Saling: Adding the Little Spokane river to the scenic river system. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Conner, Owen, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, Senate Bill No. 5840 which was held on today's Introduction and First Reading Calendar, was referred to the Committee on Commerce and Labor.

On motion of Senator Newhouse, Senate Bill No. 5842 which was held on today's Introduction and First Reading Calendar, was referred to the Committee on Energy and Utilities.

MOTION

At 12:04 p.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Tuesday, February 26, 1991.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FORTY-FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, February 26, 1991

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 22, 1991

SB 5149 Prime Sponsor, Senator Nelson: Regulating political gifts and public office funds. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5149 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

February 25, 1991

SB 5158 Prime Sponsor, Senator Owen: Providing for Hood Canal salmon management. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, and Sutherland.

Referred to Committee on Ways and Means.

February 22, 1991

SB 5199 Prime Sponsor, Senator West: Making assaults on staff at state hospitals for the mentally ill a class C felony. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5199 be substituted therefor, and the substitute bill do pass. Signed by Senators

Nelson, Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

February 25, 1991

SB 5206 Prime Sponsor, Senator Matson: Funding search and rescue activities. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass and be referred to the Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Barr, Conner, Owen, Patterson, and Snyder.

Referred to Committee on Ways and Means.

February 22, 1991

SB 5232 Prime Sponsor, Senator West: Regulating the withholding of commissions by closing agents. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Erwin, L. Kreidler, Madsen, and Rasmussen.

Passed to Committee on Rules for second reading.

February 22, 1991

SB 5438 Prime Sponsor, Senator Nelson: Increasing stolen property values for determining degree of theft. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5438 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Erwin, Hayner, L. Kreidler, Madsen, and Rasmussen.

Passed to Committee on Rules for second reading.

February 25, 1991

SB 5512 Prime Sponsor, Senator von Reichbauer: Prohibiting connection of a sewer without approval of sewer district. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Matson, and Sutherland.

Passed to Committee on Rules for second reading.

February 25, 1991

SB 5619 Prime Sponsor, Senator McCaslin: Concerning candidates filing fees. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Matson, and Sutherland.

Passed to Committee on Rules for second reading.

February 25, 1991

SB 5675 Prime Sponsor, Senator Metcalf: Requiring a restoration plan for Skagit river salmon. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, and Snyder.

Passed to Committee on Rules for second reading.

February 25, 1991

SB 5685 Prime Sponsor, Senator Snyder: Allowing commercial salmon fishing opportunities in specified rivers. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Conner, Owen, Patterson, and Snyder.

Passed to Committee on Rules for second reading.

February 25, 1991

SJR 8220 Prime Sponsor, Senator McCaslin: Amending the Constitution to assess low-income housing property and single family residential dwellings at their current use. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; and Sutherland.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

February 15, 1991

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

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

Jack Rabourn, appointed February 15, 1991, for a term beginning March 1, 1991, and ending January 15, 1997, as a member of the Liquor Control Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

MESSAGE FROM THE HOUSE

February 25, 1991

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1039,

HOUSE BILL NO. 1053, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5845 by Senators McDonald, Gaspard, Hayner, Wojahn, Oke, Metcalf, Thorsness, L. Smith, A. Smith and Bauer

AN ACT Relating to the taxation of adult entertainment materials and services; amending RCW 82.08.020, 82.08.010, 82.12.020, 82.12.0252, 82.12.035, 82.12.040, 82.12.060, and 82.14.020; reenacting and amending RCW 82.12.010; adding a new section to chapter 82.32 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5846 by Senator Roach

AN ACT Relating to a sludge study task force; adding new sections to chapter 90.48 RCW; creating a new section; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 5847 by Senators Rasmussen, Owen, Stratton and L. Smith

AN ACT Relating to parenting; amending RCW 26.09.002, 26.09.004, 26.09.184, 26.09.187, 26.09.194, 26.09.197, 26.09.255, 26.09.285, and 26.26.160; reenacting and amending RCW 26.09.191, 26.09.260, and 26.26.130; adding new sections to chapter 26.09 RCW; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 5848 by Senator Rasmussen

AN ACT Relating to the homestead exemption; and amending RCW 6.13.030.

Referred to Committee on Law and Justice.

SB 5849 by Senators McDonald, Rinehart, Bluechel, Gaspard, Hayner, Skratek, Erwin, Sellar, Murray, Thorsness, Bailey, Roach, Anderson, von Reichbauer, Nelson, Cantu and L. Smith

AN ACT Relating to averaging large property tax valuation increases; amending RCW 84.04.030, 84.40.020, 84.40.030, 84.40.040, 84.40.045, 84.41.041, 84.48.010, 84.48.065, 84.48.075, 84.48.080, 84.12.270, 84.12.310, 84.12.330, 84.12.350, 84.12.360, 84.16.040, 84.16.050, 84.16.090, 84.16.110, 84.16.120, 84.24.040, 84.36.041, 84.52.063, and 84.70.010; adding a new section to chapter 84.04 RCW; adding a new section to chapter 84.40 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5850 by Senator McCaslin

AN ACT Relating to the sale or transfer of condominiums; and amending RCW 64.34.080.

Referred to Committee on Law and Justice.

SB 5851 by Senators McDonald, Anderson, Cantu, Owen, McCaslin, Craswell, L. Smith and Thorsness

AN ACT Relating to quality schools; amending RCW 28A.605.020, 28A.230.190, 28A.230.230, 28A.230.240, 28A.410.030, 28A.400.200, 28A.150.040, 41.59.020, and 41.56.030; adding new sections to chapter 28A.230 RCW; adding a new section to chapter 28A.410 RCW; adding new chapters to Title 28A RCW; creating new sections; and providing an effective date.

Referred to Committee on Education.

SB 5852 by Senators Nelson and Thorsness (by request of Sentencing Guidelines Commission)

AN ACT Relating to work crews for offenders; amending RCW 9.94A.030, 9.94A.120, 9.94A.180, 9.94A.190, and 9A.76.010; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Law and Justice.

SB 5853 by Senators Stratton and Saling.

AN ACT Relating to the state financial aid program; amending RCW 28B.10.808, 28B.10.821, 28B.101.005, 28B.101.010, 28B.101.020, 28B.101.030, and 28B.101.040; adding a new section to chapter 28B.10 RCW; creating a new section; and providing an effective date.

Referred to Committee on Higher Education.

SB 5854 by Senators Conner, Craswell, Stratton and McMullen

AN ACT Relating to children in poverty; adding a new chapter to Title 74 RCW; creating a new section; and making an appropriation.

Referred to Committee on Children and Family Services.

SB 5855 by Senators Conner, Murray, Craswell, Hansen, Snyder, McMullen, Moore, A. Smith and Pelz

AN ACT Relating to the use of polystyrene products in ferryboats and terminals; adding a new chapter to Title 47 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 5856 by Senators Wojahn, L. Smith, Oke, Niemi, L. Kreidler, West, von Reichbauer, Madsen, Amundson, Rasmussen and Thorsness

AN ACT Relating to pilot projects for developmentally disabled persons with mental illness; adding a new section to chapter 43.20A RCW; creating a new section; and making an appropriation.

Referred to Committee on Health and Long-Term Care.

SB 5857 by Senators Wojahn, Talmadge, Rasmussen and Pelz

AN ACT Relating to educational opportunities for minority criminal justice professionals; adding a new chapter to Title 28B RCW; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5858 by Senators Matson and Moore

AN ACT Relating to actions against contractors with joint supervision and control of premises; amending RCW 51.24.030; and adding a new section to chapter 51.24 RCW.

Referred to Committee on Commerce and Labor.

SB 5859 by Senators L. Kreidler, Niemi, Vognild and Murray

AN ACT Relating to the authority of boards regulating health care professionals; amending RCW 18.22.015, 18.25.017, 18.26.110, 18.29.110, 18.32.035, 18.32.560, 18.34.050, 18.54.070, 18.57.005, 18.57A.020, 18.59.130, 18.64.005, 18.71.015, 18.71A.020, 18.72.040, 18.74.023, 18.78.050, 18.83.050, 18.83.135, 18.88.080, 18.88A.060, 18.92.030, 18.108.025, and 18.130.040; adding

a new section to chapter 18.06 RCW; adding a new section to chapter 18.19 RCW; adding a new section to chapter 18.22 RCW; adding a new section to chapter 18.25 RCW; adding a new section to chapter 18.29 RCW; adding a new section to chapter 18.32 RCW; adding a new section to chapter 18.34 RCW; adding a new section to chapter 18.35 RCW; adding a new section to chapter 18.36A RCW; and adding a new section to chapter 18.50 RCW; adding a new section to chapter 18.53 RCW; adding a new section to chapter 18.55 RCW; adding a new section to chapter 18.57 RCW; adding a new section to chapter 18.57A RCW; adding a new section to chapter 18.59 RCW; adding a new section to chapter 18.64 RCW; adding a new section to chapter 18.64A RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.71A RCW; adding a new section to chapter 18.74 RCW; adding a new section to chapter 18.83 RCW; adding a new section to chapter 18.84 RCW; adding a new section to chapter 18.88A RCW; adding a new section to chapter 18.89 RCW; adding a new section to chapter 18.92 RCW; adding a new section to chapter 18.108 RCW; adding a new section to chapter 18.155 RCW; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5860 by Senators Hayner, McMullen, Matson and Gaspard (by request of Gambling Commission)

AN ACT Relating to legislative review of compacts negotiated under the federal Indian gaming regulatory act of 1988; and adding a new section to chapter 9.46 RCW.

Referred to Committee on Commerce and Labor.

SB 5861 by Senators Anderson, Talmadge and L. Smith

AN ACT Relating to provisional periods for certificated employees; and amending RCW 28A.405.220.

Referred to Committee on Education.

SB 5862 by Senators Amondson, Rasmussen, Talmadge, Sutherland, Snyder, Anderson, Matson, Newhouse, Craswell, Thorsness, McCaslin and Roach

AN ACT Relating to modifiable basic plans for school construction; adding a new section to chapter 28A.305 RCW; and creating new sections.

Referred to Committee on Education.

SB 5863 by Senator Sellar

AN ACT Relating to technical changes in rail freight property acquisition statutes; amending RCW 47.76.040, 47.76.050, 47.76.060, 47.76.070, 47.76.080, and 47.76.090; and declaring an emergency.

Referred to Committee on Transportation.

SB 5864 by Senators L. Smith, Hayner, Thorsness, Roach, Metcalf, Saling, West, von Reichbauer, Oke, Sellar, Matson, Amondson, McCaslin, Cantu, Johnson, Erwin, Rasmussen, Anderson, Craswell, Nelson, Patterson, Barr and McDonald

AN ACT Relating to the regulation of political contributions and advertising; amending RCW 42.17.095, 42.17.105, 42.17.125, 42.17.510, 41.04.230, 42.17.180, and 42.17.390; adding new sections to chapter 42.17 RCW; creating a new section; repealing RCW 42.17.243; prescribing penalties; making an appropriation; providing an effective date; and providing for submission of this act to a vote of the people.

Referred to Committee on Governmental Operations.

SB 5865 by Senators West, Gaspard, Oke, Skratek, Thorsness, L. Smith, Snyder, Bauer, Owen, McMullen, Talmadge, Conner, Vognild, Williams, Rasmussen, L. Kreidler, Stratton, von Reichbauer and Murray (by request of Department of Veterans Affairs)

AN ACT Relating to counseling veterans and their dependents; adding new sections to chapter 43.60A RCW; creating a new section; making appropriations; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 5866 by Senators Owen, Rasmussen, Vognild, Roach, West, Bauer, Oke, Erwin and L. Smith

AN ACT Relating to stepchildren; and amending RCW 26.16.205 and 74.20A.020.

Referred to Committee on Children and Family Services.

SB 5867 by Senators Moore, Talmadge, Murray, L. Kreidler, Vognild, Rasmussen, Wojahn, Rinehart, Williams, Conner, Pelz, Niemi, A. Smith and Skratek

AN ACT Relating to agricultural labor relations; adding a new chapter to Title 49 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 5868 by Senator L. Smith

AN ACT Relating to surface mining; adding new sections to chapter 78.44 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SJM 8016 by Senators Conner, Owen and Bauer

Petitioning Congress to develop a comprehensive energy policy.

Referred to Committee on Energy and Utilities.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1039 by House Committee on Higher Education (originally sponsored by Representatives Ebersole, Forner, Dorn, R. Meyers, Basich, Wineberry, Zellinsky, H. Myers, Peery, Wang, Sprenkle, Rayburn, Ludwig, Haugen, Rust, Pruitt, Jacobsen, Valle, Morris and Rasmussen) (by request of Governor Gardner)

Creating a work force training and education coordinating board, and combining community and vocational technical schools under one agency.

Referred to Committee on Higher Education.

HB 1053 by Representatives Leonard, Winsley, Riley and Basich (by request of Department of Social and Health Services)

Concerning foster family home licenses.

Referred to Committee on Children and Family Services.

MOTION

At 12:03 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, February 27, 1991.

JOEL PRITCHARD, President of the Senate
GORDON GOLOB, Secretary of the Senate.

FORTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 27, 1991

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cantu and Matson. On motion of Senator Anderson, Senator Matson was excused.

The Sergeant at Arms Color Guard, consisting of Pages Mindy Korando and Angee Iyall, presented the Colors. Reverend Ray Morrison, pastor of the First Nazarene Church of Tumwater, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 26, 1991

SB 5236 Prime Sponsor, Senator Bailey: Permitting HIV testing of accused sex offenders. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5236 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; L. Kreidler, Madsen, Newhouse, and Rasmussen.

Referred to Committee on Ways and Means.

February 26, 1991

SB 5464 Prime Sponsor, Senator Gaspard: Providing for the commencement of regular sessions of the legislature on the second Monday of February. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen and Matson.

Passed to Committee on Rules for second reading.

February 26, 1991

SB 5584 Prime Sponsor, Senator Newhouse: Clarifying the method for determining the proportionate share of damages when multiple parties are at fault. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, and Newhouse.

MINORITY recommendation: Do not pass. Signed by Senators L. Kreidler, Madsen, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

February 25, 1991

SB 5620 Prime Sponsor, Senator McCaslin: Changing the allocation of election costs for certain years. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chairman; Madsen, and Matson.

Referred to Committee on Ways and Means.

February 26, 1991

SB 5623 Prime Sponsor, Senator Thorsness: Changing provisions relating to sentencing of offenders. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5623 be substituted therefore, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Madsen, Newhouse, and Rasmussen.

Referred to Committee on Ways and Means.

February 26, 1991

SB 5644 Prime Sponsor, Senator Nelson: Regulating adult entertainment. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5644 be substituted therefore, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

February 26, 1991

SB 5678 Prime Sponsor, Senator Thorsness: Creating Washington national guard day. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

February 25, 1991

SB 5702 Prime Sponsor, Senator McDonald: Directing the economic and revenue forecast council to forecast caseloads. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5702 be substituted therefore, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Hayner, Matson, Metcalf, Newhouse, Owen, L. Smith, and West.

Passed to Committee on Rules for second reading.

February 26, 1991

SB 5718 Prime Sponsor, Senator Owen: Establishing purple heart recipient recognition day. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

February 26, 1991

SB 5778 Prime Sponsor, Senator Newhouse: Requiring persons filing reports of pesticide damage to cooperate with the department of agriculture. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, and Newhouse.

Passed to Committee on Rules for second reading.

February 26, 1991

SB 5797 Prime Sponsor, Senator McCaslin: Requiring that compensation be paid when private property is diminished in value for a public purpose. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Referred to Committee on Ways and Means.

February 25, 1991

SJR 8225 Prime Sponsor, Senator McDonald: Requiring a three-fifths favorable vote of the legislature for new state taxes or tax increases. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Hayner, Matson, Metcalf, Newhouse, Owen, L. Smith, and West.

MINORITY recommendation: Do not pass. Signed by Senators Gaspard, L. Kreidler, Murray, Niemi, Rinehart, Talmadge and Williams.

Passed to Committee on Rules for second reading.

February 25, 1991

SJR 8226 Prime Sponsor, Senator McDonald: Amending the Constitution to create an emergency reserve fund. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Hayner, Matson, Metcalf, Newhouse, Owen, L. Smith, and West.

MINORITY recommendation: Do not pass. Signed by Senators Gaspard, L. Kreidler, Murray, Niemi, Rinehart, Talmadge and Williams.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 5869 by Senators Murray, Newhouse and McMullen.

AN ACT Relating to industrial insurance disability payments subject to collection by the office of support enforcement; and amending RCW 74.20A.260.

Referred to Committee on Law and Justice.

SB 5870 by Senator Williams

AN ACT Relating to multiple dwelling units' tenants' access to cable television systems; and adding new sections to chapter 59.18 RCW.

Referred to Committee on Energy and Utilities.

SB 5871 by Senators Talmadge and Rasmussen

AN ACT Relating to retaliations for good faith communication by citizens to government agencies of apparent improper actions; amending RCW 4.24.500 and 4.24.520; adding new sections to chapter 4.24 RCW; and prescribing penalties.

Referred to Committee on Governmental Operations.

SJM 8017 by Senators Metcalf, West, Oke and Craswell

Petitioning Congress to increase federal impact aid.

Referred to Committee on Governmental Operations.

SJM 8018 by Senator Metcalf

Requesting that Congress provide funds for bilingual education.

Referred to Committee on Education.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9073, William S. Fearn, as a member of the Interagency Committee for Outdoor Recreation, was confirmed.

APPOINTMENT OF WILLIAM S. FEARN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Voguild, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senator Cantu - 1.

Excused: Senator Matson - 1.

MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9075, James R. Fox, as a member of the Interagency Committee for Outdoor Recreation, was confirmed.

APPOINTMENT OF JAMES R. FOX

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

INTRODUCTION OF SPECIAL GUESTS

The Sergeant at Arms escorted the Honorable Dr. David J. Carter, Speaker of the Legislative Assembly of Alberta, and his Sergeant at Arms, Oscar J. Lacombe to the Senate Rostrum.

The President introduced the honored guests from Alberta, Canada.

With permission of the Senate, business was suspended to permit Speaker Carter to address the Senate.

REMARKS BY THE HONORABLE DR. DAVID J. CARTER
SPEAKER OF THE LEGISLATIVE ASSEMBLY OF ALBERTA

Speaker Carter: "Thank you, Mr. President and members of the Senate. I am pleased to bring greetings from the Honorable Donald Getty, the Premier of the Province of Alberta, and from all members of the Legislative Assembly.

"As you can see from the entrance and dress of my Sergeant at Arms and myself, we in Canada have retained many of the symbols and procedures of the British Parliamentary System. The robes I am wearing and the ceremonial sword our Sergeant at Arms is carrying are both symbols of these British traditions, as is his shouting out 'Order, Mr. Speaker,' and it doesn't mean ordering--what will you have, french fries or hamburgers.

"I was intrigued to learn that the British Flag still flies over a small corner of your state on San Juan Island, a site which marks a unique chapter in our shared history. It seems that the treaty defining the border between British and American territories was vague when it came to dividing the San Juans, so both countries claimed the Islands.

"Such a dispute could easily have led to war, instead, in 1859, a plan was worked out for joint occupation. British and American settlers were able to use this to their advantage. When the British tax collector came to call, he was told he was on American soil; and when the American collector came along and made his rounds, he was told he was trespassing on British territory. This peaceful and useful arrangement continued for thirteen years, with the only casualty of conflict being a single British pig.

"Finally, the German Kaiser was asked to arbitrate and in 1872, he awarded the Islands to the United States. With no apparent sign of animosity, the British packed their bags and headed north. The story of the San Juan Islands illustrates the point that borders need not be barriers.

"The outbreak of war in the Persian Gulf underlines our joint achievement as two nations in sharing the world's longest undefended and peaceful border. I would note some other ties which join us as neighbors. Cable TV in Alberta provides me with coverage of the Washington State Legislature via Spokane. I also happen to pick up Michigan politics from Detroit and with CNN in Atlanta, it also gives me coverage of Washington, D.C. politics and throughout the country, as well as coverage of the Gulf War.

"On another level, the main farm team of the Seattle Mariners is the Calgary Cannons of the Pacific Coast League--and my home constituency is Calgary. So, many of us in Alberta are fans, not only of the Mariners, but also the NFL Seahawks.

"But, of course, our ties run far deeper than that. We are united not only by our geographic location, but by our histories, language, pioneering traditions, cultures and customs.

"The Province of Alberta is more than three times larger than Washington State, but we have only 2.5 million people. Yet, both Washington and Alberta face many of the same challenges and opportunities.

"Washington State is especially fortunate; you have an ocean on your doorstep. The Pacific is beautiful, but it is also a vital water highway to the world. Alberta is land-locked. We need the Ports of Seattle, Tacoma and Portland, in addition to Vancouver, British Columbia.

"Both of our countries expect to derive substantial benefits from the Free Trade Agreement. Under the energy provision, Canada will gain greater security of access to your markets and in return you will gain greater access to secure Canadian energy supplies to meet your long-term needs.

"The magnitude of Alberta's energy resource base is incredible. Alberta has seventy-seven percent of Canada's conventional oil, ninety-one percent of Canada's natural gas and all of its bitumen and synthetic oil reserves. Now here is a mind-boggling figure--an estimated one trillion, six hundred and eighty billion barrels of bitumen lie in our oil sands deposits.

"The benefits of working together in key areas should be apparent to us, not only for Washington and Alberta, but for the states and provinces which comprise the Pacific Northwest Region. In the world of trade, the increasing globalization of the international economy is making regional economic cooperation a matter of vital necessity.

"Since becoming Alberta's Speaker in June of 1986, I have ensured the Alberta Legislature's participation in the National Conference of State Legislatures as a means of education and mutual understanding. In October 1988, I visited this Capitol building to familiarize myself with your facility and as a means of making contact across the border.

"However, it was my friend, Senator Bluechel, who pulled together the first meeting of the legislators and staff of the Pacific Northwest Legislative Leadership Forum in Seattle of October 1989.

"Over the past sixteen months, leaders and elected representatives have met several times to explore areas where a new regional approach may prove invaluable to all of us. Washington, Oregon, Idaho, Montana, Alaska, British Columbia and Alberta share traditions of cooperation. However, we are now challenged to use them as a springboard to a shared future.

"The goals of the Pacific Northwest Economic Region are to promote greater collaboration to enhance the competitiveness of our region in international and domestic affairs. Tremendous opportunities exist for all seven members of the Pacific Northwest Economic Region, both individually and collectively, as the initial building blocks identified in Seattle last December indicate.

"Working together, we will capture a larger share of the international travel market. Working together, we will develop an even more highly-educated and productive workforce. Working together, we will meet the challenges facing our forestry industry. Working together, we will enhance the quality of education we provide.

"These are ambitious goals, but by joining forces, we can and will achieve results in our five action areas that exceed the capability of any single state or province, working alone. Alberta is proud to be a part of this new initiative together with you.

"And so to return to the San Juan Islands, the coastal region of your state can exemplify the historic spirit of cooperation among our nations. The Islands stand as a lasting example of the value of regional and international cooperation. The cooperative traditions which unite us are strong. As neighbors, we face many of the same challenges and share many of the same opportunities.

"Our pasts are intertwined, and so too are our dreams of the future. Our borders need not be barriers, but rather gateways to a stronger and more prosperous future. Together we have the enthusiasm, backed by ability, energy and resources, so that we can see the Pacific Northwest Economic Region become a significant force for the future.

"Thank you for your welcome today, especially, thank you for welcoming our 'Gilbert and Sullivan' delegation to the great State of Washington."

Speaker Carter presented President Pritchard with a gift.

The Sergeant at Arms escorted the guests from the Senate Chamber.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Substitute House Bill No. 1511.

On motion of Senator Newhouse, the rules were suspended and Substitute House Bill No. 1511 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Newhouse, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 5113.

On motion of Senator Newhouse, Senate Bill No. 5113 was referred to the Committee on Transportation.

MOTION

On motion of Senator Newhouse, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 5351, by Senators Saling, Bauer, Patterson, Stratton, Thorsness, Rasmussen, Johnson and Moore

Regulating sick leave for exempt higher education employees.

The bill was read the second time.

MOTION

On motion of Senator Saling, the rules were suspended, Senate Bill No. 5351 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5351.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5351 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent; 1, Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West - 42.

Voting nay: Senators Murray, Niemi, Rinehart, Vognild, Williams, Wojahn - 6.
Absent: Senator Skratek - 1.

SENATE BILL NO. 5351, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Murray, Senator Skratek was excused.

SECOND READING

SENATE BILL NO. 5219, by Senators Patterson, Vognild and Rasmussen (by request of Utilities and Transportation Commission)

Changing the limits on liability of common carriers for damage or loss of baggage.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 5219 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5219.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5219 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Skratek - 1.

SENATE BILL NO. 5219, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Roach: "Thank you, Mr. President. I rise to a point of personal privilege. I would like to thank you and members of the Senate for welcoming me to the Senate--and last week for attentively listening to my first floor speech. To commemorate that event, each of you has a bag of Tim's Cascade Potato Chips in front of you. These chips are a product of Auburn, Washington. I want the members to know that there is absolutely no correlation at all between Senatorial styles and those who have received packages marked 'hot' or 'jesty.' Thank you."

PERSONAL PRIVILEGE

Senator Lela Kreidler: "I would like to rise to a point of personal privilege, also. I would like to thank this distinguished body for giving me the opportunity to make my first floor speech on Monday. I went home and relayed Senator Vognild's message to my husband and he was very excited about baking up something for you. Although he does very well in the kitchen, as far as cooking, his baking has something to be desired, so I decided to spare you from that treat."

"You will find on your desks, some little badges and I think all of you know the reason why I am here. It has been kind of a stressful and cruel count-down of my political career, but the War in the Persian Gulf is on all of our minds all the time. So, I decided to bring to you now some Peace Badges and it can also go along with the support of our troops. Even though things look great, as well, in the Persian Gulf, it may be a while before our troops are home and I think they do deserve our support. Thank you."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1511, by Representatives Anderson, Silver, Pruitt, Winsley, Leonard, Riley, Beck, H. Meyers, R. King, Wynne, Van Luven, Ludwig, Orr, Brekke, Roland and Brough

Restricting disclosure of public records containing addresses of victims of domestic violence.

The bill was read the second time.

MOTION

Senator Rinehart moved that the following amendment by Senators Rinehart and McCaslin be adopted:

On page 5, line 9, after 1991)), strike "July 1, 1992" and insert "April 19, 1991"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rinehart and McCaslin to Substitute House Bill No. 1511.

The motion by Senator Rinehart carried and the amendment was adopted.

MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1511, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1511, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1511, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson,

Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Absent: Senator Saling - 1.

SUBSTITUTE HOUSE BILL NO. 1511, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, the Senate advanced to the eighth order of business.

MOTION

Senator Newhouse moved that the following resolution be adopted:

SENATE RESOLUTION 1991-8606

By Senators Hayner and Sellar

BE IT RESOLVED, That the Rules of the Senate for the 1990 Regular Session of the 51st Legislature be adopted, as amended, as the Rules for the 1991 Regular Session of the 52nd Legislature, to read as follows:

**PERMANENT RULES
OF THE
SENATE**

FIFTY-((~~FIRST~~)) SECOND LEGISLATURE

((~~1990~~)) 1991

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- Rule 2** President Pro Tempore
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- Rule 65** Third Reading
- Rule 66** Scope and Object of Bill Not to be Changed
- Rule 67** Matter Related to Disagreement Between the Senate and House
- Rule 68** Bills Committed for Special Amendment
- Rule 69** Confirmation of Gubernatorial Appointees

SECTION I

OFFICERS-MEMBERS-EMPLOYEES

Duties of the President

Rule 1. 1. The president shall take the chair and call the senate to order precisely at the hour appointed for meeting, and, if a quorum be present, shall cause the journal of the preceding day to be read. (See also Art. 3, Sec. 16, State Constitution.)

2. The president shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber, legislative area, legislative offices or buildings, and legislative hearing and meeting rooms, shall order the sergeant at arms to suppress the same, and may order the arrest of any person creating any disturbance within the senate chamber.

3. The president shall have charge of and see that all officers, employees, and clerks perform their respective duties, and shall have general control of the senate chamber and lobby. (See also Art. 2, Sec. 10, State Constitution.)

4. The president may speak to points of order in preference to members, arising from the president's seat for that purpose, and shall decide all questions of order subject to an appeal to the senate by any member, on which appeal no member shall speak more than once without leave of the senate.

5. The president shall, in open session, sign all acts, addresses and joint resolutions. The president shall sign all writs, warrants and subpoenas issued by order of the senate, all of which shall be attested by the secretary. (See also Art. 2, Sec. 32, State Constitution.)

6. The president shall appoint all conference, special, joint and hereinafter named standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate. In the event the senate refuses to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

7. The president shall, on each day, announce to the senate the business in order, and no business shall be taken up or considered until the order to which it belongs shall be declared.

8. The president shall decide and announce the result of any vote taken.

9. When a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Sec. 10 and 22, State Constitution.)

President Pro Tempore

Rule 2. 1. Upon the organization of the senate the members shall elect one of their number as president pro tempore who shall have all the powers and authority and who shall discharge all the duties of lieutenant governor acting as president during the lieutenant governor's absence. The senate shall also elect a vice-president pro tempore who will serve in the absence of the lieutenant governor and the president pro tempore. (See Art. 2, Sec. 10, State Constitution.)

2. In the absence of the president pro tempore, and vice president pro tempore, or with their consent, the president shall have the right to name any senator to perform the duties of the chair, but such substitution shall not extend beyond an adjournment, nor authorize the senator so substituted to sign any documents requiring the signature of the president.

Secretary of the Senate

Rule 3. 1. The senate shall elect a secretary, who shall appoint a deputy secretary, both of whom shall be officers of the senate and shall perform the usual duties pertaining to their offices, and they shall hold office until their successors have been elected or appointed.

2. The secretary is the Personnel Officer of the senate and shall appoint, subject to the approval of the senate, all other senate employees and the hours of duty and assignments of all senate employees shall be under the secretary's directions and instructions and they may be dismissed at the secretary's discretion.

3. The secretary of the senate, prior to the convening of the next regular session, shall prepare his office to receive bills which the holdover members and members-elect may desire to prefile commencing with the first Monday

in December preceding any regular session or twenty days prior to any special session of the legislature.

Sergeant at Arms

Rule 4. 1. The senate shall elect a sergeant at arms who shall perform the usual duties pertaining to that office, and shall hold office until a successor has been elected.

2. The sergeant at arms shall not admit to the floor of the senate during the time the senate is not convened any person other than specifically requested by a senator, the president, or the secretary of the senate, in writing or when personally accompanied by a senator.

Subordinate Officers

Rule 5. The subordinate officers of the senate shall perform such duties as usually pertain to their respective positions in legislative bodies under the direction of the president, and such other duties as the senate may impose upon them. Under no circumstances shall the compensation of any employee be increased for past services. (See also Art. 2, Sec. 25, State Constitution.)

Employees

Rule 6. 1. No senate employee shall lobby in favor of or against any matter under consideration.

2. A legislative employee shall not accept any gratuity or compensation for services rendered in connection with legislative employment other than legislative salary. A legislative employee shall not accept any employment, in addition to legislative employment, which would impair independence of judgment. Except within the scope of employment, a legislative employee shall not provide any service to a lobbyist or any other person.

3. A legislative employee shall not use or attempt to (a) obtain any privilege, exemption, special treatment or any other thing of value, or (b) obtain any such benefit for others except as required to perform duties within the scope of senate employment.

4. A legislative employee shall not accept or solicit anything of value under circumstances in which it can be reasonably inferred that the legislative employee's independence of judgment is impaired or is intended as a reward for any official action.

5. A legislative employee shall not disclose confidential information acquired by reason of senate employment to any person or group not entitled to receive such information, nor shall such information be used for personal gain or to benefit others.

6. A legislative employee shall not enter into any contract with a state agency involving services or property, unless the contract is made after public notice and competitive bidding; except in cases where public notice and competitive bidding are not required, the contract or agreement shall be filed with the appropriate board of ethics.

7. A legislative employee shall not solicit or accept contributions for any candidate or political committee during working hours. At no time shall a legislative employee directly or indirectly coerce another employee into making a contribution to a candidate or a political committee. No legislative employee, as a condition of becoming or remaining employed, shall directly or indirectly be required to make any contribution to a political candidate, committee or party.

Conduct of Members and Officers

Rule 7. 1. Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time.

2. In cases of breach of decorum or propriety, any senator, officer or other person shall be liable to such censure or punishment as the senate may deem proper, and if any senator be called to order for offensive or indecorous language or conduct, the person calling the senator to order shall report the language excepted to which shall be taken down or noted at the secretary's desk. No member shall be held to answer for any language used upon the floor of the senate if business has intervened before exception to the language was thus taken and noted.

3. If any senator in speaking, or otherwise, transgresses the rules of the senate, the president shall, or any senator may, call that senator to order, and a senator so called to order shall resume the senator's seat and not proceed without leave of the senate, which leave, if granted, shall be upon motion "that the senator be allowed to proceed in order," when, if carried, the senator shall speak to the question under consideration.

4. No senator shall be absent from the senate without leave, except in case of accident or sickness, and if any senator or officer shall be absent the senator's per diem shall not be allowed or paid, and no senator or officer shall obtain leave of absence or be excused from attendance without the consent of a majority of the members present.

5. In the event of a motion or resolution to censure or punish, or any procedural motion thereto involving a senator, that senator shall not vote thereon. The senator shall be allowed to answer to such motion or resolution. An election or vote by the senate on a motion to censure or punish a senator shall require the vote of a majority of all senators elected or appointed to the senate. A vote to expel a member shall require a two-thirds concurrence of all members elected or appointed to the senate. All votes shall be taken by yeas and nays and the votes shall be entered upon the journal. (See also Art. 2, Sec. 9, State Constitution.)

SECTION II

OPERATIONS AND MANAGEMENT

Payment of Expenses - Facilities and Operations

Rule 8. 1. After the reorganization caucuses of the Senate, the majority caucus shall designate four members and the minority caucus shall designate three members to serve on the Facilities and Operations Committee. The chair of the majority caucus shall be the chair of the Facilities and Operations Committee. The operation of the Senate shall transfer to the newly designated members after the reorganization caucuses of the Senate.

2. All necessary expenses of the senate incurred during the session shall be signed for by the secretary and approved by a majority of the committee on facilities and operations. The committee on facilities and operations shall carefully consider all items of expenditure ordered or contracted on the part of the senate, and report upon the same prior to the voucher being signed by the president and the secretary of the senate authorizing the payment thereof. The committee on facilities and operations shall issue postage only as follows:

a) To elected or appointed members of the senate in an amount sufficient to allow performance of their legislative duties.

b) To the secretary of the senate in an amount sufficient to carry out the business of the senate.

Use of Senate Chambers

Rule 9. The senate chamber and its facilities shall not be used for any but legislative business, except by permission of the senate while in session, or by the facilities and operations committee when not in session.

Admission to the Senate

Rule 10. The sergeant at arms shall admit only the following individuals to the floor and adjacent areas of the senate for the period of time beginning one-half hour before convening and ending when the senate has adjourned or recessed for an hour or more:

The governor and/or designees,

Members of the house of representatives,

State elected officials,

Officers and authorized employees of the legislature,

Honored guests being presented to the senate,

Former members of the senate who are not registered lobbyists pursuant to chapter 42.17 RCW,

Representatives of the press,

Persons specifically requested by a senator to the president in writing or only as long as accompanied by a senator.

Printing of Bills

Rule 11. The number of bills printed and reprinted shall be at the discretion of the secretary of the senate, with the approval of the facilities and operations committee.

Furnishing Full File of Bills

Rule 12. Persons, firms, corporations and organizations within the state, desirous of receiving copies of all printed senate bills, shall make application therefor to the secretary of the senate, who shall refer all such requests to the committee on rules. The bill clerk shall send copies of all printed senate bills to such persons, firms, corporations and organizations as may be ordered by the committee on rules. The secretary of the senate is authorized to recoup mailing costs as directed by the rules committee.

Regulation of Lobbyists

Rule 13. All persons who engage in lobbying of any kind as defined in chapter 42.17 RCW shall be subject to the rules of the senate and legislature when lobbying before the senate. Any person who fails to conform to the senate or joint rules may have their privilege to lobby and all other privileges revoked upon a majority vote of the committee on rules for such time as is deemed appropriate by the committee.

Any person registered as a lobbyist pursuant to chapter 42.17 RCW who intervenes in or attempts to influence any personnel decision of the senate regarding any employee may suffer an immediate revocation of all privileges before the senate or such other privileges and for such time as may be deemed appropriate by the senate committee on rules. This restriction shall not prohibit a registered lobbyist from making written recommendations for staff positions.

Security Management

Rule 14. The sergeant at arms may develop methods to protect the Senate, including its members, staff, and the visiting public, by establishing procedures to curtail the use or possession of any weapon in a manner that is prohibited by law or by the rules of the Department of General Administration.

SECTION III

RULES AND ORDER

Time of Convening

Rule 15. The senate shall convene at 10:00 a.m. each working day, unless adjourned to a different hour. The senate shall adjourn not later than 10:00 p.m. of each working day. The senate shall recess ninety minutes for

lunch each working day. When reconvening on the same day the senate shall recess ninety minutes for dinner each working evening. This rule may be suspended by a majority.

Quorum

Rule 16. A majority of all members elected to the senate shall be necessary to constitute a quorum to do business. Less than a quorum may adjourn from day to day until a quorum can be had. (See Art. 2, Sec. 8, State Constitution.)

Order of Business

Rule 17. After the roll is called and journal read and approved, business shall be disposed of in the following order:

FIRST - Reports of standing committees.

SECOND - Reports of select committees.

THIRD - Messages from the governor and other state officers.

FOURTH - Messages from the house of representatives.

FIFTH - Introduction, first reading and reference of bills, joint memorials, joint resolutions and concurrent resolutions.

SIXTH - Second reading of bills.

SEVENTH - Third reading of bills.

EIGHTH - Presentation of petitions, memorials and floor resolutions.

NINTH - Presentation of motions.

The order of business established by this rule may be changed and any order of business already dealt with may be reverted or advanced to by a majority vote of those present.

All questions relating to the priority of business shall be decided without debate.

Messages from the governor, other state officers, and from the house of representatives may be considered at any time with the consent of the senate.

Special Order

Rule 18. The president shall call the senate to order at the hour fixed for the consideration of a special order, and announce that the special order is before the senate, which shall then be considered unless it is postponed by a majority vote of the members present, and any business before the senate at the time of the announcement of the special order shall take its regular position in the order of business.

Unfinished Business

Rule 19. The unfinished business at the preceding adjournment shall have preference over all other matters, excepting special orders, and no motion or any other business shall be received without special leave of the senate until the former is disposed of.

**Motion and Senate Floor Resolutions
(How Presented)**

Rule 20. 1. No motion shall be entertained or debated until announced by the president and every motion shall be deemed to have been seconded. It shall be reduced to writing and read by the secretary, if desired by the president or any senator, before it shall be debated, and by the consent of the senate may be withdrawn before amendment or action.

2. Senate floor resolutions shall be acted upon in the same manner as motions. All senate floor resolutions shall be on the secretary's desk at least twenty-four hours prior to consideration. After the tenth day preceding adjournment sine die of any regular session, senate floor resolutions automatically shall be referred to the committee on rules.

Precedence of Motions

Rule 21. When a motion has been made and stated by the chair the following motions are in order, in the rank named:

PRIVILEGED MOTIONS

Adjourn or recess
Reconsider
Demand for call of the senate
Demand for roll call
Demand for division
Question of privilege
Orders of the day

INCIDENTAL MOTIONS

Points of order and appeal
Method of consideration
Suspend the rules
Reading papers
Withdraw a motion
Division of a question

SUBSIDIARY MOTIONS

1st Rank:	To lay on the table
2nd Rank:	For the previous question
3rd Rank:	To postpone to a day certain
	To commit or recommit
	To postpone indefinitely
4th Rank:	To amend

No motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the

same stage of the proceedings, and when a question has been postponed indefinitely it shall not again be introduced during the session.

A motion to lay an amendment on the table shall not carry the main question with it unless so specified in the motion to table.

At no-time shall the senate entertain a Question of Consideration.

Voting

Rule 22. 1. In all cases of election by the senate, the votes shall be taken by yeas and nays, and no senator or other person shall remain by the secretary's desk while the roll is being called or the votes are being counted. No senator shall be allowed to vote except when within the bar of the senate, or upon any question upon which he or she is in any way personally or directly interested, nor be allowed to explain a vote or discuss the question while the yeas and nays are being called, nor change a vote after the result has been announced. (See also Art. 2, Secs. 27 and 30, State Constitution.)

2. A member not voting by reason of personal or direct interest, or by reason of an excused absence, may explain the reason for not voting by a brief statement not to exceed fifty words in the journal.

3. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21. State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Rule 24.)

4. A senator having been absent during roll call may ask to have his or her name called. Such a request must be made before the result of the roll call has been announced by the president

5. The passage of a bill or action on a question is lost by a tie vote, but when a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Secs. 10 and 22, State Constitution.)

6. The order of the names on the roll call shall be alphabetical by last name.

7. All votes in a committee shall be recorded, and the record shall be preserved as prescribed by the secretary of the senate. One-sixth of the committee may demand an oral roll call.

Announcement of Vote

Rule 23. The announcement of all votes shall be made by the president.

Call of the Senate

Rule 24. Although a roll call is in progress, a call of the senate may be moved by three senators, and if carried by a majority of all present the secretary shall call the roll, after which the names of the absentees shall again be called. The doors shall then be locked and the sergeant at arms directed

to take into custody all who may be absent without leave, and all the senators so taken into custody shall be presented at the bar of the senate for such action as the senate may deem proper.

One Subject in a Bill

Rule 25. No bill shall embrace more than one subject and that shall be expressed in the title. (See also Art. 2, Sec. 19, State Constitution.)

No Amendment by Mere Reference to Title of Act

Rule 26. No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length. (See also Art. 2, Sec. 37, State Constitution.)

Reading of Papers

Rule 27. When the reading of any paper is called for, and is objected to by any senator, it shall be determined by a vote of the senate, without debate.

Any and all copies of reproductions of newspaper or magazine editorials, articles or cartoons or publications or material of any nature distributed to senators' desks must bear the name of at least one senator granting permission for the distribution. This shall not apply to materials normally distributed by the secretary of the senate or the majority or minority caucuses.

Comparing Enrolled and Engrossed Bills

Rule 28. Any senator shall have the right to compare an enrolled bill with the engrossed bill and may note any objections in the Journal.

SECTION IV

PARLIAMENTARY PROCEDURE

Rules of Debate

Rule 29. When any senator is about to speak in debate, or submit any matter to the senate, the senator shall rise, and standing in place, respectfully address the President, and when recognized shall, in a courteous manner, speak to the question under debate, avoiding personalities. No senator shall impeach the motives of any other member or speak more than twice (except for explanation) during the consideration of any one question, on the same day or a second time without leave, when others who have not spoken desire the floor, but incidental and subsidiary questions arising during the debate shall not be considered the same question. A majority of the members present may further limit the number of times a member may speak on any question and may limit the length of time a member may speak but, unless a demand for the previous question has been sustained, a member shall not be denied the

right to speak at least once on each question, nor shall a member be limited to less than three minutes on each question. In any event, the senator who presents the motion may open and close debate on the question.

Recognition by the President

Rule 30. When two or more senators rise at the same time to address the chair, the president shall name the one who shall speak first, giving preference, when practicable, to the mover or introducer of the subject under consideration.

Call for Division of a Question

Rule 31. Any senator may call for a division of a question, which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the senate; but a motion to strike out and insert shall not be divided.

Point of Order - Decision Appealable

Rule 32. Every decision of points of order by the president shall be subject to appeal by any senator, and discussion of a question of order shall be allowed. In all cases of appeal the question shall be: "Shall the decision of the chair stand as the judgment of the senate?"

Question of Privilege

Rule 33. Any senator may rise to a question of privilege and explain a personal matter by leave of the president, but shall not discuss any pending question in such explanations, nor shall any question of personal privilege permit any senator to introduce any person or persons in the galleries. The president upon notice received may acknowledge the presence of any distinguished person or persons.

A question of privilege shall involve only subject matter which affects the particular senator personally and in a manner unique and peculiar to that senator.

Protests

Rule 34. Any senator or senators may protest against the action of the senate upon any question. Such protest may be entered upon the journal if it does not exceed 200 words. The senator protesting shall file the protest with the secretary of the senate within 48 hours following the action protested.

Adoption and Suspension of Rules

Rule 35. 1. The permanent senate rules adopted at the first regular session during a legislative biennium shall govern any session subsequently convened during the same legislative biennium. Adoption of permanent rules

may be by majority of the senate without notice and a majority of the senate may change a permanent rule without notice at the beginning of any session, as determined pursuant to Article 2, Section 12 of the State Constitution. No permanent rule or order of the senate shall be rescinded or changed without a majority vote of the members, and one day's notice of the motion.

2. A permanent rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present unless otherwise specified herein. When the suspension of a rule is called, and after due notice from the president no objection is offered, the president may announce the rule suspended, and the senate may proceed accordingly. Motion for suspension of the rules shall not be debatable, except, the mover of the motion may briefly explain the purpose of the motion and at the discretion of the president a rebuttal may be allowed.

Previous Question

Rule 36. The previous question shall not be put unless demanded by three senators, and it shall then be in this form: "Shall the main question be now put?" When sustained by a majority of senators present it shall preclude all debate, except the senator who presents the motion may open and close debate on the question and the vote shall be immediately taken on the question or questions pending before the senate, and all incidental question or questions of order arising after the motion is made shall be decided whether on appeal or otherwise without debate.

Reconsideration

Rule 37. 1. After the final vote on any measure, before the adjournment of that day's session, any member who voted with the prevailing side may give notice of reconsideration unless a motion to immediately transmit the measure to the house has been decided in the affirmative and the measure is no longer in possession of the senate. Such motion to reconsider shall be in order only under the order of motions of the day immediately following the day upon which such notice of reconsideration is given, and may be made by any member who voted with the prevailing side.

2. A motion to reconsider shall have precedence over every other motion, except a motion to adjourn; and when the senate adjourns while a motion to reconsider is pending or before passing the order of motions, the right to move a reconsideration shall continue to the next day of sitting. On and after the tenth day prior to adjournment sine die of any session, as determined pursuant to Article 2, Section 12, or concurrent resolution, or in the event that the measure is subject to a senate rule or resolution or a joint rule or concurrent resolution, which would preclude consideration on the next day of sitting a motion to reconsider shall only be in order on the same day upon which notice of reconsideration is given and may be made at any time that day. Motions to reconsider a vote upon amendments to any pending question may be made and decided at once.

Motion to Adjourn

Rule 38. Except when under call of the senate, a motion to adjourn shall always be in order. The name of the senator moving to adjourn and the time when the motion was made shall be entered upon the journal.

Yeas and Nays - When Must be Taken

Rule 39. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Senate Rules 22 and 24.)

Reed's Parliamentary Rules

Rule 40. The rules of parliamentary practice as contained in Reed's Parliamentary Rules shall govern the senate in all cases to which they are applicable, and in which they are not inconsistent with the rules and orders of this senate and the joint rules of this senate and the house of representatives.

SECTION V

COMMITTEES

Committees - Appointment and Confirmation

Rule 41. The president shall appoint all conference, special, joint and standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate.

In the event the senate shall refuse to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

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

1. Agriculture and Water Resources (7)
2. Children and Family Services (5)
3. ~~((Economic Development and Labor))~~((14))
Commerce and Labor (9)
4. Education (11)
5. Energy and Utilities (9)
6. Environment and Natural Resources (9)
7. Financial Institutions and Insurance (11)
8. Governmental Operations (5)
9. Health and Long-Term Care (7)
10. Higher Education ((7)) (9)

11. Law and Justice ((11)) (9)
12. Rules ((16)) (18)
13. Transportation (15)
14. Ways and Means (23)

Subcommittees

Rule 42. Committee chairmen may create subcommittees of the standing committee and designate subcommittee chairmen thereof to study subjects within the jurisdiction of the standing committee. The committee chairmen shall approve the use of committee staff and equipment assigned to the subcommittee. Subcommittee activities shall further be subject to facilities and operations committee approval to the same extent as are the actions of the standing committee from which they derive their authority.

Subpoena Power

Rule 43. Any of the above referenced committees, including subcommittees thereof, or any special committees created by the senate, may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. The committee chairman shall file with the committee on rules, prior to issuance of any process, a statement of purpose setting forth the name or names of those subject to process. The rules committee shall consider every proposed issuance of process at a meeting of the rules committee immediately following the filing of the statement with the committee. The process shall not be issued prior to consideration by the rules committee. The process shall be limited to the named individuals and the committee on rules may overrule the service on an individual so named.

Duties of Committees

Rule 44. The several committees shall fully consider measures referred to them.

The committees shall acquaint themselves with the interest of the state specially represented by the committee, and from time to time present such bills and reports as in their judgment will advance the interests and promote the welfare of the people of the state: PROVIDED, That no executive action on bills may be taken during an interim.

Committee Rules

Rule 45. 1. At least five days notice shall be given of all public hearings held by any committee other than the rules committee. Such notice shall contain the date, time and place of such hearing together with the title and number of each bill, or identification of the subject matter, to be considered at such hearing. By a majority vote of the committee members present at any committee meeting such notice may be dispensed with. The

reason for such action shall be set forth in a written statement preserved in the records of the meeting.

2. During its consideration of or vote on any bill, resolution or memorial, the deliberations of any committee or subcommittee of the senate shall be open to the public. In case of any disturbance or disorderly conduct at any such deliberations, the chairman shall order the sergeant at arms to suppress the same and may order the meeting closed to any person or persons creating such disturbance.

3. A majority of any committee shall constitute a quorum. Committees shall be considered to have a quorum present unless the question is raised. No committee shall transact official business absent a quorum except to conduct a hearing.

4. Bills reported to the senate from a standing committee must have a majority report, which shall be prepared upon a printed standing committee report form; shall carry one of the following recommendations, shall be adopted at a regularly or specially called meeting during a legislative session and shall be signed by a majority of the committee:

- a. Do pass.
- b. Do pass as amended.
- c. That a substitute bill be substituted therefor, and the substitute bill do pass.
- d. That the bill be referred to another committee.
- e. Without recommendation.

5. A majority report of a committee must carry the signatures of a majority of the members of the committee. In the event a committee has a quorum pursuant to subsection 3 of this rule, a majority of the members present may act on a measure, subject to obtaining the signatures of a majority of the members of the committee on the majority report.

6. Any measure which does not receive a majority vote of the members present may be reconsidered at that meeting and may again be considered upon motion of any committee member if one day's notice of said motion is provided to all committee members.

7. Members of the committee not concurring in the majority report may prepare a written minority report containing a different recommendation which shall be signed by those members of the committee subscribing thereto.

8. When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute bill the first time and have the same ordered printed.

A motion for the substitution of the substitute bill for the original bill shall not be in order until the committee on rules places the original bill on the second reading calendar.

9. No vote in any committee shall be taken by secret ballot nor shall any committee have a policy of secrecy as to any vote on action taken in such committee.

10. All reports of standing committees must be on the secretary's desk one hour prior to convening of the session in order to be read at said session.

Committee Meetings During Sessions

Rule 46. No committee shall sit during the daily session of the senate unless by special leave.

No committee shall sit during any scheduled caucus.

Reading of Reports

Rule 47. The majority report, and minority report, if there be one, together with the names of the signers thereof, shall be read by the secretary, unless the reading be dispensed with by the senate, and all committee reports shall be spread upon the journal.

Recalling Bills from Committees

Rule 48. Any standing committee of the senate may be relieved of further consideration of any bill, regardless of prior action of the committee, by a majority vote of the senators elected. The senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.

Bills Referred to Rules Committee

Rule 49. All bills reported by a committee to the senate shall then be referred to the committee on rules for second reading without action on the report unless otherwise ordered by the senate. (See also Rules 63 and 64.)

Rules Committee

Rule 50. The lieutenant governor shall be a voting member and the chair of the committee on rules. The committee on rules shall have charge of the daily second and third reading calendar of the senate and shall direct the secretary of the senate the order in which the bills shall be considered by the senate and the committee on rules shall have the authority to directly refer any bill before them to any other standing committee. Such referral shall be reported out to the senate on the next day's business.

The senate may change the order of consideration of bills on the second or third reading calendar.

The calendar, except in emergent situations, as determined by the committee on rules, shall be on the desks and in the offices of the senators each day and shall cover the bills for consideration on the next following day.

Employment Committee

Rule 51. The employment committee for committee staff shall consist of five members, three from the majority party and two from the minority party. The chair shall be appointed by the majority leader. The committee shall, in addition to its other duties, appoint a staff director for committee services with the concurrence of four of its members. All other decisions shall

be determined by majority vote. The committee shall operate within staffing, budget levels and guidelines as authorized and adopted by the facilities and operations committee.

Committee of the Whole

Rule 52. At no time shall the senate sit as a committee of the whole.

The senate may at any time, by the vote of the majority of the members present, sit as a body for the purpose of taking testimony on any measure before the senate.

Appropriation Budget Bills

Rule 53. No amendment to the budget, capital budget or supplemental budget, not incorporated in the bill as reported by the ways and means committee, shall be adopted except by the affirmative vote of sixty percent of the senators elected.

SECTION VI

BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL APPOINTMENTS

Definitions

Rule 54. "Measure" means a bill, joint memorial, joint resolution, or concurrent resolution.

"Bill" when used alone means bill, joint memorial, joint resolution, or concurrent resolution.

"Majority" shall mean a majority of those members present unless otherwise stated.

Prefiling

Rule 55. Holdover members and members-elect to the senate may prefile bills with the secretary of the senate on any day commencing with the first Monday in December preceding any session year; or twenty days prior to any special session of the legislature. Such bills will be printed, distributed and prepared for introduction on the first legislative day. No bill, joint memorial or joint resolution shall be prefiled by title and/or preamble only. (See also Rule 3, Sub. 3.)

Introduction of Bills

Rule 56. All bills, joint resolutions and joint memorials introduced shall be endorsed with a statement of the title and the name of the member introducing the same. Any member desiring to introduce a bill, joint resolution or joint memorial shall file the same with the secretary of the senate

by noon of the day before the convening of the session at which said bill, joint resolution or joint memorial is to be introduced.

After the expiration of deadlines for bill introductions provided for by resolution, no bill shall be introduced, except as the legislature shall direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session. The time limitation for introduction of bills shall not apply to substitute bills reported by standing committees for bills pending before such committees and general appropriation and revenue bills. (See also Art. 2, Sec. 36, State Constitution.)

Amendatory Bills

Rule 57. Bills introduced in the senate intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hypkens. No bill shall be printed or acted upon until the provisions of this rule shall have been complied with.

Sections added by amendatory bill to an existing act, or chapter of the official code, need not be underlined but shall be designated "NEW SECTION" in upper case type and such designation shall be underlined. New enactments need not be underlined.

Joint Resolutions and Memorials

Rule 58. Joint resolutions and joint memorials, up to the signing thereof by the president of the senate, shall be subject to the rules governing the course of bills.

Senate Concurrent Resolutions

Rule 59. Concurrent resolutions shall be subject to the rules governing the course of bills and may be adopted without a roll call. Concurrent resolutions authorizing investigations and authorizing the expenditure or allocation of any money must be adopted by roll call and the yeas and nays recorded in the journal. Concurrent resolutions are subject to final passage on the day of the first reading without regard to Senate Rule 62.

Committee Bills

Rule 60. Committee bills introduced by a standing committee during a legislative session may be filed with the secretary of the senate and introduced, and the signature of each member of the committee shall be endorsed upon the cover of the original bill.

Committee bills shall be read the first time by title, ordered printed, and referred to the committee on rules for second reading.

Committee Reference

Rule 61. When a motion is made to refer a subject, and different committees are proposed, the question shall be taken in the following order:
FIRST: A standing committee.

SECOND: A select committee.

Reading of Bills

Rule 62. Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule. On and after the tenth day preceding adjournment sine die of any session, or three days prior to any cut-off date for consideration of bills, as determined pursuant to Article 2, Section 12 of the Constitution or concurrent resolution, this rule may be suspended by a majority vote. (See also Rule 59).

First Reading

Rule 63. The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading, bills shall be referred to an appropriate committee pursuant to Rule 61.

Upon being reported back by committee, all bills shall be referred to the committee on rules for second reading, unless otherwise ordered by the senate. (See Rule 49.)

A bill shall be reported back by the committee chairman upon written petition therefor signed by a majority of its members. The petition shall designate the recommendation as provided in Rule 45, Sub. 4.

No committee chairman shall exercise a pocket veto of any bill.

Should there be a two-thirds majority report of the committee membership against the bill, a vote shall be immediately ordered for the indefinite postponement of the bill.

Second Reading/Amendments

Rule 64. Upon second reading, the bill shall be read section by section, in full, and be subject to amendment.

Any member may, if sustained by three members, remove a bill from the consent calendar as constituted by the committee on rules. A bill removed from the consent calendar shall take its place as the last bill in the order of consideration of bills on the second reading calendar.

No amendment shall be considered by the senate until it shall have been sent to the secretary's desk in writing and read by the secretary.

All amendments adopted on the second reading shall then be securely fastened to the original bill.

All amendments rejected by the senate shall be spread upon the journal, and the journal shall show the disposition of all amendments.

When no further amendments shall be offered, the president shall declare the bill has passed its second reading, and shall be referred to the committee on rules for third reading.

Third Reading

Rule 65. Bills on third reading shall be read in full by sections, and no amendment shall be entertained.

When a bill shall pass, it shall be certified to by the secretary, together with the vote upon final passage, noting the day of its passage thereon.

The vote must be taken by yeas and nays, the names of the senators voting for and against the same to be entered upon the journal and the majority of the members elected to the senate must be recorded thereon as voting in its favor to secure its passage by the senate.

Scope and Object of Bill Not to be Changed

Rule 66. No amendment to any bill shall be allowed which shall change the scope and object of the bill. (See also Art. 2, Sec. 38, State Constitution.)

Matters Related to Disagreement Between the Senate and House

Rule 67. When there is a disagreement between the senate and house on a measure before the senate, the senate may act upon the measure with the following motions which have priority in the following order:

- To concur
- To non-concur
- To recede
- To insist
- To adhere

These motions are in order as to any single amendment or to a series of amendments. (See Reed's Rules 247 through 254.)

A senate bill, passed by the house with amendment or amendments which shall change the scope and object of the bill, upon being received in the senate, shall be referred to an appropriate committee and shall take the same course as for original bills, unless a motion to ask the house to recede, to insist or to adhere is made prior to the measure being referred to committee.

Bills Committed for Special Amendment

Rule 68. A bill may be committed with or without special instructions to amend at any time before taking the final vote.

Confirmation of Gubernatorial Appointees

Rule 69. When the names of appointees to state offices are transmitted to the Secretary of the Senate for senate confirmation, the communication

from the governor shall be recorded and referred to the appropriate standing committee.

The standing committee, or subcommittee, pursuant to rule 42, shall require each appointee referred to the committee for consideration to complete the standard questionnaire to be used to ascertain the appointee's general background and qualifications. The committee may also require the appointee to complete a supplemental questionnaire related specifically to the qualifications for the position to which he has been appointed.

The standing committee, or subcommittees, pursuant to rule 42, shall hold a public hearing on the appointment. The appointee may be required to appear before the committee on request. When appearing, the appointee shall be required to testify under oath or affirmation. The chairman of the committee or the presiding member shall administer the oath or affirmation in accordance with RCW 44.16. (See also Article 2, Sec. 6 of the State Constitution.)

Nothing in this rule shall be construed to prevent a standing committee, or subcommittee, pursuant to rule 42, upon a two-thirds vote of its members, from holding executive sessions when considering an appointment.

When the committee on rules presents the report of the standing committee before the senate, the question shall be the confirmation of the name proposed, and the roll shall then be called and the yeas and nays entered upon the journal. In the event a message is received from the governor requesting return of an appointment or appointments to the office of the governor prior to confirmation, the senate shall vote upon the governor's request and the appointment or appointments shall be returned to the governor if the request is approved by a majority of the senators elected. (Article 13 of the State Constitution.)

Debate ensued.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Niemi be adopted:

On page 6, after Rule 9 insert the following New Rule 10 and renumber the remaining rules accordingly:

Rule 10. The Senate is expressly subject to the provisions of chapter 42.30 RCW, the Open Public Meetings Act. All committee meetings, ad hoc committees, task forces, negotiating teams, or any other official committee in which members of the Senate participate shall be open to the public. This rule does not apply to caucus or caucus committee meetings.

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained. Further debate ensued.

POINT OF INQUIRY

Senator Anderson: "Senator Talmadge, these are Senate rules that we are adopting today. Does the House have a similar provision that you are proposing in their rules?"

Senator Talmadge: "No, it does not. I would hope that the House would, in this instance, follow the lead of the Senate."

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Talmadge and Niemi on page 6, after Rule 9, to Senate Resolution 1991-8606.

ROLL CALL

The Secretary called the roll and the amendment failed to pass the Senate by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognil, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Thorsness, von Reichbauer, West - 25.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Niemi be adopted:

On page 7, add the following language at the end of Rule 13:

Recognizing the public concern about lobbyist influence on the legislative process, the Senate encourages more complete disclosure of all gifts from lobbyists registered pursuant to chapter 42.17 RCW by requiring the following:

(1) Each quarter, each member of the Senate shall advise the Secretary of the Senate of all gift reports received by that member in the amount of \$25 or more.

(2) The lobbyists shall provide each member a timely report of a gift of \$25 or more.

(3) The Secretary shall provide the quarterly reports of all members to the Public Disclosure Commission as soon as practicable, but no later than ten working days after the final day of the quarter.

(4) Gifts returned to a lobbyist by a member shall not be included within this report.

(5) The Senate Ethics Board shall receive complaints about any member's failure to report as required by this rule and may take such action as is appropriate.

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained. Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Talmadge and Niemi on page 7, at the end of Rule 13 to Senate Resolution 1991-8606.

ROLL CALL

The Secretary called the roll and the amendment failed to pass the Senate by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Thorsness, Vognild, von Reichbauer, West - 26.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Niemi be adopted:

On page 7, Senate Rule 14 is amended to read as follows:

The sergeant at arms (~~may~~) shall develop methods to protect the Senate, including its members, staff, and the visiting public, by establishing procedures ~~((to curtail the use or possession of any weapon in a manner that is prohibited by law or by the rules of the Department of General Administration))~~ with respect to dangerous weapons, whether firearms as defined in RCW 9.41.010 or other dangerous weapons as defined in RCW 9.41.280 in the Senate chamber, legislative area, legislative offices or buildings, and legislative hearing or meeting rooms. The Secretary and the sergeant at arms shall provide appropriate notices and signs to so advise the public.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Talmadge and Niemi on page 7, to Senate Rule 14, to Senate Resolution 1991-8606.

The motion by Senator Talmadge failed and the amendment was not adopted.

MOTION

Senator Snyder moved that the following amendment by Senators Snyder, McMullen and Gaspard be adopted:

On page 16, after section 1. of Rule 45 insert the following new part and renumber the remaining parts accordingly:

2. No committee may hold a public hearing during a regular or extraordinary session on a proposal identified as a draft unless the draft has been made available to the public at least twenty-four hours prior to the hearing. This rule does not apply during the five days prior to any cutoff established by concurrent resolution nor does it apply to any measure exempted from the resolution.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Snyder, McMullen and Gaspard on page 16, after section 1 of Rule 45 to Senate Resolution 1991-8606.

The motion by Senator Snyder carried and the amendment was adopted.

MOTION

Senator Vognild moved that the following amendment by Senators Vognild, Snyder, McMullen and Gaspard be adopted:

On page 17, following "10." in Rule 45 insert the following and renumber the remaining section accordingly:

Committee chairmen shall not have authority to rule on questions of scope and object.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Vognild, Snyder, McMullen and Gaspard on page 17, in Rule 45 to Senate Resolution 1991-8606.

The motion by Senator Vognild failed and the amendment was not adopted.

MOTION

Senator Gaspard moved that the following amendment by Senators Gaspard and Niemi be adopted:

On page 18, strike all of Rule 53 and renumber the remaining rules accordingly. Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Newhouse, do you recall a few sessions back when you made a motion to pass the budget by a majority vote?"

Senator Newhouse: "I remember the motion very well. As I recall, we amended the motion to extend it, because the motion was made for one day only."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Gaspard and Niemi on page 18, to strike all of Rule 53 to Senate Resolution 1991-8606.

The motion by Senator Gaspard failed and the amendment was not adopted.

MOTION

Senator Snyder moved that the following amendment by Senators Snyder, McMullen and Gaspard be adopted:

On page 22, after "bill." in Rule 66 add the following:

For the purposes of this rule, substitute bills are included within the meaning of the term "amendment."

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Metcalf: "Thank you, Mr. President. A point of parliamentary inquiry, in a striking amendment on a House Bill, is that subject to the scope and object ruling in the Senate?"

REPLY BY THE PRESIDENT

President Pritchard: "I'm advised that the answer is 'yes.'"

Senator Metcalf: "O.K., then it seems to me that a substitute bill really should have the same--should be treated the same way. I cannot see the distinction. If one is subject to scope and object, I cannot really see the

reason that the other would not be. If we have an argument on that, I would like to hear it."

President Pritchard: "Well, Senator, all amendments that are offered on the floor are subject to scope and object."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Snyder, McMullen and Gaspard on page 22, in Rule 66 to Senate Resolution 1991-8606.

The motion by Senator Snyder failed and the amendment was not adopted on a rising vote.

MOTION

On motion of Senator Snyder, all of the remarks by Senator Metcalf in his parliamentary inquiry will be included in the Senate Journal.

The President declared the question before the Senate to be the adoption of Senate Resolution 1991-8606, as amended.

Debate ensued.

Senate Resolution 1991-8606, as amended, was adopted by voice vote.

MOTION

On motion of Senator Newhouse, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

SB 5070 February 26, 1991
 Prime Sponsor, Senator Nelson: Redefining terms for industrial insurance compensation. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5070 be substituted therefor, and the substitute bill do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, and Moore.

Passed to Committee on Rules for second reading.

SB 5282 February 26, 1991
 Prime Sponsor, Senator Cantu: Excluding school construction from prevailing wages. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, and McDonald.

MINORITY recommendation: Do not pass. Signed by Senators McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

February 26, 1991

SB 5345 Prime Sponsor, Senator Matson: Allowing self-insured employers to close disability claims after July 1990. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, Moore, and Skratek.

Passed to Committee on Rules for second reading.

February 26, 1991

SB 5602 Prime Sponsor, Senator McDonald: Authorizing public facility loans and grants in timber impact areas. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5602 be substituted therefor, and the bill do pass and be referred to Committee on Ways and Means. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, and Moore.

Referred to Committee on Ways and Means.

February 26, 1991

SB 5611 Prime Sponsor, Senator Matson: Imposing an additional sales tax on rental vehicles in lieu of the motor vehicles excise tax. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5611 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Conner, McMullen, Oke, Sellar, Skratek, Snyder, Thorsness, and Vognilid.

Passed to Committee on Rules for second reading.

February 26, 1991

SB 5624 Prime Sponsor, Senator Craswell: Protecting food fish resources by the department of fisheries. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5624 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

February 26, 1991

SB 5630 Prime Sponsor, Senator McCaslin: Exempting certain permits and licenses from the definition of a fee. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, and Snyder.

Passed to Committee on Rules for second reading.

February 26, 1991

SB 5666 Prime Sponsor, Senator Rasmussen: Protecting salmon and steelhead resources from nonendangered marine mammals. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5666 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, and Snyder.

Passed to Committee on Rules for second reading.

February 26, 1991

SB 5722 Prime Sponsor, Senator Oke: Providing a department-wide interest policy for the department of natural resources. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, and Snyder.

Passed to Committee on Rules for second reading.

February 25, 1991

SB 5753 Prime Sponsor, Senator Oke: Establishing an advisory council and other programs to enhance upland game bird population. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5753 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, and Snyder.

Referred to Committee on Ways and Means.

MOTION

At 11:52 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, February 28, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FORTY-SIXTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 28, 1991

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 27, 1991

SB 5151 Prime Sponsor, Senator Hayner: Requiring that the death penalty be carried out by lethal injection. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

February 27, 1991

SB 5174 Prime Sponsor, Senator Saling: Providing for additional enrollments at state institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5174 be substituted therefor, and the substitute bill do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Jesernig, and Stratton.

MINORITY recommendation: Do not pass. Signed by Senators Bluechel, Cantu, Skratek, and von Reichbauer.

Passed to Committee on Rules for second reading.

February 27, 1991

SB 5179 Prime Sponsor, Senator L. Smith: Establishing a pilot project for troubled deaf youth. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass. Signed by Senators L. Smith, Vice Chairman; Craswell, and Stratton.

Passed to Committee on Rules for second reading.

February 27, 1991

SB 5307 Prime Sponsor, Senator L. Smith: Allowing eighteen to twenty year old students to be included in AFDC. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5307 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators L. Smith, Vice Chairman; Stratton, and Talmadge.

Referred to Committee on Ways and Means.

February 26, 1991

SB 5350 Prime Sponsor, Senator Saling: Requiring English proficiency for faculty and assistants involved in classroom teaching. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5350 be substituted therefor, and the substitute bill do pass. Signed by Senators Saling, Chairman; Bluechel, Cantu, Stratton, and von Reichbauer.

MINORITY recommendation: Do not pass as substituted. Signed by Senators Patterson, Vice Chairman; and Skratek.

Passed to Committee on Rules for second reading.

February 26, 1991

SB 5442 Prime Sponsor, Senator Moore: Changing motorcycle instruction permit restrictions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Erwin, Madsen, McMullen, Oke, Sellar, Skratek, Snyder, and Vognild.

Passed to Committee on Rules for second reading.

February 26, 1991

SB 5481 Prime Sponsor, Senator Sellar: Modifying open space classification provisions. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5481 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, and Newhouse.

Passed to Committee on Rules for second reading.

February 26, 1991

SB 5542 Prime Sponsor, Senator Roach: Requiring autopsies for suspected SIDS deaths. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5542 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, and Talmadge.

Referred to Committee on Ways and Means.

February 26, 1991

SB 5564 Prime Sponsor, Senator Erwin: Proposing a study to make recommendations concerning van pools. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Barr, Conner, Erwin, Madsen, McMullen, Oke, Sellar, Skratek, Snyder, and Vognild.

Passed to Committee on Rules for second reading.

February 27, 1991

SB 5568 Prime Sponsor, Senator Roach: Addressing hunger and nutritional problems. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5568 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Stratton, and Talmadge.

Referred to Committee on Ways and Means.

February 26, 1991

SB 5590 Prime Sponsor, Senator von Reichbauer: Affecting administration of the state investment board. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5590 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Moore, Owen, Pelz, Rasmussen, and West.

Passed to Committee on Rules for second reading.

February 26, 1991

SB 5653 Prime Sponsor, Senator Roach: Authorizing specialized child care and respite care for children of homeless parents. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, Stratton, and Talmadge.

Referred to Committee on Ways and Means.

February 26, 1991

SB 5748 Prime Sponsor, Senator Roach: Requiring the department of social and health services to develop a coordinated policy for long-term care of children with special needs. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5748 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, and Stratton.

Passed to Committee on Rules for second reading.

February 26, 1991

SJM 8005 Prime Sponsor, Senator Metcalf: Removing the secrecy and lack of public accountability associated with the federal reserve system. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; McCaslin, Moore, Owen, Pelz, Rasmussen, and Sellar.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 27, 1991

GA 9024 CHRISTINA MESERVE, appointed October 22, 1990, for a term ending September 30, 1992, as a member of the Board of Trustees for The Evergreen State College.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bluechel, Cantu, Jesernig, Skratek, Stratton, and von Reichbauer.

Passed to Committee on Rules.

February 27, 1991

GA 9039 JOHN TERREY, appointed October 22, 1990, for a term ending September 30, 1996, as a member of the Board of Trustees for The Evergreen State College.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bluechel, Cantu, Jesernig, Skratek, Stratton, and von Reichbauer.

Passed to Committee on Rules.

February 27, 1991

GA 9134 CAROL VIPPERMAN, appointed October 13, 1989, for a term ending September 30, 1994, as a member of the Board of Trustees for The Evergreen State College.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bluechel, Cantu, Jesernig, Skratek, Stratton, and von Reichbauer.

Passed to Committee on Rules.

February 27, 1991

GA 9160 ROBERT LASNIK, appointed December 3, 1990, for a term ending August 2, 1992, as a member of the Sentencing Guidelines Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed.
Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

February 27, 1991

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1062,

SUBSTITUTE HOUSE BILL NO. 1064,

SUBSTITUTE HOUSE BILL NO. 1082,

HOUSE BILL NO. 1087, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5872 by Senator Bluechel

AN ACT Relating to the protection of the Snoqualmie river; creating new sections; and making an appropriation.

Referred to Committee on Environment and Natural Resources.

SB 5873 by Senators McDonald, Gaspard, Saling, Snyder, L. Smith, Johnson, Bauer, Rasmussen and Barr

AN ACT Relating to insurance coverage for retired and disabled school district employees; adding a new section to chapter 28A.400 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5874 by Senators Newhouse and Moore

AN ACT Relating to certain banks acting as insurance agents; and amending RCW 30.08.140.

Referred to Committee on Financial Institutions and Insurance.

SB 5875 by Senators Niemi, Nelson, Madsen, Thorsness and Rasmussen (by request of Sentencing Guidelines Commission)

AN ACT Relating to selling controlled or counterfeit substances for profit; amending RCW 9.94A.030, 9.94A.310, and 9.94A.320; reenacting and amending RCW 69.50.435; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5876 by Senators Amondson, Snyder, Anderson, Conner, Metcalf, Vognild, Nelson, Sutherland, Oke and Bauer

AN ACT Relating to oil spill response; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Environment and Natural Resources.

SB 5877 by Senators Thorsness, Talmadge and A. Smith

AN ACT Relating to the effects of electric and magnetic fields; amending RCW 82.16.052; adding a new section to chapter 35.21 RCW; adding a new section to chapter 54.16 RCW; adding new sections to chapter 80.28 RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 5878 by Senators Stratton and Saling

AN ACT Relating to disposition of new replacement vehicle tire fees; and amending RCW 70.95.535.

Referred to Committee on Energy and Utilities.

SB 5879 by Senator Williams

AN ACT Relating to applying for employment; and adding a new section to chapter 49.44 RCW.

Referred to Committee on Commerce and Labor.

SB 5880 by Senators Williams and Moore

AN ACT Relating to timely notice for medicare patients; adding a new section to chapter 74.38 RCW; and creating new sections.

Referred to Committee on Health and Long-Term Care.

SB 5881 by Senators Pelz, Madsen, McCaslin, Johnson and Owen

AN ACT Relating to property forfeiture by criminals; amending RCW 9A.82.100; reenacting and amending RCW 69.50.505; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5882 by Senators Pelz, McCaslin, Johnson, Madsen, Moore and Owen

AN ACT Relating to drug assets property forfeiture by criminals; adding new sections to chapter 43.10 RCW; creating a new section; and making an appropriation.

Referred to Committee on Financial Institutions and Insurance.

SB 5883 by Senators Murray, Gaspard, Skratek, Rasmussen, Madsen, McMullen, Rinehart, Bauer, Snyder, Moore, Stratton, Jesernig, L. Kreidler, Pelz, Conner, Wojahn, Niemi, Vognild, Sutherland, A. Smith, Williams and Hansen

AN ACT Relating to campaign financing; amending RCW 29.15.050, 29.18.050, 42.17.095, 42.17.390, and 43.03.028; adding new sections to chapter 42.17 RCW; adding a new section to chapter 49.44 RCW; adding a new section to chapter 34.05 RCW; adding a new section to chapter 29.80 RCW; adding new sections as a new subchapter in chapter 42.17 RCW; adding a new chapter to Title 42 RCW; creating new sections; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Governmental Operations.

SB 5884 by Senators Conner and Owen

AN ACT Relating to energy facilities; and amending RCW 80.50.071.

Referred to Committee on Energy and Utilities.

SB 5885 by Senators L. Smith and Stratton

AN ACT Relating to community grants for programs for young adolescents; adding new sections to chapter 43.63A RCW; providing an expiration date; and making an appropriation.

Referred to Committee on Children and Family Services.

SB 5886 by Senators Moore, Amondson, Snyder and Stratton

AN ACT Relating to the residential landlord-tenant act; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Law and Justice.

SB 5887 by Senator Conner

AN ACT Relating to the application of the open public meetings act to the state transportation commission; and adding a new section to chapter 42.30 RCW.

Referred to Committee on Transportation.

SJM 8019 by Senators Conner and Rasmussen

Requesting a national cemetery in Washington.

Referred to Committee on Governmental Operations.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1062 by House Committee on Judiciary (originally sponsored by Representatives Ludwig, Padden, R. Meyers and Orr)

Broadening the power of fiduciaries to divide trusts.

Referred to Committee on Law and Justice.

SHB 1064 by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Ludwig, R. Meyers, Belcher, Paris, Miller and Orr)

Prohibiting the unauthorized reproduction or recording of material.

Referred to Committee on Law and Justice.

SHB 1082 by House Committee on Health Care (originally sponsored by Representatives Braddock, Moyer, Sprengle and Orr)

Allowing nondisclosure of trade information by the health care authority and state employees benefits board.

Referred to Committee on Health and Long-Term Care.

HB 1087 by Representatives Appelwick, Padden, Broback, Paris and Orr

Concerning modification of parenting plans.

Referred to Committee on Law and Justice.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 5797.

On motion of Senator Newhouse, Senate Bill No. 5797 was referred to the Committee on Rules.

MOTION

At 12:06 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, March 1, 1991.

JOEL PRITCHARD, President of the Senate
GORDON GOLOB, Secretary of the Senate.

FORTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 1, 1991

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Craswell, Erwin, Moore, Patterson, Saling, Linda Smith and von Reichbauer. On motion of Senator Murray, Senator Moore was excused. On motion of Senator Anderson, Senators Craswell, Erwin, Patterson, Saling, Linda Smith and von Reichbauer were excused.

The Sergeant at Arms Color Guard, consisting of Pages Joe Jordon and Carl Benitz, presented the Colors. Reverend Ray Morrison, pastor of the First Nazarene Church of Tumwater, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 26, 1991

SB 5032 Prime Sponsor, Senator Conner: Restricting the use of chlorofluorocarbons. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5032 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, L. Kreidler, Metcalf, Murray, Niemi, Owen, Rinehart, L. Smith, Talmadge, and Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1991

SB 5083 Prime Sponsor, Senator L. Smith: Reconstructing salmon hatcheries. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5083 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel,

Cantu, Gaspard, Hayner, L. Kreidler, Metcalf, Newhouse, Niemi, Owen, L. Smith, Talmadge, West, and Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1991

SB 5167 Prime Sponsor, Senator Nelson: Amending the juvenile justice act. Reported by Committee on Rules

MAJORITY recommendation: That the bill be referred to the Committee on Ways and Means. Signed by Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, McMullen, Newhouse, Rasmussen, Sellar, L. Smith, Snyder, Vognild, Williams, and Wojahn.

Referred to Committee on Ways and Means.

February 28, 1991

SB 5179 Prime Sponsor, Senator L. Smith: Establishing a pilot project for troubled deaf youth. Reported by Committee on Rules

MAJORITY recommendation: That the bill be referred to the Committee on Ways and Means. Signed by Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, McMullen, Newhouse, Rasmussen, Sellar, L. Smith, Snyder, Vognild, Williams, and Wojahn.

Referred to Committee on Ways and Means.

February 28, 1991

SB 5233 Prime Sponsor, Senator McCaslin: Giving preference to in-state contractors on public works projects when competing against certain out-of-state contractors. Reported by Committee on Rules

MAJORITY recommendation: That the bill be referred to the Committee on Ways and Means. Signed by Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, McMullen, Newhouse, Rasmussen, Sellar, L. Smith, Snyder, Vognild, Williams, and Wojahn.

Referred to Committee on Ways and Means.

February 25, 1991

SB 5252 Prime Sponsor, Senator Saling: Funding school building security monitors. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5252 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Referred to Committee on Ways and Means.

February 28, 1991

SB 5278 Prime Sponsor, Senator Nelson: Enhancing the penalties for transmitting certain diseases. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5278 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Newhouse, and Rasmussen.

Referred to Committee on Ways and Means.

February 27, 1991

SB 5355 Prime Sponsor, Senator Talmadge: Strengthening the regulation of Puget Sound water quality. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5355 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Conner, Owen, and Sutherland.

Referred to Committee on Ways and Means.

February 25, 1991

SB 5375 Prime Sponsor, Senator Anderson: Eliminating the masters degree requirement for teachers. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Murray, Oke, Pelz, Rinehart, and A. Smith.

Passed to Committee on Rules for second reading.

February 26, 1991

SB 5413 Prime Sponsor, Senator Saling: Establishing the local master's degree teacher training program. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5413 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Jesernig, Skratek, and Stratton.

Referred to Committee on Ways and Means.

February 28, 1991

SB 5435 Prime Sponsor, Senator L. Kreidler: Exempting from the business and occupation tax certain deposits that are refunded. Reported by Committee on Rules

MAJORITY recommendation: That the bill be referred to the Committee on Ways and Means. Signed by Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, McMullen, Newhouse, Rasmussen, Sellar, L. Smith, Snyder, Vognild, Williams, and Wojahn.

Referred to Committee on Ways and Means.

February 27, 1991

SB 5450 Prime Sponsor, Senator Sellar: Concerning pasteurization in relation to licenses for the sale of beer. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5450 be substituted therefor, and the substitute bill do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

February 28, 1991

SB 5472 Prime Sponsor, Senator McCaslin: Modifying the department of general administration's duties regarding excess receipts from building rent. Reported by Committee on Rules

MAJORITY recommendation: That the bill be referred to the Committee on Ways and Means. Signed by Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, McMullen, Newhouse, Rasmussen, Sellar, L. Smith, Snyder, Vognild, Williams, and Wojahn.

Referred to Committee on Ways and Means.

February 26, 1991

SB 5504 Prime Sponsor, Senator Bauer: Establishing student teaching centers. Reported by Committee on Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Murray, Oke, Pelz, Rinehart, and A. Smith.

Referred to Committee on Ways and Means.

February 27, 1991

SB 5523 Prime Sponsor, Senator West: Providing for a minimum wage tip credit. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, and McDonald.

Passed to Committee on Rules for second reading.

February 28, 1991

SB 5529 Prime Sponsor, Senator Thorsness: Expediting new prison construction. Reported by Committee on Rules

MAJORITY recommendation: That the bill be referred to the Committee on Ways and Means. Signed by Senators Amondson, Anderson, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, McMullen, Newhouse, Rasmussen, Sellar, L. Smith, Snyder, Vognild, Williams, and Wojahn.

Referred to Committee on Ways and Means.

February 28, 1991

SB 5544 Prime Sponsor, Senator Metcalf: Authorizing corporations to use a private mailbox as a mailing address. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Madsen, Newhouse, and A. Smith.

Passed to Committee on Rules for second reading.

February 27, 1991

SB 5560 Prime Sponsor, Senator McDonald: Transferring power and duty to enforce cigarette and tobacco laws to the liquor control board. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Hayner, Johnson, Matson, Metcalf, Owen, Saling, L. Smith, and West.

Passed to Committee on Rules for second reading.

February 26, 1991

SB 5562 Prime Sponsor, Senator Erwin: Requiring at least two passengers in private vehicles using reserved lanes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Barr, Conner, Erwin, Madsen, McMullen, Oke, Sellar, and Vognild.

Passed to Committee on Rules for second reading.

February 26, 1991

SB 5601 Prime Sponsor, Senator Cantu: Changing project completion costs for the state convention and trade center. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Gaspard, Hayner, L. Kreidler, Newhouse, Owen, L. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

February 26, 1991

SB 5639 Prime Sponsor, Senator Cantu: Creating the Pacific Northwest export assistance project. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, Moore, Murray, and Skratek.

Referred to Committee on Ways and Means.

February 27, 1991

SB 5704 Prime Sponsor, Senator Owen: Ensuring that local governments have a flood control plan. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Conner, Owen, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

February 27, 1991

SB 5845 Prime Sponsor, Senator McDonald: Taxing adult entertainment materials and services and dedicating the revenues to crime victims compensation. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Bailey, Bauer, Bluechel, Gaspard, Hayner, Metcalf, Murray, Newhouse, Owen, L. Smith, West, and Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1991

SJM 8008 Prime Sponsor, Senator Owen: Requesting Congress to propose a Constitutional amendment to prohibit physical desecration of the United States flag. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Madsen, Newhouse, and Rasmussen.

Passed to Committee on Rules for second reading.

February 27, 1991

SJM 8012 Prime Sponsor, Senator Talmadge: Petitioning the United States state department to appeal to British Columbia to stem the flow of raw sewage into the strait of Juan de Fuca. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

February 28, 1991

SJR 8217 Prime Sponsor, Senator Wojahn: Allowing video testimony of children under ten years of age who are sexual abuse victims. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 27, 1991

GA 9144 JUDGE ANNE ELLINGTON, reappointed December 3, 1990, for a term ending August 2, 1993, as the Chair of the Sentencing Guidelines Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said confirmation be confirmed. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules.

February 27, 1991

GA 9146 JOHN LADENBERG, reappointed December 3, 1990, for a term ending August 2, 1993, as a member of the Sentencing Guidelines Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said confirmation be confirmed. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules.

February 27, 1991

GA 9159 EILEEN P. FARLEY, reappointed December 3, 1990, for a term ending August 2, 1993, as a member of the Sentencing Guidelines Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said confirmation be confirmed. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 5888 by Senators Madsen, Gaspard, Rinehart, Murray, Snyder, A. Smith, Niemi and McMullen

AN ACT Relating to increased school funding; amending RCW 28A.150.260; creating a new section; and making an appropriation.

Referred to Committee on Education.

SB 5889 by Senators A. Smith and Skratek

AN ACT Relating to high occupancy vehicle programs; and amending RCW 81.100.070 and 81.100.080.

Referred to Committee on Transportation.

SB 5890 by Senator A. Smith

AN ACT Relating to transportation; amending RCW 81.104.010, 81.104.070, 81.104.100, 82.44.150, 82.36.025, and 46.68.090; adding a new section to chapter 46.68 RCW; adding a new section to chapter 47.04 RCW; adding a new section to chapter 39.12 RCW; and adding a new chapter to Title 43 RCW.

Referred to Committee on Transportation.

SB 5891 by Senators Oke, Snyder, Metcalf, Patterson, McMullen, Owen, Rasmussen, Anderson, Matson, Bauer, Nelson, Conner, Bailey, McCaslin, Hansen, Craswell and Amondson

AN ACT Relating to the exemption of seniors from fireplace and woodstove burning bans; and amending RCW 70.94.473.

Referred to Committee on Environment and Natural Resources.

SB 5892 by Senator Hansen

AN ACT Relating to transportation of horses by farmers; and amending RCW 81.80.040.

Referred to Committee on Transportation.

SB 5893 by Senators Johnson, Bailey, Amondson and von Reichbauer

AN ACT Relating to elections by mail for school district bonds and levies; and amending RCW 29.36.120.

Referred to Committee on Education.

SB 5894 by Senators Bluechel, Cantu and Skratek

AN ACT Relating to the development of a plan for a new community college campus; creating new sections; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5895 by Senator Rasmussen

AN ACT Relating to campaign financing; amending RCW 42.17.030, 42.17.095, 42.17.390, and 42.17.510; adding new sections to chapter 42.17 RCW; creating a new subchapter in chapter 42.17 RCW; creating a new section; repealing RCW 42.17.100, 42.17.105, and 42.17.175; making an appropriation; prescribing penalties; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 5896 by Senator Rinehart (by request of Superintendent of Public Instruction)

AN ACT Relating to school levies; amending RCW 84.52.0531 and 28A.500.010; and providing an effective date.

Referred to Committee on Education.

SB 5897 by Senators Conner, Niemi, Rasmussen and Skratek

AN ACT Relating to denturity; amending RCW 18.130.040; adding a new chapter to Title 18 RCW; creating a new section; prescribing penalties; making an appropriation; and providing an effective date.

Referred to Committee on Health and Long-Term Care.

SB 5898 by Senators Snyder, Amondson and Rasmussen

AN ACT Relating to the business and occupation tax on the sale of fish; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways and Means.

SB 5899 by Senators McMullen, Conner, Metcalf and Anderson

AN ACT Relating to legislative authorization of pipelines located within Puget Sound, Admiralty Inlet, Deception Pass, or adjacent marine waters; and amending RCW 80.50.100.

Referred to Committee on Environment and Natural Resources.

SB 5900 by Senators Roach, Madsen, McCaslin, Sutherland, Matson, Owen, Moore, Pelz, West, L. Smith, McMullen, Wojahn, Craswell, Murray, Stratton, Anderson, Thorsness, Skratek, Snyder, Niemi, Conner and von Reichbauer

AN ACT Relating to the donation by the department of general administration of personal property to shelters that serve homeless persons; amending RCW 43.19.1919; adding a new section to chapter 43.19 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 5901 by Senators Skratek, Erwin, Vognild, Bluechel, Pelz, Murray, Niemi and A. Smith

AN ACT Relating to transportation; amending RCW 36.70A.070 and 82.44.150; adding a new section to chapter 39.12 RCW; adding a new section to chapter 70.94 RCW; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5902 by Senator Conner

AN ACT Relating to the efficient collection of public debts; adding a new section to chapter 19.16 RCW; and creating new sections.

Referred to Committee on Governmental Operations.

SB 5903 by Senator Talmadge

AN ACT Relating to declarations of candidacy; amending RCW 29.18.105 and 29.15.120; providing an effective date; and providing an expiration date.

Referred to Committee on Governmental Operations.

SB 5904 by Senators Thorsness, Conner and Sutherland

AN ACT Relating to home heating assistance for low-income persons; and amending RCW 35.21.300, 35.21.301, 54.16.285, 54.16.286, 80.28.010, and 80.28.011.

Referred to Committee on Energy and Utilities.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Matson, Gubernatorial Appointment No. 9074, Frank Fennerty, as a member of the Board of Industrial Insurance Appeals, was confirmed.

Senator McMullen spoke to the confirmation of Frank Fennerty as a member of the Board of Industrial Insurance Appeals.

APPOINTMENT OF FRANK FENNERTY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 2; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, West, Williams - 40.

Voting nay: Senators Vognild, Wojahn - 2.

Excused: Senators Craswell, Erwin, Moore, Patterson, Saling, L. Smith, von Reichbauer - 7.

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9082, Ruth J. Hagerott, as a member of the Western State Hospital Advisory Board, was confirmed.

APPOINTMENT OF RUTH J. HAGEROTT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, West, Williams, Wojahn - 44.

Excused: Senators Craswell, Moore, Patterson, Saling, von Reichbauer - 5.

MOTION

On motion of Senator Newhouse, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Adam Smith, the following resolution was adopted:

SENATE RESOLUTION 1991-8619

By Senator A. Smith

WHEREAS, The city of SeaTac, population of twenty-four thousand, celebrates its first anniversary of incorporation as a city on February 28, 1991; and

WHEREAS, Mayor Frank Hansen, Deputy Mayor Shirley Thompson, and councilmembers Terry Anderson, Joe Brennan, Kathy Gehring, Jeanné Masters, and Julia Patterson proudly serve as SeaTac's first city councilmembers along with city manager Doug Sutherland; and

WHEREAS, The city of SeaTac started out with five employees, a borrowed phone, and no furniture, but now has sixty-six employees, a city hall, a fire department, and a court system; and

WHEREAS, The city of SeaTac was the official welcoming city for the Goodwill Games; and

WHEREAS, The city of SeaTac is the home of Washington State's largest passenger and commercial airport;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize and honor the city of SeaTac on the first anniversary of its incorporation; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the SeaTac city council.

Senator Adam Smith spoke to Senate Resolution 1991-8619.

INTRODUCTION OF SPECIAL GUESTS

The President introduced SeaTac Mayor, Frank Hansen, and the city manager, Doug Sutherland, who were seated on the rostrum.

MOTION

On motion of Senator Newhouse, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 5030, by Senators Nelson, Talmadge and Thorsness

Prohibiting the unauthorized reproduction or recording of material.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5030 was substituted for Senate Bill No. 5030 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5030 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5030.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5030 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, West, Williams, Wojahn - 44.

Excused: Senators Craswell, Moore, Patterson, Saling, von Reichbauer - 5.

SUBSTITUTE SENATE BILL NO. 5030, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5310, by Senators L. Smith, Bauer, Barr, Sutherland, Saling, Craswell, McCaslin and Johnson

Limiting actions to enforce tax liability for other states' income tax.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5310 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5310.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5310 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 6; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Sellar, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, West - 38.

Voting nay: Senators Niemi, Skratek, A. Smith, Talmadge, Williams, Wojahn - 6.

Excused: Senators Craswell, Moore, Patterson, Saling, von Reichbauer - 5.

SENATE BILL NO. 5310, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, Senate Bill No. 5196, which was on the second reading calendar, was referred to the Committee on Rules.

MOTION

At 10:44 a.m., on motion of Senator Newhouse, the Senate recessed until 11:15 a.m.

The Senate was called to order at 11:37 a.m. by President Pritchard.

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

MESSAGES FROM THE HOUSE

March 1, 1991

MR. PRESIDENT:

The House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1511, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 1, 1991

MR. PRESIDENT:

The Speaker has signed SUBSTITUTE HOUSE BILL NO. 1511, and the same is therewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1511.

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

SECOND READING

SENATE BILL NO. 5126, by Senators Nelson, Madsen, Patterson, Rasmussen, Thorsness, Hayner, Johnson, A. Smith, Jesernig and L. Smith

Authorizing the use of pen registers.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5126 was substituted for Senate Bill No. 5126 and the substitute bill was placed on second reading and read the second time.

Senator Niemi moved that the following amendment by Senators Niemi and Talmadge be adopted:

On page 4, following line 25, insert the following:

The court shall not grant any application made under this section unless it finds there is probable cause to believe:

(a) The information to be obtained has been sought and found to be not available in any other way to the agency employing the person making the application;

(b) The information to be obtained is vital to the successful execution of an ongoing criminal investigation; and

(c) The extent and terms of the proposed order are as limited in nature as is practical.

Debate ensued.

The President declared the question before the Senate to the adoption of the amendment by Senators Niemi and Talmadge on page 4, following line 25, to Substitute Senate Bill No. 5126.

The motion by Senator Niemi failed and the amendment was not adopted.

MOTIONS

On motion of Senator Niemi, the following amendments by Senators Niemi and Talmadge were considered simultaneously and were adopted:

On page 5, line 23, after "exceed" strike "sixty" and insert "seven"

On page 5, line 26, after "exceed" strike "sixty" and insert "fourteen"

On motion of Senator Niemi, the following amendment by Senators Niemi and Talmadge was adopted:

On page 6, line 6, after "ordered" strike "b" and insert "by"

Senator Niemi moved that the following amendment by Senators Niemi and Talmadge be adopted:

On page 7, following line 15, insert a new section to read as follows:

NEW SECTION. Sec. 6. The office of administrator for the courts shall cause to be maintained a record of each application filed pursuant to this act, the disposition of each application, any extensions of orders, and the number of criminal investigations which result in a conviction and for which an order was entered pursuant to this act. The administrator shall file annually with the legislature, in December, a report containing the information set forth in this section.

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Niemi and Talmadge on page 7, following line 15, to Substitute Senate Bill No. 5126.

The motion by Senator Niemi carried and the amendment was adopted.

MOTION

Senator Niemi moved that the following amendment by Senators Niemi and Talmadge be adopted:

On page 9, following line 3, insert a new section to read as follows:

NEW SECTION. Sec. 8. The authority granted under this act shall expire January 1, 1994, unless extended by law.

Renumber the remaining section.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Niemi and Talmadge on page 9, following line 3, to Substitute Senate Bill No. 5126.

The motion by Senator Niemi failed and the amendment was not adopted.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 5126 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

Vice President Pro Tempore Bluechel assumed the Chair.

MOTION

On motion of Senator Murray, Senator McMullen was excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5126.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5216 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 5; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Rasmussen, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Wojahn - 39.

Voting nay: Senators Niemi, Pelz, Rinehart, Vognild, Williams - 5.

Excused: Senators Craswell, McMullen, Moore, Patterson, Saling - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5126, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

February 28, 1991

SB 5103 Prime Sponsor, Senator Craswell: Concerning the registration of engineers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, Murray, and Skratek.

Passed to Committee on Rules for second reading.

February 28, 1991

SB 5187 Prime Sponsor, Senator Moore: Requiring landlord verification of repair or removal of damaged or destroyed mobile home for insurance payment. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5187 be substituted therefor, and the substitute bill do pass. Signed by Senators

Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, and McDonald.

Passed to Committee on Rules for second reading.

February 28, 1991

SB 5478 Prime Sponsor, Senator Conner: Authorizing additional curbside recycling. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5478 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

February 28, 1991

SB 5480 Prime Sponsor, Senator Oke: Pertaining to the applicability of the uniform fire code to underground storage tank laws. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5480 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

February 27, 1991

SB 5519 Prime Sponsor, Senator Newhouse: Preserving the Stampede Pass rail line. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5519 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Erwin, Hansen, McMullen, Sellar, and Thorsness.

Referred to Committee on Ways and Means.

February 28, 1991

SB 5552 Prime Sponsor, Senator Barr: Requiring certification of water systems operators. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5552 be substituted therefor, and the substitute bill do pass. Signed by Senators

Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Stratton, and Sutherland.

Passed to Committee on Rules for second reading.

February 28, 1991

SB 5559 Prime Sponsor, Senator Nelson: Declaring landlord-tenant duties as being state-wide. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5559 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Erwin, Madsen, Newhouse, and Rasmussen.

Passed to Committee on Rules for second reading.

February 28, 1991

SB 5583 Prime Sponsor, Senator Anderson: Pertaining to the child care facility fund. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5583 be substituted therefor, and the substitute bill do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, Murray, and Skratek.

Passed to Committee on Rules for second reading.

February 28, 1991

SB 5591 Prime Sponsor, Senator Metcalf: Adopting comprehensive recycling programs. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5591 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Snyder, and Sutherland.

Referred to Committee on Ways and Means.

February 28, 1991

SB 5700 Prime Sponsor, Senator Matson: Regulating small businesses. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, and McDonald.

MINORITY recommendation: Do not pass. Signed by Senators Murray and Skratek.

Passed to Committee on Rules for second reading.

February 28, 1991

SB 5746 Prime Sponsor, Senator Barr: Modifying requirements for compliance with environmental protection measures. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, and Snyder.

Passed to Committee on Rules for second reading.

February 28, 1991

SB 5762 Prime Sponsor, Senator Hayner: Financing water company safety improvements. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5762 be substituted therefor, and the substitute bill do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Roach, Stratton, and Sutherland.

Passed to Committee on Rules for second reading.

February 28, 1991

SB 5821 Prime Sponsor, Senator Craswell: Modifying provisions relating to the creation of air pollution control authorities. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, and Snyder.

Passed to Committee on Rules for second reading.

MOTION

At 12:11 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, March 4, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FIFTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 4, 1991

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Matson, Moore and Nelson. On motion of Senator Murray, Senator Moore was excused. On motion of Senator Anderson, Senators Barr, Matson and Nelson were excused.

The Sergeant at Arms Color Guard, consisting of Pages Nicole Lundquist and Ian Rodriquez, presented the Colors. Reverend Lee Forstrom, pastor of the Westwood Baptist Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

March 1, 1991

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023,

HOUSE BILL NO. 1089,

ENGROSSED HOUSE BILL NO. 1118,

SUBSTITUTE HOUSE BILL NO. 1137,

HOUSE JOINT MEMORIAL NO. 4005,

HOUSE JOINT MEMORIAL NO. 4017,

SENATE JOINT MEMORIAL NO. 8015, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5905 by Senators Nelson, Owen, Amondson, McCaslin and Stratton

AN ACT Relating to intercepting, transmitting, or recording conversations concerning sexual abuse of children; amending RCW 9.73.090; adding a new section to chapter 9.73 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5906 by Senators Rinehart, McCaslin and Talmadge

AN ACT Relating to protecting persons seriously threatened by domestic violence by restricting disclosure of their names or addresses.

Referred to Committee on Governmental Operations.

SB 5907 by Senators West and Vognild

AN ACT Relating to clinical laboratory science practitioners; adding a new chapter to Title 18 RCW; and providing effective dates.

Referred to Committee on Health and Long-Term Care.

SB 5908 by Senator Bauer

AN ACT Relating to the designation of treasurers and auditors by regional planning commissions, regional planning councils, regional agencies, and councils of government; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.64 RCW; adding a new section to chapter 36.70 RCW; and adding a new section to chapter 39.34 RCW.

Referred to Committee on Governmental Operations.

SB 5909 by Senator Snyder

AN ACT Relating to the judiciary; and amending RCW 3.34.040, 3.58.020, and 3.74.010.

Referred to Committee on Law & Justice.

SB 5910 by Senators Barr, Gaspard, von Reichbauer, Madsen and Talmadge

AN ACT Relating to vehicle license, registration, and title fees; amending RCW 46.01.140; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 5911 by Senators Murray, A. Smith, Vognild, Stratton, Skratek, Thorsness, Anderson, Madsen and Gaspard

AN ACT Relating to mobile-manufactured housing; amending RCW 59.20.190; adding a new section to chapter 34.12 RCW; adding a new chapter to Title 59 RCW; prescribing penalties; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 5912 by Senators Metcalf, Stratton, Hayner, Owen, Thorsness, Conner and Amondson

AN ACT Relating to a program for educational opportunity grants in designated urban areas; and adding new sections to chapter 74.13 RCW.

Referred to Committee on Education.

SB 5913 by Senators Barr, Hansen and Bailey

AN ACT Relating to providing urban property owners the option of notifying persons of a pesticide application; amending RCW 17.21.020; and adding a new section to chapter 17.21 RCW.

Referred to Committee on Agriculture and Water Resources.

SB 5914 by Senator Roach

AN ACT Relating to taxation; and amending RCW 84.40.030, 84.52.043, 84.52.043, and 84.40.040.

Referred to Committee on Ways and Means.

SB 5915 by Senators Anderson, Wojahn, McDonald, Stratton, Skratek, Roach, Oke, Murray, Pelz, L. Smith, McCaslin, Johnson, von Reichbauer, Erwin, L. Kreidler, Rinehart, Hayner, Bailey, Thorsness and Newhouse

AN ACT Relating to business tax credits for assisting in the provision of child care; adding new sections to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5916 by Senators Roach, Talmadge, L. Smith and Stratton

AN ACT Relating to the department of social and health services; amending RCW 74.13.300 and 13.34.110; adding new sections to chapter 74.13 RCW; adding new sections to chapter 13.34 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Children and Family Services.

SB 5917 by Senator Wojahn

AN ACT Relating to establishment and financing of a community-based long-term care and support services system for functionally disabled persons; adding a new chapter to Title 70 RCW; prescribing penalties; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1023 by House Committee on Education (originally sponsored by Representatives Peery, Brough, G. Fisher, Heavey, Basich, Wineberry, H. Myers, Phillips, R. Johnson, Sprenkle, Spanel, Sheldon, Wood, Ogden, Rayburn, Jones, Prentice, Kremen, Leonard, Inslee, Bray, Dorn, Cantwell, Jacobsen, Valle, Roland, Hine, Winsley, Rasmussen and Brekke) (by request of Governor Gardner)

Enhancing student performance.

Referred to Committee on Education.

HB 1089 by Representatives Appelwick, Paris and Padden

Changing confidentiality for postdecree mediation proceedings.

Referred to Committee on Law and Justice.

EHB 1118 by Representatives R. Fisher, R. Meyers, Schmidt and Prince

Adjusting length restrictions on buses.

Referred to Committee on Transportation.

SHB 1137 by House Committee on Local Government (originally sponsored by Representatives Haugen, Horn, Wang, Prince, Scott, Wilson, Zellinsky, Riley, Morris, Rayburn, Dorn, Wood, Paris, Orr, Ferguson, Winsley, Bray, Ludwig, Chandler, Inslee, Ogden, Ballard, Forner, Rasmussen, Roland, R. Johnson, Vance, Sheldon, Appelwick, Spanel, Leonard, Broback, D. Sommers, Hine, Kremen, Hargrove, Jones, May, Edmondson, Brough, Holland, Betzoff, Wynne, Nealey, Miller, Bowman and Moyer) (by request of Task Force on City/County Finances)

Clarifying "criminal justice purposes" for local government criminal justice assistance.

Referred to Committee on Law and Justice.

HJM 4005 by Representatives Bray, Edmondson, Ludwig, Lisk, Rayburn, Grant, Orr, Neher, Nealey, Riley, Prince, Inslee and Hochstatter

Requesting Congress to create a HAMMER training center at Hanford.

Referred to Committee on Energy and Utilities.

HJM 4017 by Representatives Wynne, Ebersole, Ballard, R. Johnson, Betrozoff, Fraser, Fuhrman, Wang, Belcher, Ferguson, May, Holland, Hargrove, Rasmussen, Zellinsky, R. King, Miller, Brough, Mitchell, Forner and Spanel

Requesting a presidential disaster declaration.

Referred to Committee on Governmental Operations.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9078, Warren J. Gilbert, Jr., as a member of the Board of Trustees for Western Washington University, was confirmed.

Senator McMullen spoke to the confirmation of Warren Gilbert, Jr., as a member of the Board of Trustees for Western Washington University.

APPOINTMENT OF WARREN J. GILBERT, JR.

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Barr, Matson, Moore, Nelson - 4.

INTRODUCTION OF SPECIAL GUESTS

The President introduced Mr. Peteris Simsons, a member of Parliament in the Republic of Latvia and Ms. Karen Berkholtz, Deputy of the Upper House of Parliament in the Republic of Latvia, who were seated on the rostrum. Senator Owen gave a special welcome to the honored guests as the city of Talsi in the Talsi region of Latvia is the sister city of Shelton, Washington.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9079, Lynne Glore, as a member of the Board of Trustees for Grays Harbor Community College District No. 4, was confirmed.

APPOINTMENT OF LYNNE GLORE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Barr, Matson - 2.

SECOND READING

SENATE BILL NO. 5018, by Senators L. Smith, Sutherland, Conner, Bauer and Snyder

Authorizing an additional tax levy for emergency medical service districts.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5018 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5018.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5018 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Matson - 1.

SENATE BILL NO. 5018, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SENATE JOINT MEMORIAL NO. 8015.

SECOND READING

SENATE BILL NO. 5036, by Senators Barr, Conner, Bailey and Hansen

Establishing a livestock market net worth requirement.

The bill was read the second time.

MOTION

On motion of Senator Barr, the rules were suspended, Senate Bill No. 5036 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5036.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5036 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senators Hayner, McCaslin - 2.

SENATE BILL NO. 5036, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5275, by Senator Nelson

Lowering necessary age difference for child molestation in first degree.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5275 was substituted for Senate Bill No. 5275 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5275 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Nelson, the question that I have is--my recollection of the sexual offenses age differentials was that there was an intentional decision to make the difference between child molestation and rape of a child different. If the circumstance of this bill became law, you could have a set of circumstances where a thirteen year old boy touching an eleven year old girl would be guilty of molestation of a child in the first degree?"

Senator Nelson: "Under the criminal statute, that is correct, but not for civil action."

Senator Talmadge: "If this bill passed?"

Senator Nelson: "That is correct."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5275.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5275 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused; 0.

Voting yea: Senators Amøndson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Voting nay: Senator Rinehart - 1.

SUBSTITUTE SENATE BILL NO. 5275, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5241, by Senators Newhouse, Vognild, Hayner, Gaspard, McCaslin and McMullen

Providing for public hospital district chaplains.

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, Senate Bill No. 5241 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5241.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5241 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 41.

Voting nay: Senators Hansen, Moore, Murray, Niemi, Rinehart, Skratek, Talmadge, Williams - 8.

SENATE BILL NO. 5241, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT RESOLUTION NO. 8208, by Senators Newhouse, Vognild, Hayner, Gaspard, McCaslin and McMullen

Amending the Constitution to permit municipalities and state agencies to employ chaplains.

MOTIONS

On motion of Senator West, Substitute Senate Joint Resolution No. 8208 was substituted for Senate Joint Resolution No. 8208 and the substitute joint resolution was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Joint Resolution No. 8208 was advanced to third reading, the second reading considered the third and the joint resolution was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Resolution No. 8208 and the joint resolution passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 39.

Voting nay: Senators L. Kreidler, Moore, Murray, Niemi, Pelz, Rasmussen, Rinehart, Skratek, Talmadge, Williams - 10.

SUBSTITUTE SENATE JOINT RESOLUTION NO. 8208, having received the constitutional majority, was declared passed.

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

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5055, deferred on third reading February 25, 1991.

MOTIONS

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5055 was returned to second reading and read the second time.

On motion of Senator Metcalf, the following amendment by Senators Metcalf, Hayner and McCaslin was adopted:

On page 2, line 13, after "approval." insert "The notice shall be filed promptly by the department in the real property records kept by the auditor of the county in which the real property is located."

MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute Senate Bill No. 5055 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5055.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5055 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0, Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 5097, deferred on third reading February 22, 1991. Debate ensued.

POINT OF INQUIRY

Senator Murray: "Senator Barr, can you define for me what plant protection products are?"

Senator Barr: "What plant protection products are?"

Senator Murray: "Yes, I'm reading from page two, lines fifteen and sixteen."

Senator Barr: "I wouldn't want to take the time here on the floor of the Senate to explain entirely what plant protection products are. It could be anything, I guess, from horse manure on up and it probably wouldn't be any different than some of the products that are used in every home and in every front yard."

Senator Murray: "Senator Barr, if I could continue, would it possibly include pesticides or herbicides?"

Senator Barr: "I don't know what the point of your questions are, but you can read the bill just as well as I could and I wouldn't care to discuss it any further by questions and answers. Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5097.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5097 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Sutherland, Thorsness, von Reichbauer, West, Williams - 37.

Voting nay: Senators L. Kreidler, Moore, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Talmadge, Vognild, Wojahn - 11.

Absent: Senator Metcalf - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5256, deferred on second reading February 22, 1991, after amendments by Senator Adam Smith on page 23, line 14, and page 27, lines 12 and 14 had been adopted.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator von Reichbauer moved that the Senate reconsider the vote by which the amendments by Senator Adam

Smith on page 27, lines 12 and 14, to Substitute Senate Bill No. 5256 were adopted.

POINT OF ORDER

Senator Adam Smith: "A point of order, Mr. President. When we get to reconsideration of an amendment, Senate Rule 37 does permit the reconsideration of an amendment, but is silent when that needs to happen. Reeds Rule No. 205 says it has to happen on the same day as the amendment occurs. This happened weeks ago; therefore, I am asking you if this motion is out of order and I would like a ruling on that."

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President and ladies and gentlemen. In answering the point of order, I would like to point out that precedent says that the bill that is before us on second reading is considered to still be before us even though previous action had been considered earlier. I have in my hand a ruling by the President, Lieutenant Governor Cherberg, some years ago, in which he so ruled."

RULING BY THE PRESIDENT

President Pritchard: "Thank you, Senator. It my opinion and backed up by President Cherberg's ruling. As long as the measure is before us--is not passed--we are able to perfect it, reconsider it, however we want."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator von Reichbauer that the Senate reconsider the vote by which the amendments by Senator Adam Smith on page 27, lines 12 and 14, to Substitute Senate Bill No. 5256 were adopted.

The motion for reconsideration of the amendments carried on a rising vote.

The President declared the question before the Senate to be the adoption of the amendments by Senator Adam Smith on page 27, lines 12 and 14, to Substitute Senate Bill No. 5256, on reconsideration.

Senator Snyder demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Adam Smith on page 27, lines 12 and 14, to Substitute Senate Bill No. 5256, on reconsideration.

PARLIAMENTARY INQUIRY

Senator Adam Smith: "A parliamentary inquiry, Mr. President. If we vote 'yes,' is this still supporting my amendments or are we supporting--"

REPLY BY THE PRESIDENT

President Pritchard: "That is correct. Your amendments are before the body as they were before and the body now will vote 'yea' or 'nay' on those amendments."

ROLL CALL

The Secretary called the roll on the amendments on page 27, lines 12 and 14, to Substitute Senate Bill No. 5256, on reconsideration, and the amendments were not adopted by the following vote: Yeas, 24; Nays, 25.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Thorsness, von Reichbauer, West - 25.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 5256 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5256.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5256 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 41.

Voting nay: Senators Conner, L. Kreidler, Murray, Niemi, Rinehart, Skratek, A. Smith, Vognild - 8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5256, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

February 28, 1991

SB 5184 Prime Sponsor, Senator Saling: Creating a work force training and education coordinating board, and combining community and vocational-technical schools under one agency. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5184 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Bauer, Jesernig, Stratton, and von Reichbauer.

MINORITY recommendation: Do not pass. Signed by Senators Bluechel, Cantu, and Skratek.

Referred to Committee on Ways and Means.

February 28, 1991

SB 5341 Prime Sponsor, Senator L. Kreidler: Providing liability insurance to foster parents. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5341 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Owen, Pelz, Rasmussen, Sellar, Vognild, and West.

Referred to Committee on Ways and Means.

March 1, 1991

SB 5411 Prime Sponsor, Senator Bailey: Making changes relating to flood damage. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5411 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

February 28, 1991

SB 5458 Prime Sponsor, Senator L. Smith: Establishing regional service centers for the deaf. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, and Niemi.

Referred to Committee on Ways and Means.

February 28, 1991

SB 5514 Prime Sponsor, Senator West: Modifying statutes regarding health care professional shortages. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5514 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, and Niemi.

Referred to Committee on Ways and Means.

February 28, 1991

SB 5540 Prime Sponsor, Senator West: Requiring children and health care workers to be immunized against infectious diseases. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5540 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, and Niemi.

Referred to Committee on Ways and Means.

March 1, 1991

SB 5629 Prime Sponsor, Senator Bailey: Prohibiting unauthorized acts against animal facilities. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5629 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

March 1, 1991

SB 5713 Prime Sponsor, Senator Barr: Making changes to license administration by the department of agriculture. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5713 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr,

Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

March 1, 1991

SB 5768 Prime Sponsor, Senator Hayner: Requiring certain procedures when dealing with railroad rights of way. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5768 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

March 1, 1991

SB 5770 Prime Sponsor, Senator Thorsness: Authorizing obtaining electrical supplies through conservation and generation. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5770 be substituted therefor, and the substitute bill do pass. Signed by Senators Thorsness, Chairman; Jesernig, Nelson, Roach, and Stratton.

Passed to Committee on Rules for second reading.

MOTION

At 11:33 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Tuesday, March 5, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FIFTY-FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, March 5, 1991

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

MOTION

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

REPORTS OF STANDING COMMITTEES

March 4, 1991

SB 5038 Prime Sponsor, Senator Barr: Regulating dangerous and potentially dangerous dogs. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5038 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Madsen, and Rasmussen.

Passed to Committee on Rules for second reading.

March 4, 1991

SB 5124 Prime Sponsor, Senator Erwin: Licensing private security guards. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5124 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald, McMullen, Moore, Murray, and Skratek.

Referred to Committee on Ways and Means.

March 1, 1991

SB 5245 Prime Sponsor, Senator Thorsness: Directing the development of a state energy strategy and authorizing the implementation of conservation savings and sales by state agencies. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5245 be substituted therefor, and the substitute bill do pass. Signed by Senators Thorsness, Chairman; Jesernig, Nelson, Stratton, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

February 27, 1991

SB 5254 Prime Sponsor, Senator Murray: Creating the teachers for the twenty-first century program. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5254 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Erwin, Vice Chairman; Murray, Pelz, Rinehart, A. Smith, and Talmadge.

Referred to Committee on Ways and Means.

February 28, 1991

SB 5261 Prime Sponsor, Senator Bailey: Requiring new schools to have automatic fire equipment. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5261 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Metcalf, Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

February 27, 1991

SB 5291 Prime Sponsor, Senator Erwin: Assisting low-income students. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5291 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman, Erwin, Vice Chairman; Murray, Oke, Pelz, Rinehart, and Talmadge.

Referred to Committee on Ways and Means.

February 28, 1991

SB 5300 Prime Sponsor, Senator Snyder: Limiting business and occupation tax on fisheries. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5300 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, L. Smith, Talmadge, West, and Williams.

Passed to Committee on Rules for second reading.

March 4, 1991

SB 5322 Prime Sponsor, Senator Conner: Permitting emergency exemptions from building codes. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5322 be substituted therefor, and the substitute bill do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, Moore, and Skratek.

Passed to Committee on Rules for second reading.

March 1, 1991

SB 5342 Prime Sponsor, Senator Matson: Authorizing payment by annuity by self-insured employers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5342 be substituted therefor, and the substitute bill do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, Moore, and Skratek.

Passed to Committee on Rules for second reading.

March 4, 1991

SB 5363 Prime Sponsor, Senator Thorsness: Providing for an administrative process for legal financial obligations. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5363 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

February 28, 1991

SB 5370 Prime Sponsor, Senator Rinehart: Providing for responsible student expression. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5370 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Murray, Pelz, Rinehart, A. Smith, and Talmadge.

MINORITY recommendation: Do not pass. Signed by Senators Metcalf and Oke.

Passed to Committee on Rules for second reading.

February 28, 1991

SB 5505 Prime Sponsor, Senator Talmadge: Affecting programs in Pacific Rim education. Reported by Committee on Education

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Murray, Pelz, Rinehart, A. Smith, and Talmadge.

Referred to Committee on Ways and Means.

March 1, 1991

SB 5518 Prime Sponsor, Senator Thorsness: Regulating pay-per-call services. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5518 be substituted therefor, and the substitute bill do pass. Signed by Senators Thorsness, Chairman; Jesernig, Nelson, Roach, Stratton, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

March 1, 1991

SB 5520 Prime Sponsor, Senator Newhouse: Creating permits for wine shipments to and from individuals. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5520 be substituted therefor, and the substitute bill do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, Murray, and Skratek.

Passed to Committee on Rules for second reading.

February 28, 1991

SB 5543 Prime Sponsor, Senator Bailey: Establishing a professional standards unit within the office of the superintendent of public instruction. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5543 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Referred to Committee on Ways and Means.

March 1, 1991

SB 5551 Prime Sponsor, Senator Madsen: Concerning safe drinking water. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5551 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Conner, Gaspard, and Hansen.

Referred to Committee on Ways and Means.

February 28, 1991

SB 5565 Prime Sponsor, Senator Erwin: Extending programs for students with learning problems. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Metcalf, Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Referred to Committee on Ways and Means.

March 4, 1991

SB 5592 Prime Sponsor, Senator McDonald: Contracting out for specific services. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5592 be substituted therefor, and the substitute bill do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, and McDonald.

Passed to Committee on Rules for second reading.

March 1, 1991

SB 5628 Prime Sponsor, Senator Barr: Modifying provisions for crop liens for handlers. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5628 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, and Newhouse.

Passed to Committee on Rules for second reading.

February 26, 1991

SB 5640 Prime Sponsor, Senator Craswell: Providing an alternate teacher certification program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf and Oke.

Passed to Committee on Rules for second reading.

March 4, 1991

SB 5656 Prime Sponsor, Senator Newhouse: Authorizing public works loans to local governments in timber impact areas. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5656 be substituted therefor, and the substitute bill do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; McMullen, Moore, Murray and Skratek.

Referred to Committee on Ways and Means.

March 4, 1991

SB 5695 Prime Sponsor, Senator Barr: Increasing salaries for prosecuting attorneys. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5695 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, L. Kreidler, Madsen, Rasmussen, and A. Smith.

Referred to Committee on Ways and Means.

March 4, 1991

SB 5764 Prime Sponsor, Senator Sutherland: Requiring the director of wildlife to administer fisheries and wildlife licenses. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, and Sutherland.

Referred to Committee on Ways and Means.

February 28, 1991

SCR 8402 Prime Sponsor, Senator Murray: Encouraging the establishment of housing assistance programs for teachers. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 8402 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Metcalf, Murray, Oke, Pelz, Rinehart, and Talmadge.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

March 4, 1991

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1195,

SUBSTITUTE HOUSE BILL NO. 1199,

SUBSTITUTE HOUSE BILL NO. 1234,

SUBSTITUTE HOUSE BILL NO. 1304,

HOUSE BILL NO. 1391, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5918 by Senators Thorsness, Vognild, Madsen, Nelson, Skratek, McDonald, Cantu, von Reichbauer and Metcalf

AN ACT Relating to high capacity transportation; and amending RCW 81.104.040.

Referred to Committee on Transportation.

SB 5919 by Senators Bailey, Anderson, Erwin, Oke, L. Smith, Johnson, Barr, Bluechel, von Reichbauer, Roach, Metcalf, Thorsness and McCaslin

AN ACT Relating to educational excellence; amending RCW 28A.605.020, 28A.150.040, 28A.150.230, 28A.230.190, 28A.230.230, 28A.230.240, 28A.410.030, 28A.405.220, 28B.80.350, 28A.230.100, 84.52.0531, 41.59.020, and 41.56.030; adding a new section to chapter 28A.615 RCW; adding new sections to chapter 28A.320 RCW; adding new sections to chapter 28A.240 RCW; adding new sections to chapter 28A.300 RCW; adding new sections to chapter 28A.230 RCW; adding new sections to chapter 28A.400 RCW; adding new sections to chapter 28A.410 RCW; adding new sections to chapter 28A.600; adding new sections to chapter 28A.630 RCW; adding new sections to chapter 28B.80 RCW; adding a new section to chapter 28B.50 RCW; adding a new section to 28A.150 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28A.500 RCW; adding a new chapter to Title 28C RCW; creating new sections; making appropriations; providing expiration dates; providing effective dates; and declaring an emergency.

Referred to Committee on Education.

SB 5920 by Senator Bailey

AN ACT Relating to drug abuse resistance education; amending RCW 66.24.210, 66.24.290, and 82.08.150; adding a new section to chapter 43.63A RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5921 by Senators Thorsness, A. Smith and L. Kreidler

AN ACT Relating to health and nutrition; adding new sections to chapter 74.04 RCW; adding new sections to Title 28A RCW; adding a new section to chapter 43.63A RCW; creating new sections; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5922 by Senator Nelson

AN ACT Relating to jurisdiction of courts; amending RCW 10.14.150 and 3.66.020; and adding a new section to chapter 3.66 RCW.

Referred to Committee on Law and Justice.

SB 5923 by Senators Owen and Snyder

AN ACT Relating to definitions in insurance contracts; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 5924 by Senator McCaslin

AN ACT Relating to senate confirmation of gubernatorial appointments; amending RCW 9.46.040, 9.94A.060, 9.94A.250, 9.95.003, 13.40.025, 18.64.001, 28B.07.030, 28B.16.060, 28B.25.030, 28B.50.050, 28B.80.390, 28B.80.410, 34.12.010, 38.12.010, 39.19.030, 41.05.021, 41.06.110, 41.50.020, 41.58.010, 41.64.010, 42.17.350, 43.17.020, 43.20A.040, 43.21A.050, 43.21B.020, 43.21F.035, 43.23.002, 43.31.105, 43.33A.020, 43.41.060, 43.43.020, 43.51.020, 43.52.374, 43.52A.030, 43.52A.040, 43.60A.030, 43.63A.040, 43.78.010, 43.97.025, 43.99.110, 43.105.047, 43.180.040, 43.210.030, 46.01.090, 47.01.051, 47.64.280, 49.04.010, 49.60.050, 50.08.010, 51.52.010, 66.08.012, 67.16.012, 67.70.030, 70.37.030, 70.47.040, 70.148.030, 72.09.030, 72.23.025, 74.18.020, 74.18.040, 75.40.040, 76.09.210, 77.04.030, 78.52.020, 80.01.010, 80.50.030, 82.03.020, 88.16.010, and 90.70.011; reenacting and amending RCW 28B.65.040 and 67.70.050; and repealing RCW 43.06.092 and 70.39.040.

Referred to Committee on Governmental Operations.

SB 5925 by Senators Amondson, McDonald, Snyder, Barr, Madsen, Anderson and Conner

AN ACT Relating to the federal forest resources conservation and shortage relief act; adding a new section to Title 76 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5926 by Senators Wojahn, West, L. Kreidler, Gaspard, Skratek, Pelz and Talmadge

AN ACT Relating to the basic health plan; and repealing RCW 43.131.355 and 43.131.356.

Referred to Committee on Health and Long-Term Care.

SB 5927 by Senator Metcalf

AN ACT Relating to gasoline dispensing device labeling; amending RCW 19.94.505; and prescribing penalties.

Referred to Committee on Transportation.

SB 5928 by Senators Sellar, Anderson, Amondson, McDonald, Craswell, Oke, Bailey, Nelson, Hayner, L. Smith, Saling, Patterson, McCaslin and Johnson

AN ACT Relating to interest and penalties on delinquent 1991 taxes on personal residences owned by military personnel; amending RCW 84.56.020; and declaring an emergency.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1195 by Representatives Bray, Ferguson, Nealey, Rayburn, Haugen, Ludwig, Grant, Neher and Wynne

Authorizing irrigation districts to establish consolidated local improvement districts.

Referred to Committee on Agriculture and Water Resources.

SHB 1199 by House Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson, Cooper, Nealey, Appelwick, Wang, Horn, Prince and Scott)

Authorizing local law and justice councils.

Referred to Committee on Law and Justice.

SHB 1234 by House Committee on Judiciary (originally sponsored by Representatives Anderson, Miller, Appelwick, Wineberry, Paris, Scott, Hargrove, Ludwig, D. Sommers, Broback, R. Meyers, Belcher, Prince, H. Myers, Riley, Locke, Forner, Ballard, Ferguson, Horn, Dellwo, Wang, Roland, R. Johnson, O'Brien, Jacobsen, R. Fisher, Phillips, Ogden, Rasmussen, Leonard and Cooper)

Prohibiting the execution of the mentally retarded.

Referred to Committee on Law and Justice.

SHB 1304 by House Committee on Environmental Affairs (originally sponsored by Representatives Valle, Horn, Rust, D. Sommers, Paris, Forner, Brekke, May and Wineberry)

Requiring recycling in state parks, marinas, and airports.

Referred to Committee on Environment and Natural Resources.

HB 1391 by Representatives Paris, Beck, Sheldon, Wood, Riley, Roland, R. Johnson, Franklin, Ludwig, Hochstatter, Chandler, Ballard, Forner, Casada, Brumsickle, Mielke, Padden, Mitchell, Morton, Broback, Berozoff and Basich

Prescribing penalties for violations of laws requiring motor vehicle liability insurance.

Referred to Committee on Financial Institutions and Insurance.

MOTION

At 12:04 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, March 6, 1991.

JOEL PRITCHARD, President of the Senate
GORDON GOLOB, Secretary of the Senate.

FIFTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 6, 1991

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Hansen, Matson, McDonald and Patterson. On motion of Senator Murray, Senator Hansen was excused. On motion of Senator Anderson, Senators Matson, McDonald and Patterson were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jeremy West and Rachel Schoonover, presented the Colors. Reverend Lee Forstrom, pastor of the Westwood Baptist Church of Olympia, offered the prayer.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5929 by Senators Cantu, McDonald and Rasmussen

AN ACT Relating to an exemption from retail sales tax and business and occupation tax for meals served no more frequently than once a week by a nonprofit organization for fundraising purposes; amending RCW 82.04.365 and 82.08.0251; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5930 by Senator Anderson

AN ACT Relating to the promotion of festivals; and amending RCW 67.28.210.

Referred to Committee on Commerce and Labor.

SB 5931 by Senator L. Smith

AN ACT Relating to background checks; and reenacting and amending RCW 43.43.830.

Referred to Committee on Children and Family Services.

SB 5932 by Senator Madsen

AN ACT Relating to solid waste disposal facilities; and amending RCW 70.95.165.

Referred to Committee on Environment and Natural Resources.

SB 5933 by Senators Owen, Skratek, Sutherland and Conner

AN ACT Relating to retirement from public service; and amending RCW 41.32.500 and 41.40.150.

Referred to Committee on Ways and Means.

SB 5934 by Senator Madsen

AN ACT Relating to penalties for littering; amending RCW 70.93.060 and 70.93.070; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 5935 by Senators Madsen and Sutherland

AN ACT Relating to rural mailboxes; amending RCW 9A.48.080; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 5936 by Senators Madsen and Johnson

AN ACT Relating to the salary allocation schedule; amending RCW 28A.150.410; and creating a new section.

Referred to Committee on Education.

SJM 8020 by Senators Owen, Snyder, Conner, McDonald, Johnson, Amondson, Sutherland, Madsen, Rasmussen, McCaslin, Anderson, Vognild, L. Smith, Bailey, von Reichbauer and McMullen

Concerning displaced timber workers.

Referred to Committee on Commerce and Labor.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9084, Dr. Leonard L. Heston, as a member of the Eastern and Western State Hospital Advisory Boards, was confirmed.

APPOINTMENT OF DR. LEONARD L. HESTON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Hansen, Matson, McDonald, Patterson - 4.

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9088, Karen A. Kelly, as a member of the Eastern State Hospital Advisory Board, was confirmed.

APPOINTMENT OF KAREN A. KELLY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Hansen, Matson, McDonald - 3.

REPORTS OF STANDING COMMITTEES

March 5, 1991

SB 5003

Prime Sponsor, Senator L. Smith: Providing penalties and remedies for a person operating an adult family home without a license. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5003 be substituted therefor, and the substitute bill do pass and be referred to the

Committee on Ways and Means. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Referred to Committee on Ways and Means.

March 4, 1991

SB 5092 Prime Sponsor, Senator Roach: Continuing retirement system membership while on active duty in operation Desert Shield. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5092 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 4, 1991

SB 5096 Prime Sponsor, Senator Barr: Requiring state laws and rules to be assessed to determine adverse impacts on agriculture. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5096 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Johnson, Matson, Metcalf, Newhouse, Owen, Saling, L. Smith, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 4, 1991

SB 5156 Prime Sponsor, Senator McCaslin: Requiring election officers to review candidates' filings to determine residency. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5156 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Madsen, and Matson.

MINORITY recommendation: That it not be substituted. Signed by Senator Sutherland.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5193 Prime Sponsor, Senator L. Smith: Providing a program to assess and monitor infants exposed to drugs. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5193 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, Niemi, and Wojahn.

Referred to Committee on Ways and Means.

March 4, 1991

SB 5301 Prime Sponsor, Senator Snyder: Authorizing certain cities and counties bordering the Pacific Ocean to levy a special excise tax to provide funding for public facilities. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5301 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Madsen, and Matson.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5332 Prime Sponsor, Senator Wojahn: Providing residential care for disabled persons. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5332 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler; Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

March 4, 1991

SB 5335 Prime Sponsor, Senator Rasmussen: Allowing benefits for emergency medical service district volunteers. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5335 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman, Madsen, and Sutherland.

Referred to Committee on Ways and Means.

March 4, 1991

SB 5385 Prime Sponsor, Senator McMullen: Changing land development regulations. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5385 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman, Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5401 Prime Sponsor, Senator Hansen: Revising provisions relating to the privilege tax imposed on public utility districts. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman, Nelson, Patterson, Stratton, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

March 4, 1991

SB 5435 Prime Sponsor, Senator L. Kreidler: Exempting from the business and occupation tax certain deposits that are refunded. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5435 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 4, 1991

SB 5507 Prime Sponsor, Senator McCaslin: Providing economic opportunities for private enterprise. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5507 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman, and Matson.

MINORITY recommendation: Do not pass. Signed by Senators Madsen and Sutherland.

Referred to Committee on Ways and Means.

March 5, 1991

SB 5548 Prime Sponsor, Senator L. Smith: Changing the limitations on adult family home providers. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5548 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5558 Prime Sponsor, Senator Sellar: Providing for the adoption and enforcement of child labor regulations. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; McCaslin, McDonald, McMullen, and Skratek.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5571 Prime Sponsor, Senator Thorsness: Expanding the opportunity to collect damages for certain governmental actions affecting real property. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Newhouse, and Rasmussen.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5614 Prime Sponsor, Senator Hansen: Providing for mosquito and weed control. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Referred to Committee on Ways and Means.

March 4, 1991

SB 5626 Prime Sponsor, Senator McMullen: Revising provisions relating to the hardwood commission. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5626 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

March 4, 1991

SB 5643 Prime Sponsor, Senator McCaslin: Requiring internal audits by state agencies. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5643 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman, Madsen, Matson, and Sutherland.

Referred to Committee on Ways and Means.

March 5, 1991

SB 5645 Prime Sponsor, Senator Thorsness: Changing liability of handlers of low-level waste. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5645 be substituted therefor, and the substitute bill do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5667 Prime Sponsor, Senator Niemi: Assuring access to local evaluation and treatment facilities. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5667 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Referred to Committee on Ways and Means.

March 5, 1991

SB 5668 Prime Sponsor, Senator Niemi: Regarding adequate compensation for mental health service providers. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5668 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Referred to Committee on Ways and Means.

March 5, 1991

SB 5669 Prime Sponsor, Senator Niemi: Establishing housing trust fund priorities for projects submitted by regional support networks. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5669 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5670 Prime Sponsor, Senator Niemi: Changing provisions relating to children's mental health. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5670 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5671 Prime Sponsor, Senator Niemi: Expanding community mental health programs to include employment services. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5671 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5672 Prime Sponsor, Senator Niemi: Changing provisions relating to antipsychotic medication. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5672 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5680 Prime Sponsor, Senator Thorsness: Changing requirements for siting of electrical transmission facilities. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Stratton, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5681 Prime Sponsor, Senator Thorsness: Requiring rules for geothermal resource leasing. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5682 Prime Sponsor, Senator Thorsness: Creating the Washington energy self-sufficiency commission. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5682 be substituted therefor, and the substitute bill do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

February 27, 1991

SB 5698 Prime Sponsor, Senator Bauer: Changing provisions relating to teacher training and recruitment. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5698 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Referred to Committee on Ways and Means.

March 4, 1991

SB 5701 Prime Sponsor, Senator McCaslin: Changing representation on the redistricting commission. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman, and Matson.

MINORITY recommendation: Do not pass. Signed by Senators Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 28, 1991

SB 5716 Prime Sponsor, Senator Barr: Extending the joint select committee on water resource policy. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, and Gaspard.

Referred to Committee on Ways and Means.

March 4, 1991

SB 5721 Prime Sponsor, Senator McDonald: Limiting the liability of state and local governments. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5721 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Conner, Erwin, Hansen, Oke, Sellar, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5725 Prime Sponsor, Senator Gaspard: Exempting electrical and contractors from licensing requirements for certain work involving

electrical transmission lines. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5725 be substituted therefor, and the substitute bill do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Nelson, Patterson, Roach, Stratton, and Williams.

Passed to Committee on Rules for second reading.

March 4, 1991

SB 5731 Prime Sponsor, Senator West: Allowing public facilities districts to impose excise tax. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Bailey, Bauer, Bluechel, Gaspard, Johnson, L. Kreidler, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5759 Prime Sponsor, Senator Rasmussen: Revising provisions regulating funeral directors, embalmers, and crematories. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5759 be substituted therefor, and the substitute bill do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

March 4, 1991

SB 5794 Prime Sponsor, Senator Niemi: Providing a business and occupation tax deduction for certain hospitals. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Bailey, Bluechel, Gaspard, L. Kreidler, Matson, Murray, Niemi, Rinehart, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 4, 1991

SB 5806 Prime Sponsor, Senator Patterson: Authorizing loans and grants to preserve underground petroleum storage tanks in rural areas. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5806 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Hansen, Madsen, Oke, Sellar, Skratek, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5807 Prime Sponsor, Senator Newhouse: Modifying provisions for transfer or change of a right related to public water. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5807 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5824 Prime Sponsor, Senator Saling: Changing provisions relating to the funding of community college summer courses. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Jesernig, Stratton, and von Reichbauer.

MINORITY recommendation: Do not pass. Signed by Senators Bluechel, Cantu, and Skratek.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5825 Prime Sponsor, Senator Nelson: Restricting offenders' possession of firearms. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5825 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5841 Prime Sponsor, Senator Hansen: Clarifying existing crop lien coverage and filing procedures. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5841 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

March 4, 1991

SB 5843 Prime Sponsor, Senator Thorsness: Creating the veterans' award fund. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5843 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; and Matson.

Referred to Committee on Ways and Means.

March 5, 1991

SB 5877 Prime Sponsor, Senator Thorsness: Requiring electric utilities to provide information on the effects of electric and magnetic fields. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5877 be substituted therefor, and the substitute bill do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Nelson, Patterson, Roach, and Williams.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5878 Prime Sponsor, Senator Stratton: Including grants to other state agencies in the types of grants that the department of ecology administers from the tire fee funds. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Patterson, Roach, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5891 Prime Sponsor, Senator Oke: Exempting households where persons over the age of sixty-two reside from certain woodstove restrictions. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5891 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, and Snyder.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5904 Prime Sponsor, Senator Thorsness: Extending until 1985 home heating assistance for low-income persons. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5913 Prime Sponsor, Senator Barr: Providing urban property owners the option of notifying persons of a pesticide application. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5913 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Bailey, Conner, Gaspard, and Hansen.

Passed to Committee on Rules for second reading.

March 1, 1991

ESHB 1120 Prime Sponsor, Committee on Revenue: Modifying disbursement of daily gross receipts in horse racing. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Matson, Chairman; Anderson, Vice President; McCaslin, McDonald, McMullen, Moore, Murray, and Skratek.

Referred to Committee on Ways and Means.

REPORT OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENT

March 5, 1991

GA 9128 DAVID TANG, appointed June 5, 1989, for a term ending June 30, 1992, as a member of the Higher Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton, and von Reichbauer.

Passed to Committee on Rules.

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

SECOND READING

SENATE BILL NO. 5043, by Senators Nelson, Bailey, Vognild and Amondson (by request of Secretary of State)

Authorizing facsimile filing of election documents.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5043 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5043.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5043 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Matson - 1.

SENATE BILL NO. 5043, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5220, by Senators Patterson and Vognild (by request of Utilities and Transportation Commission)

Modifying railroad crossing inspection fees.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5220 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5220.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5220 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SENATE BILL NO. 5220, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5213, by Senators West and L. Kreidler (by request of Department of Social and Health Services)

Changing the billing period to twelve months.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5213 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Vognild: "Senator West, as we all know on the floor, we have had a great deal of problems getting DSHS to pay some of their bills, particularly to the small business people and it seems to me like the one hundred-twenty days is one of the arguments that I've heard that they had to wait a hundred and twenty days to make sure that all the bills are in and then

they get around to eventually paying it. In your opinion would this bill give them license to extend that further and not pay those bills?"

Senator West: "No, I don't believe so. This takes the opposite approach. They say if you don't submit the bill within a hundred and twenty days, they won't pay it at all. This gives you up to a year to submit it. Their excuse in the past for having an early submission was so that they could then get reimbursed from the federal government. They don't need that anymore. They can do it in another fashion."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5213.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5213 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SENATE BILL NO. 5213, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5098, by Senators Barr, Newhouse, Gaspard, Bailey, Conner, Amondson, Bauer and L. Smith

Extending the coverage of processor liens.

MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 5098 was substituted for Senate Bill No. 5098 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, the rules were suspended, Substitute Senate Bill No. 5098 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5098.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5098 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 5098, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5231, by Senator McCaslin

Providing that examinations not be required for real estate licensees' continuing education.

The bill was read the second time.

MOTION

On motion of Senator Matson, the rules were suspended, Senate Bill No. 5231 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5231.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5231 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SENATE BILL NO. 5231, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5148, by Senators Nelson, A. Smith and Newhouse

Making multiple revisions concerning limited partnerships.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5148 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5148.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5148 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senators Niemi, A. Smith, Talmadge - 3.

SENATE BILL NO. 5148, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Mary Wiley
Senate Journal/Clerk

Comment on SB No. 5148 Final Vote

I would like to state, for the record, the reasons why I voted against SB No. 5148, making multiple revisions concerning limited partnerships. Although I was an original sponsor of the bill, upon further reflection I realized that there were certain items of the bill that were not acceptable. My specific concerns were related in sections 8 and 9 of the bill. Under these two sections, the general partner would have gained the advantages of a limited power (limited liability for example) while being able to maintain management and control. Such a major change in our commercial law and customs needs more discussion.

SENATOR ADAM SMITH
33rd District

SECOND READING

SENATE BILL NO. 5475, by Senators Bauer, Saling, Rinehart, Bailey and Murray

Authorizing honorary degrees.

The bill was read the second time.

MOTION

On motion of Senator Saling, the rules were suspended, Senate Bill No. 5475 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Saling, I detect a very good purpose in this bill, but I want to clarify it. This goes to highly qualified persons--this honorary degree--not those that are highly qualified by making a donation to the particular institution?"

Senator Saling: "Senator Rasmussen, that is absolutely correct. There is a prohibition in this bill that does not allow an honorary degree to be given to anyone that gives some gift to the university, either a monetary gift or something of other value."

Senator Rasmussen: "Say that again. They are not allowed to give a gift to the university?"

Senator Saling: "Not in exchange for an honorary degree."

Senator Rasmussen: "Not in exchange?"

Senator Saling: "That is correct."

Senator Rasmussen: "That is a clear dividing line."

Senator Saling: "Yes, it is."

Senator Rasmussen: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5475.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5475 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling,

Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SENATE BILL NO. 5475, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5209, by Senators Vognild, Sellar, Rasmussen, Matson, Snyder and Patterson

Revising provisions relating to the legislative transportation committee.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5209 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5209.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5209 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SENATE BILL NO. 5209, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5052, by Senators Moore, Nelson and Thorsness

Concerning collection of public debts.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5052 was substituted for Senate Bill No. 5052 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5052 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5052.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5052 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 47.

Voting nay: Senators Talmadge, Williams - 2.

SUBSTITUTE SENATE BILL NO. 5052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5477, by Senators Conner, Rasmussen, Bauer and Nelson

Authorizing veterans' benefits for Women's Air Forces Services Pilots and merchant marines.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5477 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5477.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5477 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson,

Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Absent: Senator Rasmussen - 1.

SENATE BILL NO. 5477, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Commerce and Labor was relieved of further consideration of Senate Joint Memorial No. 8020, which had been referred on the Introduction and First Reading Calendar earlier today.

On motion of Senator Newhouse, the rules were suspended, Senate Joint Memorial No. 8020 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Newhouse, the Senate returned to the sixth order of business.

SECOND READING

SENATE JOINT MEMORIAL NO. 8020 by Senators Owen, Snyder, Conner, McDonald, Johnson and Amondson

Concerning displaced timber workers.

The joint memorial was read the second time.

MOTION

On motion of Senator Snyder, the rules were suspended, Senate Joint Memorial No. 8020 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8020.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8020 and the joint memorial passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling,

Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SENATE JOINT MEMORIAL NO. 8020, having received the constitutional majority, was declared passed.

The President announced that any Senator wishing to be a sponsor of Senate Joint Memorial No. 8020 may do so by contacting the Secretary of Senate before 4:00 p.m. today.

MOTION

On motion of Senator Newhouse, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1991-8624

by Senators Rinehart, Gaspard, Bauer, Williams, Owen, Snyder, Skratek, Pelz, Murray, McMullen, Talmadge, Conner, Rasmussen, L. Kreidler, Stratton, Vognild, Moore and von Reichbauer

WHEREAS, Consumer education is essential to the healthy functioning of a free-market economy and to the development of safe and reliable products and services; and

WHEREAS, Herb Weisbaum has dedicated ten years of service to generating wide public awareness of consumer issues in Washington State through his thorough research and his great wit and humor; and

WHEREAS, This journalist's investigative reports have resulted in three major consumer laws being enacted by the Washington State Legislature, namely the Auto Equity Brokers Law, the Gasoline Quality Law, and the strongest Lemon Law for new car buyers in the nation; and

WHEREAS, Mr. Weisbaum's "Firebusters" news series has become the largest fire education program in Washington State, with more than 500,000 children participating; and

WHEREAS, This reporter's "Toy Test" series, frequently broadcast on CBS **This Morning**, has protected thousands of children from unsafe or faulty toys; and

WHEREAS, Herb Weisbaum has been honored with numerous awards including four regional Emmys, two UPI Northwest Regional Awards, and two silver medallions from the International Film and TV Festival of New York; and

WHEREAS, Mr. Weisbaum's dedication to his community is further demonstrated by his service to the Humane Society, the Anti-Defamation League, and the Variety Club;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes and commends the contributions of Mr. Herb Weisbaum to

protecting and enhancing the rights of all consumers in the state of Washington, and joins in wishing him continued success in bringing important consumer issues to the attention of

legislators and citizens throughout the state; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to Mr. Herb Weisbaum.

Senator Rinehart spoke to Senate Resolution 1991-8624.

MOTION

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

SENATE RESOLUTION 1991-8625

By Senators Rasmussen, Gaspard, Madsen, Wojahn, von Reichbauer, Johnson, Oke, Skratek and Thorsness

WHEREAS, Army Sergeant David Quentin Douthit, made the supreme sacrifice in the name of freedom for his nation, his family and all of humanity; and

WHEREAS, On February 27, 1991, the last day of the hostilities during the war in the Persian Gulf, David's life came to an end while engaged in the ground war with Iraq while fighting for the liberation of Kuwait; and

WHEREAS, David was a crew chief in the 9th Infantry Division of the United States Army and served on a Bradley Infantry Fighting vehicle, a heavy armored personnel carrier; and

WHEREAS, His extraordinary skill as a gunner made him an extremely valuable soldier; and

WHEREAS, David was completing his second tour of duty in the Army, but did not consider himself a career military man, he wanted to spend more time with his wife and his future son or daughter; and

WHEREAS, David lived a short full life that ended at age twenty-four and was good at everything he attempted to do; and

WHEREAS, David loved to fish, work on cars, ski and captured the 1982 Alaska moto-cross championship; and

WHEREAS, Before he left, he wanted to guarantee our freedom and make sure his baby would grow up in a free land; and

WHEREAS, One of the last things he said to his wife in their last conversation was "I love my Country"; and

WHEREAS, He leaves behind a beloved wife Jessica, who is expecting their first child soon, a father Harvey and a mother Nita, several brothers and sisters and friends that he loved very much;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honors David Quentin Douthit as an American hero and a patriot; and

BE IT FURTHER RESOLVED, That the Washington State Senate prays that David Quentin Douthit's family will find some solace in his heroism and his sacrifice in the service of his country; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the family of David Quentin Douthit, to the Commanders of the 9th Infantry Division of the United States Army and to the President of the United States, The Honorable George Bush.

Senator Rasmussen spoke to Senate Resolution 1991-8625.

MOTION

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

SENATE RESOLUTION 1991-8622

By Senators Craswell, Oke, Owen and Thorsness

WHEREAS, The people of the state of Washington join with the people of Missouri and the rest of the United States in mourning the death of an American hero and patriot, Army Corporal Phillip Dean Mobley; and

WHEREAS, Dean Mobley lost his life in Southern Iraq on Friday, March 1, 1991, when he stepped on an enemy land mine as he was going to the aid of a mortally wounded physician; and

WHEREAS, Dean, a member of the Army Third Armored Division, and two doctors had stopped to care for Iraqi prisoners at the time of Dean's fatal injury; and

WHEREAS, Left with the memory of Dean's heroism in the battle to achieve world peace and freedom are his father of Silverdale, Washington, and his mother of Blue Springs, Missouri, as well as numerous friends and relatives;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby honors Phillip Dean Mobley and prays that his family will find some solace in his heroism and selfless sacrifice in service to his country and to his fellow man; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the parents of Dean Mobley, to the Governor of the state of Missouri, and to the President of the United States, The Honorable George Bush.

Senator Craswell spoke to Senate Resolution 1991-8622.

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

REPORTS OF STANDING COMMITTEES

March 5, 1991

SB 5444

Prime Sponsor, Senator Moore: Extending the time for a bank customer to discover and report unauthorized signatures and alterations. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Moore, Owen, Pelz, Rasmussen, and Vognild.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5724 Prime Sponsor, Senator Sutherland: Requiring the department of ecology to study impacts of regulating paper mill waste. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5724 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, Snyder, and Sutherland.

Referred to Committee on Ways and Means.

March 5, 1991

SB 5756 Prime Sponsor, Senator Hayner: Providing rate regulation for low-level waste sites. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 5756 be substituted therefor, and the substitute bill do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Nelson, Patterson, Roach, Stratton, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5767 Prime Sponsor, Senator Sellar: Permitting public utility districts to borrow from or establish credit with any financial institution. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Moore, Owen, Pelz, Rasmussen, Sellar, Vognild, and West.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5846 Prime Sponsor, Senator Roach: Creating the sludge task force. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5846 be substituted therefor, and the substitute bill do pass and be referred to

Committee on Ways and Means. Signed by Senators Oke, Vice Chairman; Amondson, Conner, Owen, Patterson, Snyder, and Sutherland.

Referred to Committee on Ways and Means.

March 5, 1991

SB 5876 Prime Sponsor, Senator Amondson: Specifying liability for oil spill response. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5876 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Conner, Owen, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

MOTION

At 11:28 a.m., on motion of Senator Newhouse, the Senate recessed until 6:00 p.m.

The Senate was called to order at 6:20 p.m. by Vice President Pro Tempore Bluechel.

REPORTS OF STANDING COMMITTEES

March 5, 1991

SB 5022 Prime Sponsor, Senator Gaspard: Changing the Washington award for excellence in education program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5022 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5034 Prime Sponsor, Senator Rasmussen: Directing construction of the Naches Pass Tunnel. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Madsen, McMullen, Oke, Skratek, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5042 Prime Sponsor, Senator Cantu: Extending the commission for efficiency and accountability an additional five years. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Sutherland.

HOLD.

March 6, 1991

SB 5084 Prime Sponsor, Senator Rasmussen: Increasing compensation for jurors to at least the state minimum wage. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5084 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; L. Kreidler, Madsen, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5105 Prime Sponsor, Senator Rasmussen: Revising collective bargaining provisions for superior court employees. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5125 Prime Sponsor, Senator Erwin: Licensing private detectives. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5125 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald, McMullen, Moore, Murray, and Skratek.

Referred to Committee on Ways and Means.

March 6, 1991

SB 5130 Prime Sponsor, Senator Metcalf: Reorganizing the department of wildlife. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5130 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5157 Prime Sponsor, Senator Barr: Limiting the wildlife and fisheries agencies' power to grant Indian fishing and hunting rights outside the reservation. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5157 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5181 Prime Sponsor, Senator Oke: Changing provisions relating to technological and vocational education. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5181 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5188 Prime Sponsor, Senator Moore: Providing for tenant eviction and rental and storage costs for mobile home landlords. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5188 be substituted therefor, and the substitute bill do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; McCaslin, McDonald, and Moore.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5226 Prime Sponsor, Senator Thorsness: Limiting terms of state offices to twelve years. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; and Sutherland.

HOLD.

March 5, 1991

SB 5228 Prime Sponsor, Senator Thorsness: Reducing legislative per diem and appropriations to the governor as an incentive for concluding extraordinary session. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5228 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; and Madsen.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5234 Prime Sponsor, Senator Bailey: Offering programs for educational excellence. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5234 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5235 Prime Sponsor, Senator Bailey: Creating the fair start program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5235 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Johnson, L. Kreidler, Metcalf, Murray, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5237 Prime Sponsor, Senator Bailey: Requiring large, slow vehicles to keep right. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5237 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Conner, Erwin, Madsen, McMullen, Oke, Skratek, Snyder, and Vognild.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5245 Prime Sponsor, Senator Thorsness: Directing the development of a state energy strategy and authorizing the implementation of conservation savings and sales by state agencies. Reported by Committee on Rules

MAJORITY recommendation: That the bill be referred to the Committee on Ways and Means. Signed by Senators Craswell, Vice Chairman; Amondson, Anderson, Bauer, Bluechel, Cantu, Hayner, Johnson, McMullen, Newhouse, Rasmussen, Sellar, L. Smith, Snyder, and Wojahn.

Referred to Committee on Ways and Means.

March 6, 1991

SB 5262 Prime Sponsor, Senator Nelson: Requiring that utility service charges of tenants be collected from the tenant. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Madsen, and Rasmussen.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5265 Prime Sponsor, Senator von Reichbauer: Allowing examination fees to be based on cost and placed in the insurance commissioners regulatory account. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Moore, Owen, Pelz, Rasmussen, Sellar, and Vognild.

Referred to Committee on Ways and Means.

March 6, 1991

SB 5284 Prime Sponsor, Senator L. Smith: Providing opportunities for instruction in braille. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5284 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, and Oke.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5288 Prime Sponsor, Senator Rasmussen: Renaming the state portion of Interstate 90 the American Veterans Memorial Highway. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5288 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Erwin, Madsen, McMullen, Oke, Sellar, Skratek, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5320 Prime Sponsor, Senator Sutherland: Delineating circumstances for removing a child from the home. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Stratton, and Talmadge.

Passed to Committee on Rules for second reading.

March 4, 1991

SB 5323 Prime Sponsor, Senator Bailey: Revising provisions for the screening program for scoliosis. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Metcalf, Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5329 Prime Sponsor, Senator Anderson: Revising provisions for self-insured employers' claims reopenings. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5329 be substituted therefor, and the substitute bill do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, and McDonald.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5347 Prime Sponsor, Senator West: Establishing regional health promotion and disease prevention programs. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5347 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Referred to Committee on Ways and Means.

March 5, 1991

SB 5358 Prime Sponsor, Senator Barr: Providing for exchanges of water through interties. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5358 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Referred to Committee on Ways and Means.

March 6, 1991

SB 5383 Prime Sponsor, Senator Hansen: Regarding the administration of prevailing wages. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5383 be substituted therefor, and the substitute bill do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, Moore, and Skratek.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5420 Prime Sponsor, Senator Barr: Authorizing special needs grants. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5420 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey,

Chairman; Anderson, Craswell, Metcalf, Murray, Oke, Pelz, Rinehart, and A. Smith.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5431 Prime Sponsor, Senator Patterson: Depositing all drivers' license fees in the highway safety fund. Reported by Committee on Rules

MAJORITY recommendation: That the bill be referred to the Committee on Ways and Means. Signed by Senators Craswell, Vice Chairman; Amondson, Anderson, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, McMullen, Newhouse, Rasmussen, Sellar, L. Smith, Snyder, Williams, and Wojahn.

Referred to Committee on Ways and Means.

March 5, 1991

SB 5439 Prime Sponsor, Senator Nelson: Changing provisions relating to negligent and inattentive driving. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5439 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5449 Prime Sponsor, Senator Sellar: Requiring notice of the appeals process to discharged educational employees. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5452 Prime Sponsor, Senator Roach: Revising provisions for public assistance. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5452 be substituted therefor, and the substitute bill do pass and be referred to

Committee on Ways and Means. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, and Stratton.

Referred to Committee on Ways and Means.

March 6, 1991

SB 5457 Prime Sponsor, Senator L. Smith: Prohibiting certain public contact and requiring notification of employers by persons infected with HIV. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5457 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, and Johnson.

MINORITY recommendation: Do not pass. Signed by Senators L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5463 Prime Sponsor, Senator A. Smith: Authorizing site-based councils. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5463 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Murray, Niemi, Owen, Rinehart, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5474 Prime Sponsor, Senator Rinehart: Planning a data collection and reporting system on children. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Murray, Pelz, Rinehart, and Talmadge.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5494 Prime Sponsor, Senator von Reichbauer: Changing remedies for collection of debts. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5494 be substituted therefor, and the substitute bill do pass. Signed by Senators von

Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Moore, Owen, Pelz, Rasmussen, Vognilid, and West.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5497 Prime Sponsor, Senator McMullen: Revising the right to a construction lien. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5497 be substituted therefor, and the substitute bill do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5504 Prime Sponsor, Senator Bauer: Establishing student teaching centers. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5504 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Gaspard, Johnson, L. Kreidler, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5506 Prime Sponsor, Senator Gaspard: Pertaining to survival of actions. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5506 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; L. Kreidler, Madsen, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5516 Prime Sponsor, Senator Williams: Adopting the fair credit reporting act. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5516 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Moore, Owen, Pelz, Rasmussen, and Vognilid.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5522 Prime Sponsor, Senator Vognild: Requiring life insurers to disclose policy limits based on war, suicide, or aviation. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Moore, Owen, Pelz, Rasmussen, Sellar, Vognild, and West.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5526 Prime Sponsor, Senator Bauer: Governing employee noncompetition clauses. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5526 be substituted therefor, and the substitute bill do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; McMullen, Moore, and Murray.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5527 Prime Sponsor, Senator Barr: Creating the Washington public forest commission. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, and Snyder.

Referred to Committee on Ways and Means.

March 6, 1991

SB 5528 Prime Sponsor, Senator Rinehart: Allowing local literacy programs for children. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5532 Prime Sponsor, Senator Matson: Revising the definition of "acting in the course of employment." Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5537 be substituted therefor, and the substitute bill do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, Moore, and Murray.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5538 Prime Sponsor, Senator L. Smith: Providing coordinated services for children with disabilities. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5538 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Referred to Committee on Ways and Means.

March 5, 1991

SB 5541 Prime Sponsor, Senator Moore: Creating the fire services trust fund. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5541 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Moore, Owen, Pelz, Rasmussen, Sellar, and Vognild.

Referred to Committee on Ways and Means.

March 6, 1991

SB 5566 Prime Sponsor, Senator Rasmussen: Allowing certain provisions in construction contracts. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5567 Prime Sponsor, Senator West: Making major changes to tobacco laws. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5567 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Referred to Committee on Ways and Means.

March 6, 1991

SB 5577 Prime Sponsor, Senator West: Revising the responsibilities of the board of medical examiners. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5577 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5579 Prime Sponsor, Senator McCaslin: Authorizing excess levies for school nurses. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Anderson, Craswell, Metcalf, Oke, Rinehart, and Talmadge.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5580 Prime Sponsor, Senator Anderson: Establishing community-based child care resource and referral agencies. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, and Stratton.

Referred to Committee on Ways and Means.

March 6, 1991

SB 5585 Prime Sponsor, Senator West: Establishing a license to sell liquor in motels. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; Bluechel, McCaslin, McDonald, McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5592 Prime Sponsor, Senator McDonald: Contracting out for specific services. Reported by Committee on Rules

MAJORITY recommendation: That the bill be referred to Committee on Ways and Means. Signed by Senators Craswell, Vice Chairman; Amondson, Anderson, Bauer, Bluechel, Cantu, Hayner, Johnson, McMullen, Newhouse, Rasmussen, Sellar, L. Smith, Snyder, Williams, and Wojahn.

Referred to Committee on Ways and Means.

March 6, 1991

SB 5593 Prime Sponsor, Senator Craswell: Revising provisions for private schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, and Oke.

MINORITY recommendation: Do not pass. Signed by Senators Murray, Pelz, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5597 Prime Sponsor, Senator West: Requiring the department of social and health services and the state health care authority to plan for better financial aid to rural health care facilities. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Referred to Committee on Ways and Means.

March 5, 1991

SB 5613 Prime Sponsor, Senator Matson: Regulating pawnbrokers and second-hand dealers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5613 be substituted therefor, and the substitute bill do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; McCaslin, McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5632 Prime Sponsor, Senator West: Redefining what an ocularist is and his or her apprenticeship period. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5632 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5634 Prime Sponsor, Senator Cantu: Requiring that dentists' offices comply with requirements for sterilization of equipment and infection control. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5634 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5635 Prime Sponsor, Senator West: Changing provisions relating to advanced registered nurse practitioners. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5635 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Referred to Committee on Ways and Means.

March 6, 1991

SB 5647 Prime Sponsor, Senator Nelson: Regulating steamboat operators. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5647 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Conner, Erwin, Madsen, McMullen, Oke, Snyder, and Thorsness.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5650 Prime Sponsor, Senator West: Establishing pilot local community outreach for health programs. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5650 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Referred to Committee on Ways and Means.

March 6, 1991

SB 5665 Prime Sponsor, Senator L. Smith: Changing provisions relating to dependent children. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5665 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, Stratton, and Talmadge.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5676 Prime Sponsor, Senator Metcalf: Regulating oil transmission lines. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5676 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Barr, Conner, Owen, and Patterson.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5677 Prime Sponsor, Senator Matson: Creating the Washington state oil heat tank pollution liability protection act. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5677 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Moore, Owen, Peiz, Rasmussen, Sellar, Vognild, and West.

Referred to Committee on Ways and Means.

March 6, 1991

SB 5684 Prime Sponsor, Senator West: Requiring certain nonresident pharmacies to be licensed. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5689 Prime Sponsor, Senator Talmadge: Changing provisions relating to consumer protection. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5689 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, L. Kreidler, Madsen, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5707 Prime Sponsor, Senator Craswell: Creating a written marriage contract that allows dissolution only on a showing of fault by one party. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5707 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, and Stratton.

MINORITY recommendation: That the bill do not pass. Signed by Senator Talmadge.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5712 Prime Sponsor, Senator Moore: Concerning the taxation of stock brokers, broker-dealers, and security houses. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5712 be substituted therefor, and the substitute bill do pass and the bill be referred to the Committee on Ways and Means. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Moore, Owen, Rasmussen, Sellar, Vognild, and West.

Referred to Committee on Ways and Means.

March 5, 1991

SB 5727 Prime Sponsor, Senator Amondson: Altering interim zoning by permit-granting agencies. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5727 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5738 Prime Sponsor, Senator Anderson: Changing labor relations for certificated employees. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, and Oke.

MINORITY recommendation: Do not pass. Signed by Senators Murray, Pelz, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5739 Prime Sponsor, Senator Anderson: Creating the serious habitual offender program for juvenile offenders. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass and the bill be referred to the Committee on Ways and Means. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; L. Kreidler, Madsen, Rasmussen, and A. Smith.

Referred to Committee on Ways and Means.

March 6, 1991

SB 5745 Prime Sponsor, Senator Moore: Clarifying licensing requirements for special amusement games. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5747 Prime Sponsor, Senator McMullen: Revising provisions for compromise of industrial insurance liens in actions against third parties. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5747 be substituted therefor, and the substitute bill do pass. Signed by Senators Anderson, Vice Chairman; McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5749 Prime Sponsor, Senator Roach: Creating a citizen review board system for cases involving children. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5749 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, and Stratton.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5760 Prime Sponsor, Senator Patterson: Regulating department of licensing agents and subagents. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5760 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Madsen, McMullen, Oke, Skratek, Snyder, and Vognild.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5763 Prime Sponsor, Senator Talmadge: Regulating the sale and resale of admission tickets. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5763 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Erwin, L. Kreidler, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5765 Prime Sponsor, Senator Barr: Changing provisions regarding water management. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: That Substitute Senate Bill No. 5765 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr,

Chairman; Anderson, Vice Chairman; Bailey, Conner, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5766 Prime Sponsor, Senator Pelz: Creating an academic excellence program for at-risk youth. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5769 Prime Sponsor, Senator West: Clarifying Washington's share of nonpower, prorated vehicle fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Erwin, Madsen, McMullen, Oke, Skratek, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5776 Prime Sponsor, Senator McMullen: Regulating alcoholic beverages. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5776 be substituted therefor, and the substitute bill do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, Moore, and Murray.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5779 Prime Sponsor, Senator Bauer: Requiring direct appropriations to the school for the deaf and the school for the blind. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Murray, Oke, Rinehart, and A. Smith.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5780 Prime Sponsor, Senator L. Smith: Enhancing employment transition programs for developmentally disabled high school students. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5780 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Referred to Committee on Ways and Means.

March 6, 1991

SB 5782 Prime Sponsor, Senator Barr: Providing for rural health care services programs. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5782 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Referred to Committee on Ways and Means.

March 5, 1991

SB 5790 Prime Sponsor, Senator von Reichbauer: Concerning automobile liability insurance. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5790 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Moore, Owen, Pelz, Rasmussen, Sellar, Vognilid, and West.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5792 Prime Sponsor, Senator L. Smith: Creating the chiropractic peer review committee. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5792 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Referred to Committee on Ways and Means.

March 6, 1991

SB 5796 Prime Sponsor, Senator Niemi: Making major changes to nursing assistance licensure. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5796 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5801 Prime Sponsor, Senator Patterson: Revising state highway routes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Madsen, McMullen, Oke, Skratek, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5810 Prime Sponsor, Senator Rasmussen: Creating state-wide affordable housing. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5810 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5816 Prime Sponsor, Senator McCaslin: Allowing the county to award to multiple bidders for the procurement of road maintenance materials. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5820 Prime Sponsor, Senator L. Smith: Developing a children's long-term policy. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5820 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5830 Prime Sponsor, Senator Stratton: Creating gang risk intervention pilot programs. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5830 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, Stratton, and Talmadge.

Referred to Committee on Ways and Means.

March 5, 1991

SB 5834 Prime Sponsor, Senator McCaslin: Updating archiving methods. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5835 Prime Sponsor, Senator Sellar: Giving the parks and recreation commission responsibility for signs on aerial ski lifts. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5835 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, L. Kreidler, Madsen, Newhouse, and Rasmussen.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5837 Prime Sponsor, Senator Anderson: Revising provisions for industrial insurance and employment compensation coverage. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5837 be substituted therefor, and the substitute bill do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; McDonald, McMullen, Moore, and Murray.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5848 Prime Sponsor, Senator Rasmussen: Increasing the homestead exemption. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Erwin, Hayner, L. Kreidler, Madsen, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5852 Prime Sponsor, Senator Nelson: Authorizing work crews for criminal offenders. Reported by Committee on Law and Justice

MAJORITY recommendation: That Substitute Senate Bill No. 5852 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Madsen, Newhouse and Rasmussen.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5854 Prime Sponsor, Senator Conner: Creating the children in poverty assessment and assistance act. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5854 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators L. Smith, Vice Chairman; Craswell, and Stratton.

Referred to Committee on Ways and Means.

March 6, 1991

SB 5855 Prime Sponsor, Senator Conner: Restricting polystyrene products in ferryboats and terminals. Reported by Committee on Transportation

MAJORITY recommendation: That substitute Senate Bill No. 5855 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Vice Chairman; Barr, Conner, Madsen, McMullen, Oke, Skratek, Snyder, and Vognild.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5858 Prime Sponsor, Senator Matson: Prohibiting actions for damages by injured workers against contractors with joint supervision and control of the premises. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 5858 be substituted therefor, and the substitute bill do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, and McDonald.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5860 Prime Sponsor, Senator Hayner: Creating a legislative committee to review proposed Indian gaming compacts. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5863 Prime Sponsor, Senator Sellar: Correcting internal references in rail freight property acquisition statutes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Madsen, McMullen, Oke, Sellar, Skratek, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5864 Prime Sponsor, Senator L. Smith: Regulating political contributions and advertising. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 5864 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; and Matson.

MINORITY recommendation: Do not pass. Signed by Senators Madsen and Sutherland.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5866 Prime Sponsor, Senator Owen: Ending parent obligation to stepchildren. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, and Stratton.

MINORITY recommendation: Do not pass. Signed by Senator Talmadge.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5875 Prime Sponsor, Senator Niemi: Increasing the penalties for selling controlled substances for profit. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5882 Prime Sponsor, Senator Pelz: Creating a drug asset forfeiture and criminal profiteering unit in the attorney general's office. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5882 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Moore, Owen, Pelz, Rasmussen, Sellar, and Vognild.

Referred to Committee on Ways and Means.

March 6, 1991

SB 5885 Prime Sponsor, Senator L. Smith: Providing community grants for programs for young adolescents. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5885 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; and Stratton.

Referred to Committee on Ways and Means.

March 6, 1991

SB 5916 Prime Sponsor, Senator Roach: Changing foster care provisions and providing a grievance process. Reported by Committee on Children and Family Services

MAJORITY recommendation: That Substitute Senate Bill No. 5916 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Stratton, and Talmadge.

Passed to Committee on Rules for second reading.

March 5, 1991

SB 5919 Prime Sponsor, Senator Bailey: Adopting the bringing education home act. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 5959 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, and Oke.

MINORITY recommendation: Do not pass. Signed by Senators Murray, Pelz, Rinehart, A. Smith, and Talmadge.

Referred to Committee on Ways and Means.

March 5, 1991

SB 5924 Prime Sponsor, Senator McCaslin: Removing the requirement of senate confirmation for most gubernatorial appointments. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

March 5, 1991

SJR 8207 Prime Sponsor, Senator McCaslin: Amending the Constitution to specify which officials, department, and agencies must be located at the seat of government. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 8207 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Matson, and Sutherland.

Passed to Committee on Rules for second reading.

March 5, 1991

SJR 8227 Prime Sponsor, Senator McCaslin: Allowing the legislature to determine which gubernatorial appointments are subject to senate confirmation. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Matson.

Passed to Committee on Rules for second reading.

PARLIAMENTARY INQUIRY

Senator Snyder: "A parliamentary inquiry, please. If we allow the two bills, Senate Bill No. 5042 and Senate Bill No. 5226, to be read in and held on the desk, will we still retain the right to raise a point of order on those two bills tomorrow? We just want to know if we can properly raise a point of order on those--"

REPLY BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Bluechel: "Yes, Senator Snyder, the rules state that all points of order can be raised at the appropriate time. The question of the validity of the two bills being before the body would not be able to be raised in the point of order."

Senator Snyder: "Is the ruling that we cannot raise that tomorrow?"

Vice President Pro Tempore Bluechel: "You could tomorrow."

Senator Snyder: "That is what I am saying. Otherwise, we will raise a point of order on them now and I think it would make better sense if we waited until tomorrow to do that."

Vice President Pro Tempore Bluechel: "You could raise them tomorrow."

POINT OF ORDER

Senator Snyder: "Mr. President, I would like to raise a point of order on those two measures at this time and then hold it over until tomorrow."

Vice President Pro Tempore Bluechel: "Senator Snyder, we are acting on a motion by Senator Newhouse--"

Senator Snyder: "I'm sorry, I thought the motion to adjourn was here."

Vice President Pro Tempore Bluechel: "No, no. With the consent of the Senate, Senate Bill No. 5193 is rereferred from Ways and Means to the Rules Committee. Senator Snyder, please raise your point of order."

Senator Snyder: "I'll raise a point of order on Senate Bill No. 5226, whether the bill is properly before the Senate and proper action was taken in the committee meeting. I'll make that point of order and we will make our arguments on that tomorrow. Also, just on the safe side, I'll make a point of order on Senate Bill No. 5042--the same thing as we made on the other bill."

Vice President Pro Tempore Bluechel: "Senator Snyder has raised the point of order on Senate Bill No. 5226 as to whether it is properly before the Senate and he has done the same thing on Senate Bill No. 5042. The President will take action on those points of order tomorrow."

MOTION

At 6:25 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Thursday, March 7, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FIFTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 7, 1991

The Senate was called to order at 9:00 a.m. by President Pro Tempore Craswell. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator Hansen.

The Sergeant at Arms Color Guard, consisting of Pages Derek Sciba and Matthew Freeby, presented the Colors. Reverend Lee Forstrom, pastor of the Westwood Baptist Church of Olympia, offered the prayer.

MOTION

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

REPORT OF STANDING COMMITTEE

March 5, 1991

SB 5114 Prime Sponsor, Senator Murray: Requiring safety enhancements for student transportation. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5114 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504

March 1, 1991

Mr. Gordon Golob
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504

Dear Mr. Golob:

Enclosed is the printed version of our Report "Our Children Our Future: Children's Statewide Action Plan" to the Legislature and can replace the previous photocopied editions.

Due to the late submission of this report, printing was rushed to yield more copies quickly. It was my hope to make this report available rapidly to all those who participated in its creation and those people interested in improving children's services in our state.

We have copies available for distribution and will facilitate getting it to individuals and/or organizations in any fashion you request. Please contact Kevin Ryser at 586-6368. Thank you.

Sincerely,
SHARON STEWART JOHNSON, Director
Mental Health Division

The Select Committee Report is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE GOVERNOR

February 28, 1991

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

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

Robert M. Higgins, appointed February 28, 1991, for a term ending June 30, 1996, as a member of the Transportation Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

MESSAGE FROM THE HOUSE

March 6, 1991

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1019,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1031,
HOUSE BILL NO. 1084,
HOUSE BILL NO. 1115,
SUBSTITUTE HOUSE BILL NO. 1145,
SUBSTITUTE HOUSE BILL NO. 1186,
SUBSTITUTE HOUSE BILL NO. 1189,
HOUSE BILL NO. 1193,
SUBSTITUTE HOUSE BILL NO. 1196,
SUBSTITUTE HOUSE BILL NO. 1200,
HOUSE BILL NO. 1264, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5937 by Senators McDonald and Niemi

AN ACT Relating to the funding of community colleges; amending RCW 84.52.052; adding new sections to chapter 28B.50 RCW; and creating a new section.

HOLD.

SB 5938 by Senator McCaslin

AN ACT Relating to the disclosure of information from public records.

Referred to Committee on Governmental Operations.

SB 5939 by Senator Bailey

AN ACT Relating to education.

Referred to Committee on Education.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1019 by House Committee on Local Government (originally sponsored by Representatives Brough, Haugen, Mitchell and Ferguson)

Allowing fees for efforts to prevent aquifer depletion.

Referred to Committee on Environment and Natural Resources.

ESHB 1031 by House Committee on Local Government (originally sponsored by Representatives Wood, Haugen, Ferguson, Nelson, Horn, Roland, Paris and Nealey)

Making various changes in sewer and water district law.

Referred to Committee on Energy and Utilities.

HB 1084 by Representatives Franklin, Vance, R. King, Ferguson, Jacobsen, Edmondson, May, Wynne, Chandler, Wood, Mitchell and Tate (by request of Liquor Control Board)

Modifying provisions relating to minors on liquor establishments.

Referred to Committee on Commerce and Labor.

HB 1115 by Representatives Appelwick, Padden, Dellwo and Paris (by request of Statute Law Committee)

Revising references that are incorrect as a result of the creation of the department of health under chapter 9, Laws of 1989 1st ex.s.

HOLD.

SHB 1145 by House Committee on Higher Education (originally sponsored by Representatives Jacobsen, Wood, Ogden, Sheldon, Paris, Jones, Basich, Wynne, Miller, Wineberry and Anderson)

Revising provisions for the American Indian endowed scholarship program.

Referred to Committee on Higher Education.

SHB 1186 by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Ludwig, Paris, Wineberry, Scott and Riley)

Requiring that criminal penalties set by cities and counties be the same as those set in state law.

Referred to Committee on Law and Justice.

SHB 1189 by House Committee on Judiciary (originally sponsored by Representatives Ludwig, Locke, Padden, Riley, Inslee, Paris, Mielke, Scott, H. Myers, R. Meyers and Orr)

Allowing courts to award costs for probation or deferred prosecution.

Referred to Committee on Law and Justice.

HB 1193 by Representatives Zellinsky, Franklin, Nealey, Haugen, Bray, Wynne, Cooper, Rayburn, Winsley, R. Meyers and Scott

Modifying compensation conditions for fire commissioners who serve as volunteer fire fighters.

Referred to Committee on Governmental Operations.

SHB 1196 by House Committee on Energy and Utilities (originally sponsored by Representatives Bray, Neher, Jacobsen, Ludwig, Grant, Nealey, Rayburn, Inslee and G. Fisher)

Establishing the Washington state center for environmental and molecular sciences at Washington State University/Tri-Cities.

Referred to Committee on Energy and Utilities.

SHB 1200 by House Committee on Health Care (originally sponsored by Representatives Morris, Brough, Anderson, Brumsickle, Hine, Prentice, Fraser, Ebersole, Cole, Pruitt, Jacobsen, Prince, Belcher, Peery, Cooper, Wang, Cantwell, Day, Brekke, Winsley, Edmondson, R. Johnson, Padden, R. King, Nelson and Spanel)

Continuing direct access to physical therapists.

Referred to Committee on Health and Long-Term Care.

HB 1264 by Representatives Peery, Brough, G. Fisher, Vance, Rasmussen, Brumsickle, Roland, Valle, Phillips, Cole, P. Johnson, Jones, Holland, Neher, Broback, Paris, Betrozoff and Basich

Making technical changes to the education code.

Referred to Committee on Education.

MOTIONS

On motion of Senator Newhouse, Senate Bill No. 5937 was held on the desk.

On motion of Senator Newhouse, the rules were suspended, House Bill No. 1115 was advanced to second reading and placed on the second reading calendar.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9001, Al Brisbois, as a member of the Board of Trustees for Eastern Washington University, was confirmed.

APPOINTMENT OF AL BRISBOIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, West, Williams, Wojahn - 48.

Absent: Senator Hansen - 1.

MOTION

On motion of Senator Murray, Senator Hansen was excused.

MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9021, Dean Lydig, as a member of the Wildlife Commission, was confirmed.

Senator West spoke to the confirmation of Dean Lydig as a member of the Wildlife Commission.

APPOINTMENT OF DEAN LYDIG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Hansen - 1.

MOTION

On motion of Senator Newhouse, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1991-8626

By Senators Oke, Craswell, Owen, Rasmussen and Thorsness

WHEREAS, History will count Lee Belas, a son of Washington, a true hero in the age-old battle to secure lasting peace, freedom and the rule of law in our time; and

WHEREAS, On February 27, 1991, fighting for a cause to which he was very personally devoted, Lee died when the helicopter in which he was flying was struck by enemy artillery over Iraq; and

WHEREAS, Lee, age twenty-two, took great pride in serving his country and fellow man as a member of the United States Army First Infantry Division, Fourth Aviation Battalion; and

WHEREAS, Left with the memory of Lee's kind and gentle heart and of his heroic sacrifice, are Lee's parents Peter and Carol Belas of Port Orchard, Lee's sister Amy, and Lee's family and friends here and around the world; and

WHEREAS, Lee had a deep and enduring interest in international understanding and communication, having travelled and studied abroad and having learned to speak French, German, Latin, Dutch, Russian and, most recently, Arabic; and

WHEREAS, In his short lifetime Lee Belas displayed a level of commitment, courage and understanding that typifies the spirit of those serving on our behalf in the United States Armed Forces;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby recognize Lee Belas as a hero and patriot and expresses a debt of gratitude to Lee and to the members of his family for their supreme sacrifice; and

BE IT FURTHER RESOLVED, That the Senate, in Lee's memory, hereby encourages donations to the Lee Belas International Scholarship Fund, to enable young people to study abroad in an effort to achieve greater international understanding; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the family of Lee Belas, to Commanders of the Army First Infantry Aviation Battalion, and to the President of the United States, The Honorable George Bush.

Senator Oke spoke to Senate Resolution 1991-8626.

President Pro Tempore Craswell introduced the parents of Lee Belas, Peter and Carol Belas, who were standing in the Wings of the Chamber.

MOTION

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

SENATE RESOLUTION 1991-8627

By Senators McDonald, Rasmussen and Thorsness

WHEREAS, From this world, John Kendall Morgan, a hero whose memory and spirit forever will live, was taken on February 27, 1991; and

WHEREAS, John Morgan, known to friends and family as "Jack", died at age twenty-eight in the service of his fellow man when the helicopter he was flying was hit by enemy artillery over Iraq; and

WHEREAS, Born in Seattle, and later graduating from Bellevue's Interlake High School, Jack achieved a long-held dream of becoming a pilot while serving this country in the Navy, the National Guard and the Army; and

WHEREAS, Jack will be remembered by those who knew him as a kind, gentle and loving young man who possessed a deep and enduring Christian faith; and

WHEREAS, Jack left this world comfortable in the knowledge that he was bound for a better place, having written his parents in a letter to be opened in the event of his death,

"Please don't worry about me. I'm all right. And for once, I know something you don't: What heaven looks

like."

NOW, THEREFORE, BE IT RESOLVED, That the Senate hereby honors John Kendall Morgan as a hero who paid the supreme sacrifice in the battle to achieve the universal aspirations of mankind: Peace, freedom and the rule of law; and

BE IT FURTHER RESOLVED, That the Senate hereby joins the Morgan Family in celebrating Jack's life and in mourning his passing, and prays that they will find some solace in Jack's words and in the knowledge of Jack's everlasting contributions to the cause for which he so valiantly fought; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the family of John Kendall Morgan and to the President of the United States, The Honorable George Bush.

Senator McDonald spoke to Senate Resolution 1991-8627.

MOTION

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

SENATE RESOLUTION 1991-8623

By Senators Gaspard, Snyder, Hayner, Sellar, Talmadge, Rasmussen, Conner, Nelson, Thorsness, McMullen, Madsen, Williams, Bauer, Sutherland and Roach

WHEREAS, The entire world salutes the unprecedented unanimity and remarkable resolve of the member states of the United Nations to preserve justice and the rule of law among nations through opposing naked Iraqi aggression and brutality in the recent Persian Gulf War; and

WHEREAS, The Washington State Legislature recognizes and applauds the leadership, statesmanship, dignity, humanity, and calm dedication exhibited by President George Bush in holding the United Nations Coalition together and securing the independence and liberty of the Kuwaiti People in the shortest possible time; and

WHEREAS, The military leadership supplied by United States forces, from Secretary Dick Chaney, to Generals Collin Powel, Norman Schwartzkopf and others, performed their duties in such conspicuously professional and effective fashion as to achieve their objectives with astonishing swiftness and unbelievably few allied and civilian casualties; and

WHEREAS, The all-volunteer forces of the United States, including men and women of our Reserve Forces as well as those serving on active duty, conducted themselves in such consistently exemplary fashion, despite the disruption of their normal lives, and without regard for the many physical and personal hardships of war; and

WHEREAS, The contingent of United States armed-forces associated with Washington, both those who grew up as Washingtonians, as well as those who have been based in our state, performed their duties in a manner consistent with the highest traditions of American service and patriotism, engendering

feelings of great pride and profound gratitude in the hearts of all our citizens; and

WHEREAS, The families of our servicemen and women put aside all thoughts of personal hardship and danger for their loved ones, though individual families suffered greatly because of the fortunes of war, in order to help pull our nation through this international crisis; and

WHEREAS, The vast majority of all Americans and Washingtonians extended their firmest, fullest, and most fervent support for our troops in the Persian Gulf, and for our national purpose in opposing the military aggression of Iraq;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes and commends the contributions of all the above mentioned people to the successful completion of the Persian Gulf War, extends its deepest condolences to the families of those brave soldiers who lost their lives in pursuit of freedom, expresses its sincere wish for a speedy and full recovery by all injured men and women, and joins with all humanity in hoping for lasting peace through justice in the Middle East and all around the world.

Senator Gaspard spoke to Senate Resolution 1991-8623.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 5441, by Senators Rasmussen, Nelson, Hayner and Johnson

Amending bookmaking provisions.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5441 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5441.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5441 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse,

Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Hansen - 1.

SENATE BILL NO. 5441, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5318, by Senators von Reichbauer, Pelz, Owen, Johnson, Vognild, Moore, Rasmussen, McCaslin, Matson, Sellar and West

Prescribing penalties for money laundering.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 5318 was substituted for Senate Bill No. 5318 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the following amendments were considered simultaneously and were adopted:

On page 3, line 4, after "forfeiture of" delete "real property and of the money derived from the forfeiture of personal property" and insert "the proceeds of unlawful activity"

On page 3, line 17, delete "property, real or personal," and insert "the proceeds of unlawful activity"

On page 3, line 18, after "of the secured party if" insert ", at the time the security interest was created,"

On page 3, line 19, after "act or omission" delete ", unless the knowledge was reported to law enforcement agencies under this section"

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

On page 3, line 27, after "liable to any person" insert "or otherwise subject to retaliation"

MOTION

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Substitute Senate Bill No. 5318 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator von Reichbauer, I think the purpose of the bill is laudable, but I want to make sure that I understand precisely what it is going to do. This bill would permit the law enforcement authorities to go to the bank or to the insurance company or to the other recipient of the investment of illegal drug money or illegal money in general and be able to impose a lien against the assets that are invested in that bank or financial institution that resulted from illegal activity?"

Senator von Reichbauer: "That is correct."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5318.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5318 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Hansen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5318, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5476, by Senators Bailey, Barr, Hansen, Anderson, Conner, Newhouse, Gaspard and Bauer

Affecting the marketing of milk.

MOTION

Senator Barr moved that Senate Bill No. 5476 not be substituted.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Barr that Senate Bill No. 5476 not be substituted.

The motion by Senator Barr carried and Senate Bill No. 5476 was not substituted.

The bill was read the second time.

MOTION

Senator Barr moved that the following amendment by Senators Bailey, Hansen, Barr, Conner and Anderson be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 15.35.030 and 1971 ex.s. c 230 s 3 are each amended to read as follows:

It is hereby declared that:

(1) Milk is a necessary article of food for human consumption; ((that))

(2) The production, distribution, and maintenance of an adequate supply of healthful milk of proper chemical and physical content, free from contamination, is vital to the public health and welfare;

(3) It is the policy of the state to promote, foster, and encourage the intelligent production and orderly marketing of commodities necessary to its citizens, including milk, and to eliminate economic waste, destructive trade practices, and improper accounting for milk purchased from producers;

(4) Economic factors concerning the production, marketing, and sale of milk in the state may not be accurately reflected in federal programs;

(5) Conditions within the milk industry of this state are such that it may be necessary to establish marketing areas wherein pricing and pooling arrangements between producers are necessary, and for that purpose the director shall have the administrative authority, with such additional duties as are herein prescribed, after investigations and public hearings, to prescribe such marketing areas and modify the same when advisable or necessary.

Sec. 2. RCW 15.35.060 and 1971 ex.s. c 230 s 6 are each amended to read as follows:

The purposes of this chapter are to:

(1) Authorize and enable the director to prescribe marketing areas and to establish pricing and pooling arrangements which are necessary due to varying factors of costs of production, health regulations, transportation, and other factors in said marketing areas of this state;

(2) Authorize and enable the director to formulate marketing plans subject to the provisions of this chapter ((with respect to the contents of such)), in accordance with chapter 34.05 RCW, which provide for pricing and pooling arrangements and declare such plans in effect for any marketing area;

(3) Provide funds for administration and enforcement of this chapter by assessments to be paid by producers.

Sec. 3. RCW 15.35.070 and 1971 ex.s. c 230 s 7 are each amended to read as follows:

It is the intent of the legislature that the powers conferred in this chapter shall be liberally construed. Nothing in this chapter shall be construed as permitting or authorizing the development of conditions of monopoly in the production or distribution of milk, nor shall this chapter give the director authority to establish retail prices for milk or milk products.

Sec. 4. RCW 15.35.080 and 1971 ex.s. c 230 s 8 are each amended to read as follows:

For the purposes of this chapter:

(1) "Department" means the department of agriculture of the state of Washington;

(2) "Director" means the director of the department or ((his)) the director's duly appointed representative;

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent, or employee thereof. This term shall import either the singular or plural as the case may be;

(4) "Market" or "marketing area" means any geographical area within the state comprising one or more counties or parts thereof, or one or more cities or towns or parts thereof where marketing conditions are substantially similar and which may be designated by the director as one marketing area;

(5) "Milk" means all fluid milk as defined in chapters 15.32 and 15.36 RCW as enacted or hereafter amended and rules adopted thereunder;

(6) "Milk products" includes any product manufactured from milk or any derivative or product of milk;

(7) "Milk dealer" means any person engaged in the handling of milk in his or her capacity as the operator of a milk plant ((~~a country plant~~)) within the state or of any other plant from which milk or milk products that are produced at least in part from milk from producers are disposed of to any place or establishment within a marketing area ((~~other than to a plant in such marketing area~~));

(8) "Producer" means a person producing milk within this state for sale under a grade A milk permit issued by the department under the provisions of chapter 15.36 RCW as enacted or hereafter amended;

(9) "Classification" means the classification of milk into classes according to its utilization by the department;

(10) "Producer-dealer" means a producer who engages in the production ~~((as well as the distribution of milk products))~~ of milk and also operates a plant from which an average of more than three hundred pounds daily of milk products, except filled milk, is sold within the marketing area and who has been so designated by the director. A state institution which processes and distributes milk of its own production shall be considered a producer-dealer for purposes of this chapter, but the director may by rule exempt such state institutions from any of the requirements otherwise applicable to producer-dealers.

Sec. 5. RCW 15.35.090 and 1971 ex.s. c 230 s 9 are each amended to read as follows:

(1) The director shall in carrying out the provisions of this chapter and any marketing plan thereunder confer with the legally constituted authorities of other states of the United States, and the United States department of agriculture, for the purpose of seeking uniformity of milk control with respect to milk coming in to the state and going out of the state in interstate commerce with a view to accomplishing the purposes of this chapter, and may enter into a compact or compacts which will insure a uniform system of milk control between this state and other states.

(2) In order to facilitate carrying out the provisions and purposes of this chapter, the department may hold joint hearings with authorized officers or agencies of other states who have duties and powers similar to those of the department or with any authorized person designated by the United States department of agriculture, and may enter into joint agreements with such authorized state or federal agencies for exchange of information with regard to prices paid to producers for milk moving from one state to the other or any purpose to carry out and enforce this chapter.

Sec. 6. RCW 15.35.100 and 1971 ex.s. c 230 s 10 are each amended to read as follows:

Subject to the provisions of this chapter and the specific provisions of any marketing plan established thereunder, the director is hereby vested with the authority:

(1) To investigate all matters pertaining to the production, processing, storage, transportation, and distribution of milk and milk products in the state, and ~~((including but not limited to))~~ shall have the authority to:

(a) Establish classifications of processed milk and milk products, and a minimum price or a formula to determine a minimum price to be paid by milk dealers for milk used to produce each such class of products;

(b) Require that payment be made by dealers to producers of fluid milk or their cooperative associations and prescribe the method and time of ~~((payment to be made to producers))~~ such payments by dealers to producers or their cooperative associations in accordance with a marketing plan for milk;

~~((b))~~ (c) Determine what constitutes a natural milk market area;

~~((c))~~ (d) Determine by using uniform rules, what portion of the milk produced by each producer subject to the provisions of a marketing plan shall be marketable in fluid form and what proportion so produced shall be considered as surplus; such determination shall also apply to milk dealers who purchase or receive milk, for sale or distribution in such marketing area, from plants whose producers are not subject to such pooling arrangements;

~~((d))~~ (e) Provide for the pooling ~~((and averaging of all returns))~~ of minimum class values from the sales of each class of milk ~~((in a designated market area))~~ to milk dealers, and the ~~((payment to all producers of a uniform pool price for all milk so sold))~~ equalization of returns to producers;

~~((e))~~ (f) Provide and establish ~~((distributor pools or))~~ market pools for a designated market area with such rules and regulations as the director may adopt;

~~((f))~~ (g) Employ an executive officer, who shall be known as the milk pooling administrator;

~~((g))~~ (h) Employ such persons as may be necessary and incur all expenses necessary to carry out the purposes of this chapter;

~~((h))~~ (i) Determine by rule, what portion of any increase in the demand for fluid milk subject to a pooling arrangement and marketing plan providing for quotas shall be assigned new producers or existing producers.

(2) To issue subpoenas to compel the attendance of witnesses and/or the production of books, documents, and records anywhere in the state in any hearing affecting the authority of privileges granted by a license issued under the provisions of this chapter. Witnesses shall be entitled to fees for attendance and travel as provided for in chapter 2.40 RCW as enacted or hereafter amended(;;).

(3) To make, adopt, and enforce all rules necessary to carry out the purposes of this chapter subject to the provisions of chapter 34.05 RCW concerning the adoption of rules, as enacted or hereafter amended: PROVIDED, That nothing contained in this chapter shall be construed to abrogate or affect the status, force, or operation of any provision of the public health laws enacted by the state or any municipal corporation or the public service laws of this state.

NEW SECTION. Sec. 7. A new section is added to chapter 15.35 RCW to read as follows:

In establishing a minimum milk price or a formula to determine a minimum milk price, as provided under RCW 15.35.060 and 15.35.100, the director shall, in addition to other appropriate criteria, consider the:

(1) Cost of producing fluid milk for human consumption;

(2) Transportation costs;

(3) Milk prices in states or regions outside of the state that influence prices within the marketing areas;

(4) Demand for fluid milk for human consumption; and

(5) Alternative enterprises available to producers.

Sec. 8. RCW 15.35.110 and 1971 ex.s. c 230 s 11 are each amended to read as follows:

(1) The director, either upon his or her own motion or upon petition by ten percent of the producers in any proposed area, shall conduct a hearing to determine whether to establish or discontinue a market area pooling arrangement. Upon determination by the director that in order to satisfy the purposes of this chapter a pooling arrangement should ~~((either))~~ be established ~~((or terminated))~~, a referendum of affected individual producers and milk dealers shall be conducted by the department.

(2) In order for the director to establish a market area and pooling plan:

(a) Sixty-six and two-thirds percent of the producers that vote must be in favor of establishing a market area and pooling plan ~~((before it can be put into effect by the director)); and~~

(b) Sixty-six and two-thirds percent of the milk dealers that vote must be in favor of establishing a market area and pooling plan.

The director, within ~~((one hundred twenty))~~ sixty days from the date the results of the referendum are filed with the secretary of state, shall establish a market pool in the market area, as provided for in this chapter.

~~((b))~~ (3) If fifty-one percent of ~~((those))~~ the producers voting representing fifty-one percent of the milk produced in the market area vote to terminate a pooling plan, the director, within one hundred twenty days, shall terminate all the provisions of said market area and pooling arrangement.

(4) A referendum of affected producers and milk dealers shall be conducted only when a market area pooling arrangement is to be established or terminated.

Sec. 9. RCW 15.35.120 and 1971 ex.s. c 230 s 12 are each amended to read as follows:

(1) The producers qualified to sign a petition, or to vote in any referendum concerning a market pool, shall be all those producers shipping milk to the market area on a regular supply basis and who would or do receive or pay equalization in an existing market pool in a market area, or in a market pool if established in such market area.

(2) The milk dealers qualified to vote in any referendum establishing a market pool shall be all those milk dealers who operate a plant which is located within the state and who would receive milk priced under a market pool if established in such market area.

(3) The director is authorized during business hours to review the books and records of (~~handlers~~) milk dealers to obtain a list of the producers qualified to sign petitions or to vote in referendums and to verify that such milk dealers are qualified to vote in a referendum.

Sec. 10. RCW 15.35.140 and 1971 ex.s. c 230 s 14 are each amended to read as follows:

(1) The director shall establish a system of classifying, pricing, and pooling of all milk used in each market area established under RCW 15.35.110.

(2) Thereafter the director (~~shall~~) may establish a system in each market area for the equalization of returns for all quota milk and all surplus over quota milk whereby all producers selling milk to milk dealers or delivering milk in such market area, or their cooperative associations, will receive the same prices for all quota milk and all surplus over quota milk, except that any premium paid to a producer by a dealer above established prices shall not be considered in determining average pool prices. Such prices may reflect adjustments based on the value of component parts of each producer's milk.

Sec. 11. RCW 15.35.150 and 1971 ex.s. c 230 s 15 are each amended to read as follows:

(1) Under a market pool and as used in this section, "quota" means a producer's portion of the total sales of (~~class-I~~) milk in fluid form in a market area plus a reserve determined by the director.

(2) The director (~~shall~~) may in each market area subject to a market plan establish each producer's initial quota in the market area. Such initial quota shall be determined by the department after due notice and the opportunity for a hearing as provided in chapter 34.05 RCW. In making this determination, consideration shall be given to a history of the producer's production record.

In any system of establishing quotas, provision shall be made for new producers to qualify for allocation of quota in a reasonable proportion and for old and new producers to participate in any new (~~class-I~~) increase in fluid milk sales in a reasonable proportion. The director may establish a method to proportionately decrease quota allocations in the event decreases in fluid milk consumption occur.

All subsequent changes or new quota issued shall be determined by the department after due notice and the opportunity for a hearing as provided in chapter 34.05 RCW.

Sec. 12. RCW 15.35.170 and 1971 ex.s. c 230 s 17 are each amended to read as follows:

Quotas provided for in this chapter may not in any way be transferred without the consent of the director. Regulations regarding transfer of quotas shall be determined by the department after due notice and the opportunity for a hearing as provided in chapter 34.05 RCW. Any contract for the transfer of quotas, unless the transfer has previously been approved by the director, shall be null and void. The director shall make rules and regulations to preclude any person from using a corporation as a device to evade the provisions of this section. The quotas assigned

to any ~~((corporation))~~ producer shall become null and void as of any time the ~~((corporation))~~ producer does not own the means of production to which the quotas pertain. Quotas shall in no event be considered as property ~~((not to))~~ and may be taken or abolished by the state without compensation.

Sec. 13. RCW 15.35.180 and 1971 ex.s. c 230 s 18 are each amended to read as follows:

The director shall examine and audit not less than one time each year or at any other such time ~~((he))~~ the director considers necessary, the books and records, and may photostat such books, records, and accounts of milk dealers and cooperatives licensed or believed subject to license under this chapter for the purpose of determining:

(1) How payments to producers for the milk handled are computed and whether the amount of such payments are in accordance with the applicable marketing plan;

(2) If any provisions of this chapter affecting such payments directly or indirectly have been or are being violated.

No person shall in any way hinder or delay the director in conducting such examination.

The director may accept and use for the purposes of this section any audit made for or by a federal milk market order administrator which provides the information necessary for such purposes.

Sec. 14. RCW 15.35.230 and 1971 ex.s. c 230 s.23 are each amended to read as follows:

(1) Application for each milk dealer's license shall be accompanied by an annual license fee ~~((of five dollars))~~ to be established by the director by rule.

(2) If an application for the renewal of a milk dealer's license is not filed on or before the first day of an annual licensing period a late fee of ((three dollars)) up to one-half of the license fee shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued: PROVIDED, That such additional assessment shall not apply if the applicant furnishes an affidavit that ((he)) the applicant has not acted as a milk dealer subsequent to the expiration of his or her prior license.

Sec. 15. RCW 15.35.250 and 1971 ex.s. c 230 s 25 are each amended to read as follows:

There is hereby levied upon all milk sold or received in any marketing area subject to a marketing plan established under the provisions of this chapter an assessment, not to exceed five cents per one hundred pounds of all such milk, to be paid by the producer of such milk. Such assessment shall be collected by the first milk dealer who receives or handles such milk from any producer or his agent subject to such marketing plan and shall be paid to the director for deposit into the agricultural local fund.

The amount to be assessed and paid to the director under any marketing plan shall be determined by the director within the limits prescribed by this section and shall be determined according to the necessities required to carry out the purpose and provisions of this chapter under any such marketing plan.

Upon the failure of any dealer to withhold out of amounts due to or to become due to a producer at the time a dealer is notified by the director of the amounts to be withheld and upon failure of such dealer to pay such amounts, the director subject to the provisions of RCW 15.35.260, may revoke the license of the dealer required by RCW 15.35.230. The director may commence an action against the dealer in a court of competent jurisdiction in the county in which the dealer resides or has his principal place of business to collect such amounts. If it is determined upon such action that the dealer has wrongfully refused to pay the amounts the dealer shall be required to pay, in addition to such amounts, all the costs and disbursements of the action, to the director as determined by the court. If the director's contention in such action is not

sustained, the director shall pay to the dealer all costs and disbursements of the action as determined by the court.

Sec. 16. RCW 15.35.310 and 1971 ex.s. c 230 s 31 are each amended to read as follows:

(1) The provisions of this chapter shall not apply to ((a producer who acts as a milk dealer only for milk he produces on his own dairy farm from cows which he owns or is purchasing: PROVIDED, That such producer shall lease or own his processing facilities, or that he shall not have more than seventy five percent of the milk he produces processed, bottled, or packaged by another milk dealer or producer who acts as a dealer: PROVIDED FURTHER, That such milk producer shall remain exempt from the provisions of this chapter if he purchases not more than ten percent of the milk he handled from another producer or milk dealer and if he sells any excess production from his farm or farms to the pool at the lowest use classification price)) persons designated as producer-dealers, except that:

(a) The director may require pursuant to RCW 15.35.100 any information deemed necessary to verify a producer-dealer's status as a producer-dealer; and

(b) A producer-dealer shall comply with all requirements of this chapter applicable to milk dealers, except those which the director may deem unnecessary.

(2) The director shall upon request designate producer-dealers and adopt rules governing eligibility for designation of a producer-dealer and cancellation of such designation. To receive such designation, a producer-dealer shall, at a minimum:

(a) In its capacity as a handler, have and exercise complete and exclusive control over the operation and management of a plant at which it handles and processes milk received from its own milk production resources and facilities as designated in subsection (4)(a) of this section, the operation and management of which are under the complete and exclusive control of the producer-dealer in its capacity as a dairy farmer;

(b) Neither receive at its designated milk production resources and facilities nor receive, handle, process, or distribute at or through any of its milk handling, processing, or distributing resources and facilities, as designated in subsection (4)(b) of this section, milk products for reconstitution into fluid milk products, or fluid milk products derived from any source other than (i) its designated milk production resources and facilities, (ii) other milk dealers within the limitation specified in subsection (2)(e) of this section, or (iii) nonfat milk solids which are used to fortify fluid milk products;

(c) Neither be directly nor indirectly associated with the business control or management of, nor have a financial interest in, another dealer's operation; nor shall any other dealer be so associated with the producer-dealer's operation;

(d) Not allow milk from the designated milk production resources and facilities of the producer-dealer to be delivered in the name of another person as producer milk to another handler; and

(e) Not handle fluid milk products derived from sources other than the designated milk production facilities and resources, except for fluid milk product purchased from pool plants which do not exceed in the aggregate a daily average during the month of one hundred pounds.

(3) Designation of any person as a producer-dealer following a cancellation of its prior designation shall be preceded by performance in accordance with subsection (2) of this section for a period of one month.

(4) Designation of a person as a producer-dealer shall include the determination and designation of the milk production, handling, processing, and distributing resources and facilities, all of which shall be deemed to constitute an integrated operation, as follows:

(a) As milk production resources and facilities: All resources and facilities, milking herd, buildings housing such herd, and the land on which such buildings are located, used for the production of milk:

(i) Which are directly, indirectly, or partially owned, operated, or controlled by the producer-dealer;

(ii) In which the producer-dealer in any way has an interest including any contractual arrangement; and

(iii) Which are directly, indirectly, or partially owned, operated, or controlled by any partner or stockholder of the producer-dealer. However, for purposes of this item (4)(a)(iii) any such milk production resources and facilities which the producer-dealer proves to the satisfaction of the director do not constitute an actual or potential source of milk supply for the producer-dealer's operation as such shall not be considered a part of the producer-dealer's milk production resources and facilities; and

(b) As milk handling, processing, and distributing resources and facilities: All resources and facilities including store outlets used for handling, processing, and distributing any fluid milk product:

(i) Which are directly, indirectly, or partially owned, operated, or controlled by the producer-dealer; or

(ii) In which the producer-dealer in any way has an interest, including any contractual arrangement, or with respect to which the producer-dealer directly or indirectly exercises any degree of management or control.

(5) Designation as a producer-dealer shall be canceled automatically upon determination by the director that any of the requirements of subsection (2) of this section are not continuing to be met, such cancellation to be effective on the first day of the month following the month in which the requirements were not met, or the conditions for cancellation occurred.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed:

(1) RCW 15.35.020 and 1971 ex.s. c 230 s 2;

(2) RCW 15.35.040 and 1971 ex.s. c 230 s 4; and

(3) RCW 15.35.050 and 1971 ex.s. c 230 s 5.

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Bailey, Hansen, Barr, Conner and Anderson to Senate Bill No. 5476.

The motion by Senator Barr carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 1 of the title, after "milk;" strike the remainder of the title and insert "amending RCW 15.35.030, 15.35.060, 15.35.070, 15.35.080, 15.35.090, 15.35.100, 15.35.110, 15.35.120, 15.35.140, 15.35.150, 15.35.170, 15.35.180, 15.35.230, 15.35.250, and 15.35.310; adding a new section to chapter 15.35 RCW; repealing RCW 15.35.020, 15.35.040, and 15.35.050; and declaring an emergency."

On motion of Senator Barr, the rules were suspended, Engrossed Senate Bill No. 5476 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bailey, I was listening quite intently and I heard you say that the consumers were going to benefit."

Senator Bailey: "Yes."

Senator Rasmussen: "I'm not so sure, but I want to ask you a question. It says, 'Establish classification of processed milk and milk products'-nothing wrong with that--and a minimum price.' Now, my question to you, Senator Bailey, is that a price that controls other states importing milk into this state?"

Senator Bailey: "No, it will be for the producers in the state of Washington. It does not control price of milk imported into this state."

Senator Rasmussen: "So, if I am a producer in Idaho or Oregon and you set the minimum price here for those people having cows, I can come in with my milk to the market or the consumer at any price that I wish?"

Senator Bailey: "Yes, however, I should add that the state of Oregon has a state process similar to what we are discussing here; the state of California also has that process. Idaho does not."

Senator Rasmussen: "So, this would mean that we would have price fixing all along the coast?"

Senator Bailey: "No, I think this would provide for the dairy farmers of Washington a stable market for their product. I think it would provide for the consumers, a stable price of the product. I think it is important in the state of Washington that we have our family dairy farms allowed to remain established in this state and not go to the large factory producers that we see in other areas."

Senator Rasmussen: "That has not relieved my mind, Senator Bailey. Your intentions are good. I'm not sure that price fixing is ever good for the consumer. Thank you for the information."

Senator Bailey: "I would like to say that this is not price fixing."

Further debate ensued.

POINT OF INQUIRY

Senator Niemi: "Senator Bailey, actually I have two questions. First, will this pricing bear any relationship to the cost of producing the milk and secondly, will these people that are in the pool hold their discussions in public or will they make their decisions privately as to what the price of milk will be?"

Senator Bailey: "The discussions will be in public. I think that all the meetings that I know amongst the dairy farmers have been public for a long, long time and I think it will continue to be that way. Your second question, Senator Niemi, was--"

Senator Niemi: "Will the price bear any relationship to the cost of production?"

Senator Bailey: "Well, we hope that the price will be such that the family farms can survive in the state of Washington. I feel, and I hope you feel, that family farms in this state, and I am thinking not only in western Washington, but the eastern part of our state, that those family farms can

survive. I hope that the price will be adequate to meet the market needs and be adequate so they can survive."

Further debate ensued.

POINT OF INQUIRY

Senator Talmadge: "I would appreciate it if Senator Barr and Senator Bailey would yield to a question with respect as to whether or not the Office of the Attorney General has reviewed this from the standpoint of whether we have a serious risk or exposure for anti-trust liability, if the state condones the establishment of a fixed price for various kinds of milk products--and then someone decides at a later date that type of price fixing might be a violation of our states' Consumer Protection Act or the Federal Anti-trust Law?"

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Madam President and ladies and gentlemen. Having had some experience in the area of dairying, this would be a two-price system, in effect, and it is common in certain commodities where there are different uses of the same commodity. In effect, you try to have a guaranteed supply so that the babies around the state always have milk. It doesn't always happen, because milk production increases seasonally.

"What does not go into the bottle, then must be used for manufacturing purposes and under the lower price. We have a situation on the west coast where California has such a two-priced system and their manufacturers have an advantage over our manufacturers. The fresh market situation is not much different. We are going to be in a market situation where we are producing surplus almost year around and certainly in the summer season and spring. If we don't have a two-priced situation like this, where the bottle milk, to a certain extent, subsidizes the manufacturing milk, our dairy men are going to be going out of business.

"It has been such a two priced system, a little price fixing under the federal order, up until this 1991--I believe it is--farm bill which Congress really never completed. We are in a tough situation in our dairying in this state unless we have some kind of a situation that will get us a market for our manufacturing products--an assured market--and that is being developed. We have a large plant in my area that is being built by Darigold, but we dearly need this two-priced system, so that the bottle milk will, to a certain extent, subsidize the manufacturing milk and we can be competitive in the products we put out with other states, such as Wisconsin and California where they produce an awful lot of milk."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5476.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5476 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Conner, Craswell, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rinehart, Saling, Sellar, Skratek, L. Smith, Snyder, Stratton, Sutherland, Thorsness, von Reichbauer, Williams, Wojahn - 36.

Voting nay: Senators Bluechel, Cantu, Erwin, Moore, Murray, Niemi, Rasmussen, Roach, A. Smith, Talmadge, Vognild, West - 12.

Excused: Senator Hansen - 1.

ENGROSSED SENATE BILL NO. 5476, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5277, by Senators Cantu, Murray, Snyder, Hansen, Conner, Owen and Anderson

Preventing termination of the small business export finance assistance center.

The bill was read the second time.

MOTION

Senator Moore moved that the following amendment be adopted:

On page 1, after line 7, insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 43.210 RCW to read as follows:

The small business export finance assistance center, and branches subject to its authority, is subject to the open public meetings act, chapter 42.30 RCW."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Cantu, what you are indicating is that if I have a small business and I come into and I wish to talk to them and see where I can get some help financing exports, that I may not want my competition in there looking over my shoulder when I'm talking to them, is that right?"

Senator Cantu: "That is correct."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Moore on page 1, after line 7, to Senate Bill No. 5277.

The motion by Senator Moore failed and the amendment was not adopted.

MOTION

On motion of Senator Matson, the rules were suspended, Senate Bill No. 5277 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5277.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5277 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senator Sellar - 1.

Excused: Senator Hansen - 1.

SENATE BILL NO. 5277, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5466, by Senators Nelson, Moore, Amondson, Conner, Johnson, Newhouse, West, Rasmussen, Wojahn, Sutherland and L. Smith

Limiting the strict liability of pharmacists.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5466 was substituted for Senate Bill No. 5466 and the substitute bill was placed on second reading and read the second time.

Senator Talmadge moved that the following amendment by Senators Talmadge and McMullen be adopted:

On page 1, line 13, after "prescriptions." insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 18.64. RCW to read as follows:

All nonlegend or nonprescription drugs as defined by RCW 18.64.011(5) which are available in capsule form shall be stored and secured in such manner to be safe from public access except to a person purchasing such drugs who shall request a

pharmacist licensed under chapter 18.64 RCW to inspect such product for evidence of tampering or alteration prior to permitting the drug to be sold.

POINT OF ORDER

Senator Nelson: "Madam Chair, I rise to a point of order. I would ask the President to rule on scope and object of this amendment. This measure deals primarily with the licensing provisions of pharmacists in the state of Washington and only in one part of the bill does it open up Chapter 18.64. As much as I sympathize with the area that the proposer of this amendment wishes to carry us, the amendment is, in itself, the basis for a measure that could be introduced and discussed by this body.

"This particular issue that is before us in the bill primarily deals with licensing and the particular liability of a licensed pharmacist relative to the legend drugs that are being provided, not non-legend drugs. I would point out to the President that in this amendment the requirement on the part of the purchaser is expressly pointed out by saying that the person purchasing such drugs who shall request a pharmacist licensed under this chapter to open up the package. There certainly is a certain degree of freedom of choice here where the person may not wish to have that happen and we are, all of a sudden, demanding that the purchasers of packaged pills and the rest, have the pharmacists open them up. I think the amendment goes well beyond what the intent of this measure is."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5466 was deferred.

SECOND READING

SENATE BILL NO. 5121, by Senators Metcalf, Talmadge, McCaslin, Owen, Thorsness, Vognild, Rinehart, Sellar, L. Smith, Sutherland, Roach, Amondson, Hayner, Rasmussen, Bailey, Moore, Barr, Oke, Wojahn, Nelson, von Reichbauer, Bauer, Gaspard, L. Kreidler, Johnson, Stratton, Skratek and Erwin

Protecting whistleblowers.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5121 was substituted for Senate Bill No. 5121 and the substitute bill was placed on second reading and read the second time.

Senator Skratek moved that the following amendments be considered simultaneously and be adopted:

On page 1, after line 4, add a New Section to read as follows:

NEW SECTION. Sec. 1. The legislature finds that the threat of retaliation to public employees acts as a deterrent to public employees who wish to report information to federal, state, or local agencies. The purpose of this act is to protect public employees who make good-faith reports to appropriate governmental bodies and to provide remedies for such individuals who are subjected to retaliation for having made such reports.

Renumber the remaining sections accordingly.

On page 1, line 12, after "state" insert "and local"

On page 2, line 4, after "state" insert "or local"

On page 8, line 8, after "state" strike "agency" and insert "or local government"

Debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5121 was deferred.

MOTION

At 10:27 a.m., on motion of Senator Newhouse, the Senate recessed until 11:15 a.m.

The Senate was called to order at 11:50 a.m. by President Pritchard.

MOTION

At 11:50 a.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:07 p.m. by President Pro Tempore Craswell.

MOTIONS

On motion of Senator Anderson, Senator Sellar was excused.

On motion of Senator Murray, Senators Bauer, Moore and Williams were excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9024, Christina Meserve, as a member of the Board of Trustees for The Evergreen State College, was confirmed.

APPOINTMENT OF CHRISTINA MESERVE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 4; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Cantu, Conner, Craswell, Erwin, Gaspard, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Wojahn - 40.

Absent: Senators Bluechel, Hayner, Matson, Owen - 4.

Excused: Senators Bauer, Hansen, Moore, Sellar, Williams - 5.

MOTION

On motion of Senator Anderson, Senator Matson was excused.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9029, Terry Ollis, as a member of the Board of Trustees for Everett Community College District No. 5, was confirmed.

Senator Vognild spoke to the confirmation of Terry Ollis as a member of the Board of Trustees for Everett Community College.

APPOINTMENT OF TERRY OLLIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Wojahn - 42.

Absent: Senator Owen - 1.

Excused: Senators Bauer, Hansen, Matson, Moore, Sellar, Williams - 6.

Vice President Pro Tempore Bluechel assumed the Chair.

SECOND READING

SENATE BILL NO. 5424, by Senators Erwin, Rasmussen, Nelson, A. Smith, Hayner, L. Kreidler, Newhouse and Thorsness

Prohibiting the soliciting or accepting of campaign contributions during legislative sessions.

The bill was read the second time.

MOTION

On motion of Senator McMullen, the following amendment by Senators Gaspard, Murray, McMullen and Snyder was adopted:

On page 1, line 6, after "on the" strike "fifteenth" and insert "thirtieth"

POINT OF INQUIRY

Senator Vognild: "Before we bump this bill, I wonder if I could ask the sponsor of intent, because I have a little concern that the bill does not do what a lot of us thought it did. Senators, as I am reading this bill and I've read it about four or five times and I get a little bit different application each time. It would appear to me that we have included state-wide officials, and I'm not sure that we really meant to. They are here year round; they have nothing to do with session. More importantly, it appears to me that if you had a hotly contested legislative race that a candidate for that position could raise money during an entire session before us--a year round type thing--yet a legislator would be prohibited. Was it your intention that no legislative candidates, incumbent or otherwise, could raise money before, during and immediately after a session?"

Senator Erwin: "Senator Vognild, no it was not. My intent was to simply clarify existing law and to restore some public confidence in what we are doing down here and I think this bill, and I don't speak to the historical perspective, but I think this bill does just that."

Senator Vognild: "Senator, I'm not opposed to that--to what you are trying--but what I am concerned about is, let's take the state-wide race. Many state-wide races last over a year. Now, what this means, the way I read it, is that in a hotly contested state race that an individual who was connected with the Legislature or presently elected would be prohibited from raising any funds for a period of one hundred and five plus sixty--a hundred and sixty five day period--while his opponent could be raising funds the whole time and I think we should have a more level playing field and I think we can do it with a simple amendment if you wish."

MOTION

Senator Nelson moved that the rules be suspended and Engrossed Senate Bill No. 5424 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

OBJECTION TO MOTION

Senator Vognild objected to the motion to advance Engrossed Senate Bill No. 5424 to third reading and final passage.

MOTION

On motion of Senator Newhouse, further consideration of Engrossed Senate Bill No. 5424 was deferred.

SECOND READING

SENATE BILL NO. 5311, by Senators McMullen, Nelson, Moore and Vognild

Exempting bare-boat charter boats from the provisions of the charter boat safety act.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5311 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 5311 was deferred.

SECOND READING

SENATE BILL NO. 5302, by Senators Snyder, Metcalf, Rasmussen, Anderson, L. Smith, Amondson, Patterson and Oke

Designating salmon production as the primary mission of the department of fisheries.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 5302 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5302.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5302 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Hansen, Matson, Moore, Sellar - 4.

SENATE BILL NO. 5302, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8009, by Senators Hayner and Jesernig

Requesting Congress to create a HAMMER training center at Hanford.

The joint memorial was read the second time.

MOTION

On motion of Senator Hayner, the rules were suspended, Senate Joint Memorial No. 8009 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8009.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8009 and the joint memorial passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Hansen, Matson, Moore, Sellar - 4.

SENATE JOINT MEMORIAL NO. 8009, having received the constitutional majority, was declared passed.

There being no objection, the Vice President Pro Tempore advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Senate Bill No. 5311, deferred on third reading earlier today.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 5311 was returned to second reading and read the second time.

On motion of Senator McMullen, the following amendment was adopted:

On page 3, line 7 after "contract" insert ", except when a captain or crew is required or provided by the owner or owner's agents to be hired by the charterer to operate the vessel"

MOTION

On motion of Senator Patterson, the rules were suspended, Engrossed Senate Bill No. 5311 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Anderson, Senator Craswell was excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5311.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5311 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Craswell, Hansen, Matson, Moore, Sellar - 5.

ENGROSSED SENATE BILL NO. 5311, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Vice President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 5116, by Senators Murray, Bailey, Thorsness, Gaspard, A. Smith, Rinehart, Madsen, Talmadge, Bauer and Erwin (by request of Task Force on Student Transportation Safety)

Allowing school bus drivers to report violators.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5116 was substituted for Senate Bill No. 5116 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5116 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator McCaslin: "Senator Murray, I really support the bill, but I guess I have a question as far as the legality. If a video camera takes a picture of a car that goes by a school bus, do we also have one synchronized taking a picture of the bus stop with the red lights flashing? The first question--I guess if I was Senator Talmadge who is an extremely wonderful and talented attorney--is that when you take a picture of the car, was it actually passing the bus while it was stopped with the red lights on?"

Senator Murray: "Senator McCaslin, what we heard from bus drivers is when they see a car passing them illegally, the first thing they need to do is to stop the kids who are getting off the bus, so they want to stop the doors, call the kids and yell at them to stop and they can't turn around and watch for that license plate number and write it down at the same time. The picture will just be taken of that license plate, the same as if they were writing it down so that they can use it to turn in to the police, to go after that violator. I'll let Senator Talmadge answer that. I think he has had some interesting experience with the same type of incident."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President. Actually, in response to Senator McCaslin's question, in Seattle, we had the problem with kids cruising down Alki Beach that raised some real serious problems. The city of Seattle, passed an anti-cruising ordinance and as part of their enforcement efforts, they installed video cameras that have time, date, etc. in the actual picture. If people pass that camera more than a couple of times--you know--in such and such period of time, then they would be susceptible to conviction under that anti-cruising ordinance. It stopped the cruising problem in Alki altogether.

"I suspect that the same kind of thing, from a technical standpoint, would be present for Senator Murray's proposed camera on the busses. You have the time, place and location, and I think you could synchronize it to some extent with what would be happening externally to the bus."

POINT OF INQUIRY

Senator Patterson: "Senator Bailey, how many video cameras does forty-five thousand dollars buy?"

Senator Bailey: "I would like you to ask that question of Senator Murray, because she served on the technical committee for school bus safety, but it is with one school district. Senator Murray, would you--"

REMARKS BY SENATOR MURRAY

Senator Murray: "I will and my recollection was that it would cover one hundred and sixty busses. I can find that out for you if you would like for me to. We were going to try that out in one school district to start with."

Senator Patterson: "I guess this leads me to my next question--whether or not the Superintendent of Public Instruction--receiving a state grant of forty-five thousand dollars, whether or not we are saying that if the test proves successful, which I hope it does, who will carry the liability for providing video cameras for every school district in the state of Washington? That is my concern."

Senator Murray: "Mr. President, I would respond to that in that we do not require busses to put this on, nor are we asking that we require busses to do it. What we are trying to do is do a pilot project to see whether it works or not and my assumption is that if it does that other school districts will do it afterwards on their own or perhaps through SPI."

Senator Patterson: "In other words, we are suggesting that if it proves to be successful, and as I say, I hope it does, that it would be prudent for every school district to budget to cover the cost of putting video cameras on everyone of their school busses, but out of their funds?"

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5116.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5116 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Absent: Senator Barr - 1.

Excused: Senators Craswell, Hansen, Matson, Moore, Sellar - 5.

SUBSTITUTE SENATE BILL NO. 5116, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Craswell assumed the Chair.

SECOND READING

SENATE BILL NO. 5106, by Senators Patterson, Vognild and Conner (by request of Office of Financial Management and Governor Gardner)

Adopting the 1991 supplemental transportation budget.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5106 was substituted for Senate Bill No. 5106 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5106 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5106.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5106 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Hansen, Matson, Moore, Sellar - 4.

SUBSTITUTE SENATE BILL NO. 5106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5466 and the pending amendment by Senators Talmadge and McMullen on page 1, line 13, deferred earlier today.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Craswell: "In ruling upon the point of order raised by Senator Nelson, the President finds that Substitute Senate Bill No. 5466 is a measure which relates to civil liability of pharmacists as a result of dispensing prescription products manufactured by commercial manufacturers.

"The amendment proposed by Senators Talmadge and McMullen would limit public access to all nonlegend or nonprescription drugs in capsule form, and would require pharmacists to inspect such drugs prior to sale.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Talmadge and McMullen on page 1, line 13, to Substitute Senate Bill No. 5466 was ruled out of order.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5466 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Nelson, I am a supporter of the bill, but I wanted a clarification of two points specifically with respect to this legislation. The first is, if the pharmacist is dispensing legend drugs or non-prescription drugs, I presume under those circumstances that the pharmacist would remain a product seller. This is only designed to deal with circumstances where the pharmacist is dispensing drugs pursuant to a prescription from a physician."

Senator Nelson: "Could you repeat the question--say that again?"

Senator Talmadge: "I would presume, Senator Nelson, under this legislation that where the pharmacist is one who is dispensing a non-prescription product and is not dealing with a set of circumstances where there is a physician's prescription that that pharmacist would be a product seller under the product liability act."

Senator Nelson: "That is correct."

Senator Talmadge: "The second question is, with respect to this bill, if the pharmacist does anything in the way of a negligent act with respect to how that pharmacist responds to the physician's written prescription, then the pharmacist remains liable for any fault that the pharmacist might have in dispensing the prescription?"

Senator Nelson: "That is correct, as well."

POINT OF INQUIRY

Senator Rasmussen: "Senator Nelson, maybe I heard wrong, did you say that this had an emergency clause? We deleted it in the substitute."

Senator Nelson: "I beg your pardon, Senator Rasmussen. You are absolutely correct. We deleted the emergency clause in the substitute bill and I stand corrected."

MOTION

On motion of Senator Murray, Senator Vognild was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5466.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5466 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Hansen, Moore, Sellar, Vognild - 4.

SUBSTITUTE SENATE BILL NO. 5466, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Bluechel was excused.

SECOND READING

HOUSE BILL NO. 1115, by Representatives Appelwick, Padden, Dellwo and Paris (by request of Statute Law Committee)

Revising references that are incorrect as a result of the creation of the department of health under chapter 9, Laws of 1989 1st ex.s.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 1115 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Murray: "Senator Nelson, I am just curious if you are going to provide recycling bins in the back of the room for all of these books?"

Senator Nelson: "No."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1115.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1115 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 43.

Absent: Senator Hayner - 1.

Excused: Senators Bluechel, Hansen, Moore, Sellar, Vognild - 5.

HOUSE BILL NO. 1115, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5121 and the pending amendments by Senator Skratek on page 1, lines 4 and 12; page 2, line 4; and page 8, line 8; deferred earlier today.

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Skratek on page 1, lines 4 and 12; page 2, line 4; and page 8, line 8; to Substitute Senate Bill No. 5121.

ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 23; Nays, 22; Absent, 0; Excused, 4.

Voting yea: Senators Bauer, Conner, Gaspard, Jesernig, L. Kreidler, Madsen, McMullen, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, L. Smith, Thorsness, West - 22.

Excused: Senators Bluechel, Hansen, Moore, Sellar - 4.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator von Reichbauer served notice that he would move to reconsider the vote by which the amendments by Senator Skratek on page 1, lines 4 and 12; page 2, line 4; and page 8, line 8; to Substitute Senate Bill No. 5121, were adopted.

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5121 was deferred.

SECOND READING

SENATE BILL NO. 5151, by Senators Hayner, Niemi, Thorsness, Nelson and Roach (by request of Department of Corrections)

Requiring that the death penalty be carried out by lethal injection.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5151 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5151.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5151 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senators L. Kreidler, Rinehart - 2.

Excused: Senators Hansen, Moore, Sellar - 3.

SENATE BILL NO. 5151, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5367, by Senators Patterson, Sellar, Owen and Snyder

Concerning the transport of recovered materials.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5367 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5367.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5367 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Hansen, Moore, Sellar - 3.

SENATE BILL NO. 5367, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5718, by Senators Owen, Oke, Rasmussen, Conner, Nelson, Thorsness, Bauer and von Reichbauer

Establishing purple heart recipient recognition day.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5718 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5718.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5718 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Hansen, Moore, Sellar - 3.

SENATE BILL NO. 5718, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8000, by Senator Conner

Requesting that Congress extend the coastal states seaward boundaries.

The joint memorial was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Joint Memorial No. 8000 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8000.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8000 and the joint memorial passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Hansen, Moore, Sellar - 3.

SENATE JOINT MEMORIAL NO. 8000, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5108, by Senators von Reichbauer, McCaslin, Moore, Vognild, Matson, Rasmussen, Pelz and Owen (by request of Attorney General)

Regulating promotional advertising of prizes.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 5108 was substituted for Senate Bill No. 5108 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Bill No. 5108 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5108.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5108 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Hansen, Moore, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5108, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5666, by Senators Rasmussen, Metcalf, Snyder, Hansen, Patterson, Bauer, von Reichbauer, Barr and Thorsness

Protecting salmon and steelhead resources from nonendangered marine mammals.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5666 was substituted for Senate Bill No. 5666 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5666 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5666.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5666 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 11; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen,

Roach, Saling, L. Smith, Snyder, Stratton, Thorsness, Vognild, von Reichbauer, West, Wojahn - 35.

Voting nay: Senators Bluechel, L. Kreidler, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Sutherland, Talmadge, Williams - 11.

Excused: Senators Hansen, Moore, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 5666, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5299, by Senator L. Smith

Revising provisions for adoption.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5299 was substituted for Senate Bill No. 5299 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5299 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5299.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5299 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Hansen, Moore - 2.

SUBSTITUTE SENATE BILL NO. 5299, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5090, by Senators Roach and Stratton (by request of Department of Social and Health Services)

Concerning foster family home licenses.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5090 was substituted for Senate Bill No. 5090 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5090 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5090.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5090 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Hansen, Moore - 2.

SUBSTITUTE SENATE BILL NO. 5090, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Murray, Senator Owen was excused.

SECOND READING

SENATE BILL NO. 5651, by Senators Saling, Stratton, West and McCaslin

Adding the Little Spokane river to the Scenic river system.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 5651 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5651.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5651 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Hansen, Moore, Owen - 3.

SENATE BILL NO. 5651, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

March 6, 1991

SB 5025 Prime Sponsor, Senator Craswell: Providing services for at-risk youth and their families. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5025 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Hayner, Johnson, Niemi, Owen, L. Smith, West, and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5120 Prime Sponsor, Senator Nelson: Making adjustments to child support guidelines. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5120 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Hayner, Johnson, Newhouse, Owen, Saling, L. Smith, and West.

MINORITY recommendation: Do not pass. Signed by Senators L. Kreidler, Niemi, Rinehart, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5127 Prime Sponsor, Senator Craswell: Establishing citizen review boards. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5127 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Hayner, Johnson, L. Kreidler, Newhouse, Niemi, Owen, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5428 Prime Sponsor, Senator Metcalf: Adopting the Pacific Ocean Resources Compact. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5428 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1991

SB 5554 Prime Sponsor, Senator Cantu: Changing the disposition of professional license fees. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5554 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, L. Smith, Talmadge, West, and Williams.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5623 Prime Sponsor, Senator Thorsness: Changing provisions relating to sentencing of offenders. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5623 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bluechel, Cantu,

Gaspard, L. Kreidler, Murray, Niemi, Rinehart, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1991

SB 5699 Prime Sponsor, Senator Owen: Providing tax exemptions for certain leasehold interests. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Saling, L. Smith, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

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

INTRODUCTION AND FIRST READING

SB 5940 by Senators Hayner, Bailey, Roach, Craswell, Oke, Erwin, Johnson, Bluechel, Barr, Cantu and Metcalf

AN ACT Relating to gambling; amending RCW 67.70.040 and 9.46.0311; and repealing RCW 9.46.0233.

Referred to Committee on Ways and Means.

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

MOTION

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

SENATE RESOLUTION 1991-8617

By Senators Craswell, Oke and Rasmussen

WHEREAS, Our nation and state owe a continuing debt of gratitude to those who have served their country in past wars and conflicts; and

WHEREAS, These men and women, who through their service, have brought honor to our country and the state of Washington and have endowed us with a sense of pride; and

WHEREAS, It seems only fitting that a memorial be erected to honor this state's veterans from all past and present conflicts, honoring not only those who have served and died, but also those who are still living; and

WHEREAS, It is in the interest of the citizens of the state of Washington to promote the education of the public about veterans' participation in these wars and conflicts; and

WHEREAS, The Washington Statewide Veterans' Memorial Foundation has set out to construct the Washington Statewide Veterans' Memorial, in Bremerton, Washington, which will contain a museum, and which will operate a coordinating center for veterans' affairs, military information and history, community education, and an outreach to interested individuals and organizations; and

WHEREAS, The Washington Statewide Veterans' Memorial Foundation hopes to also establish a traveling museum designed to educate individuals and local communities state-wide about state veterans' participation in wars and conflicts;

BE IT RESOLVED, That the Senate of the state of Washington encourage and commend the efforts of the Washington Statewide Veterans' Memorial Foundation to build and establish the Washington Statewide Veterans' Memorial, which will serve to not only honor our state's veterans of past and present, but will also serve to educate the public about veterans' affairs and the history of their distinguished service to our country; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the Washington Statewide Veterans' Memorial Foundation, in Bremerton, Washington.

Senators Newhouse and Craswell spoke to Senate Resolution 1991-8617.

MOTION

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

MOTION

On motion of Senator Snyder, and there being no objection, the point of order raised March 6, 1991, regarding bills properly before the Senate, was withdrawn.

MOTIONS

On motion of Senator Newhouse, Gubernatorial Appointment No. 9139, Harry Yamamoto, Trustee, Big Bend Community College District No. 18, Senate Bill No. 5165 and Senate Bill No. 5118, which were on the second reading calendar, were referred to the Committee on Rules.

On motion of Senator Newhouse, Senate Bill No. 5526, which was held on the desk March 6, 1991, was referred to the Committee on Rules.

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Senate Bill No. 5756.

On motion of Senator Newhouse, Senate Bill No. 5756 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, Senate Bill No. 5042, which was held on the desk March 6, 1991, was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Senate Bill No. 5747.

On motion of Senator Newhouse, Senate Bill No. 5747 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, Senate Bill No. 5937, which was held on the Introduction and First Reading Calendar, earlier today, was referred to the Committee on Higher Education.

MOTION

At 3:24 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Friday, March 8, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FIFTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 8, 1991

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Hansen, Owen, Saling and Talmadge. On motion of Senator Anderson, Senator Saling was excused. On motion of Senator Murray, Senators Hansen, Owen and Talmadge were excused.

The Sergeant at Arms Color Guard, consisting of Pages Kristin Ness and Brandi Saling, presented the Colors. Reverend Mark Orr, pastor of the Grace Community Covenant Church of Olympia, and a guest of Senator Gary Nelson, offered the prayer.

MOTION

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

MESSAGES FROM THE GOVERNOR

February 28, 1991

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

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

Keith Anderson, appointed February 28, 1991, for a term ending November 2, 1993, as a member of the Juvenile Disposition Standards Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

February 28, 1991

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

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

Connie Crawley, reappointed February 28, 1991, for a term ending November 2, 1993, as a member of the Juvenile Disposition Standards Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

February 28, 1991

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

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

Patricia Tobis, appointed February 28, 1991, for a term ending November 2, 1993, as a member of the Juvenile Disposition Standards Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

MESSAGE FROM THE HOUSE

March 7, 1991

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1147,

SUBSTITUTE HOUSE BILL NO. 1268,

SUBSTITUTE HOUSE BILL NO. 1269,

SUBSTITUTE HOUSE BILL NO. 1294,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1147 by Representatives Pruitt, Wood, Ogden, Bowman, Anderson, Ferguson, Sprenkle, Jacobsen, Rasmussen and Moyer

Changing provisions relating to citizen service.

Referred to Committee on Governmental Operations.

SHB 1268 by House Committee on Appropriations (originally sponsored by Representatives Spanel, Silver, Hine, Forner, Paris, May, P. Johnson, Winsley, Zellinsky, Hochstatter, Nealey, Wynne, Edmondson, Bowman, D. Sommers, Brumsickle, Betrozoff, Wood, Miller, Ballard, Tate, McLean, Jacobsen, Nelson, Jones, Wineberry, Pruitt, Dellwo, R. Johnson, Ogden, Bray, Roland and Basich) (by request of Joint Committee on Pension Policy)

Changing provisions relating to retirement service credit.

Referred to Committee on Ways and Means.

SHB 1269 by House Committee on Appropriations (originally sponsored by Representatives Silver, Spanel, Paris, May, P. Johnson, Fuhrman, Winsley, Hochstatter, Nealey, Wynne, Edmondson, Bowman, D. Sommers, Brumsickle, Betrozoff, Wood, Neher, Horn, Mielke, Miller, Ballard, Tate and McLean) (by request of Joint Committee on Pension Policy)

Changing provisions relating to public retirement.

Referred to Committee on Ways and Means.

SHB 1294 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives R. Meyers, Schmidt, Dellwo, Dorn, Inslee, Padden, Anderson, Paris and Wang)

Mandating personal injury protection insurance.

Referred to Committee on Financial Institutions and Insurance.

ESHB 1329 by House Committee on Education (originally sponsored by Representatives H. Sommers, Holland, Locke, Silver, Brekke, Peery, Ebersole, Fuhrman, Cole, Phillips and R. King) (by request of Legislative Budget Committee)

Authorizing special educational services demonstration projects.

Referred to Committee on Education.

STATEMENT FOR THE JOURNAL

Due to a court date in Seattle, I missed the votes on Gubernatorial Appointment No. 9090, Gubernatorial Appointment No. 9093, Engrossed Substitute Senate Bill No. 5086, Senate Bill No. 5170, Substitute Senate Bill No. 5180, Substitute Senate Bill No. 5343, Senate Bill No. 5442, Senate Bill No. 5584, Substitute Senate Bill No. 5702, and a motion to refer Senate Bill No. 5337 to Ways and Means.

I would have voted 'aye' on all of these measures except that I would have voted 'no' on Substitute Senate Bill No. 5180, Substitute Senate Bill No. 5343 and the motion to refer Senate Bill No. 5337 to Ways and Means.

SENATOR PHIL TALMADGE, 34th District

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9090, Alma Misako Kimura, as a member of the Public Disclosure Commission, was confirmed.

APPOINTMENT OF ALMA MISAKO KIMURA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Hansen, Owen, Saling, Talmadge - 4.

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9093, John C. Little, as a member of the Human Rights Commission, was confirmed.

APPOINTMENT OF JOHN C. LITTLE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senator Sellar - 1.

Excused: Senators Hansen, Owen, Saling, Talmadge - 4.

SECOND READING

SENATE BILL NO. 5343, by Senators Owen, Amondson, Sutherland, Conner, Metcalf, Bauer, Hansen, Vognild, Madsen and Bailey

Establishing a plan for mitigation requirements if game fish habitat is impaired.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5343 was substituted for Senate Bill No. 5343 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5343 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5343.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5343 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Hansen, Owen, Saling, Talmadge - 4.

SUBSTITUTE SENATE BILL NO. 5343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5170, by Senators Snyder, Nelson and Rasmussen

Changing the number of district judges.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5170 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5170.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5170 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognilid, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Hansen, Owen, Saling, Talmadge - 4.

SENATE BILL NO. 5170, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Murray, Senator Moore was excused.

SECOND READING

SENATE BILL NO. 5442, by Senator Moore

Changing motorcycle instruction permit restrictions.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5442 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5442.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5442 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognilid, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Hansen, Moore, Owen, Saling, Talmadge - 5.

SENATE BILL NO. 5442, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5702, by Senators McDonald, Talmadge, Craswell, McMullen, Anderson, Rasmussen, Bluechel and Thorsness

Directing the economic and revenue forecast council to forecast caseloads.

MOTIONS

On motion of Senator McDonald, Substitute Senate Bill No. 5702 was substituted for Senate Bill No. 5702 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDonald, the rules were suspended, Substitute Senate Bill No. 5702 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5702.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5702 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Voting nay: Senator Rinehart - 1.

Excused: Senators Hansen, Moore, Owen, Saling, Talmadge - 5.

SUBSTITUTE SENATE BILL NO. 5702, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5180, by Senators Nelson, Vognild and Sellar

Restricting civil actions to appoint receivers to manage real property.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5180 was substituted for Senate Bill No. 5180 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5180.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5180 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 10; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Sutherland, Thorsness, von Reichbauer, West, Williams - 35.

Voting nay: Senators Gaspard, McMullen, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Vognild, Wojahn - 10.

Excused: Senators Hansen, Moore, Owen, Talmadge - 4.

SUBSTITUTE SENATE BILL NO. 5180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5086, by Senators Amondson, Snyder, Bailey, Wojahn, Hayner, McMullen, Anderson, L. Kreidler, McDonald, Vognild, Newhouse, Craswell, Johnson, Owen, L. Smith, Oke, Conner, Rasmussen, Bauer, Moore, Stratton, McCaslin, Barr, Matson, Roach, Thorsness, Metcalf, Sellar, Nelson, Sutherland and West

Permitting counseling and testing for HIV diseases of charged criminal offenders.

MOTIONS

On motion of Senator Amondson, Substitute Senate Bill No. 5086 was substituted for Senate Bill No. 5086 and the substitute bill was placed on second reading and read the second time.

Senator Wojahn moved that the following amendment by Senators Talmadge, Amondson and Wojahn be adopted:

On page 8, line 1, after "the following offenses" insert "or equivalent juvenile offenses"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Talmadge, Amondson and Wojahn on page 8, line 1, to Substitute Senate Bill No. 5086.

The motion by Senator Wojahn carried and the amendment was adopted.

MOTION

On motion of Senator Amondson, the rules were suspended, Engrossed Substitute Senate Bill No. 5086 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5086.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5086 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Patterson, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 41.

Voting nay: Senators Niemi, Pelz, Rinehart, Williams - 4.

Excused: Senators Hansen, Moore, Owen, Talmadge - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5086, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5584, by Senators Newhouse, Vognild, Nelson, Hansen, Thorsness, Owen and Bailey

Clarifying the method for determining the proportionate share of damages when multiple parties are at fault.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5584 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5584.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5584 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 18; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Thorsness, Vognild, West - 27.

Voting nay: Senators Bauer, Conner, Gaspard, Jesernig, L. Kreidler, Madsen, McMullen, Murray, Niemi, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Sutherland, von Reichbauer, Williams, Wojahn - 18.

Excused: Senators Hansen, Moore, Owen, Talmadge - 4.

SENATE BILL NO. 5584, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

MOTION

Senator Newhouse moved that the Committee on Governmental Operations be relieved of further consideration of Senate Bill No. 5337 and that Senate Bill No. 5337 be referred to the Committee on Ways and Means.

POINT OF ORDER

Senator Gaspard: "Mr. President, I would like to raise a point of order on that motion. I believe that bill would be in violation of House Concurrent Resolution No. 4402 which the two bodies of the Legislature have passed, which established a cut off date for bills to be out of committee. This particular measure did not come out of the committee by the cut-off date that we had for March 6, the fifty-second day, which states that all committee reports in the house of origin have to come out except those that are reports from the Ways and Means Committee. Therefore, I would argue that would be in violation of the concurrent resolution and in order to have this motion properly before us, we would have to amend the House Concurrent Resolution, which would take both bodies to do so."

Further debate ensued.

REPLY BY THE PRESIDENT

President Pritchard: "Senator Gaspard, the Chair feels that the body can refer a bill to any committee it wants to and the point of order then would be raised when it comes from that committee to the floor for consideration. At that time, the Chair will rule."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Well, Mr. President, I am not going to challenge your suggestion--and you are not making a ruling as yet--but it would seem to me that we all went home and went to sleep with a comfortable thought that if a bill did not come out of the committee that it had been referred to, that there they stayed, unless they were suddenly reincarnated and come up in an amendment or something, but this is not an amendment, but this is clearly a violation of our joint rules that we agreed to--bold faced--that it would be abided by. I would ask the President to take a long look to see whether or not we want to keep moving around bills that are dead."

REPLY BY THE PRESIDENT

President Pritchard: "Senator Rasmussen, we will certainly take a long look at it when it comes to the floor. If it does come to the floor, then we would rule on it, but as long as the body wants to move them from committee to committee, that is their business. As I am advised, it says under the rules that we are operating under right now that we can do that."

Senator Gaspard demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Newhouse to relieve the Committee on Governmental Operations of Senate Bill No. 5337 and that Senate Bill No. 5337 be referred to the Committee on Ways and Means.

ROLL CALL

The Secretary called the roll and the motion by Senator Newhouse to relieve the Committee on Governmental Operations of Senate Bill No. 5337 carried by the following vote: Yeas, 25; Nays, 20; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Thorsness, von Reichbauer, West - 25.

Voting nay: Senators Bauer, Conner, Gaspard, Jesernig, L. Kreidler, Madsen, McMullen, Murray, Niemi, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Vognild, Williams, Wojahn - 20.

Excused: Senators Hansen, Moore, Owen, Talmadge - 4.

The Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 5337 and Senate Bill No. 5337 was referred to the Committee on Ways and Means.

MOTION

At 10:36 a.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Monday, March 11, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FIFTY-SEVENTH DAY-----
MORNING SESSION

Senate Chamber, Olympia, Monday, March 11, 1991

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, McDonald, Owen, Linda Smith and Vognild. On motion of Senator Anderson, Senators Barr, McDonald and Linda Smith were excused. On motion of Senator Murray, Senators Owen and Vognild were excused.

The Sergeant at Arms Color Guard, consisting of Pages Holly Boe and Aaron Burby, presented the Colors. Reverend William Riker, pastor of St. Benedict's Episcopal Church of Lacey, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 7, 1991

SB 5661 Prime Sponsor, Senator McDonald: Adding a business and occupation tax deduction. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Cantu, Gaspard, Hayner, Johnson, Metcalf, Murray, Newhouse, Niemi, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 7, 1991

SB 5753 Prime Sponsor, Senator Oke: Establishing an advisory council and other programs to enhance upland game bird population. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5753 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer,

Gaspard, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 7, 1991

SB 5925 Prime Sponsor, Senator Amondson: Requiring the department of revenue and the department of natural resources to act regarding the federal forestry act. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5925 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Cantu, Hayner, Johnson, Matson, Metcalf, Newhouse, Saling, L. Smith, and West.

Passed to Committee on Rules for second reading.

March 7, 1991

ESHB 1120 Prime Sponsor, House Committee on Revenue: Modifying disbursement of daily gross receipts in horse racing. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Bauer, Gaspard, Hayner, Johnson, Matson, Murray, Newhouse, Niemi, Rinehart, Saling, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

March 8, 1991

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1003,
 ENGROSSED HOUSE BILL NO. 1033,
 HOUSE BILL NO. 1038,
 HOUSE BILL NO. 1040,
 SUBSTITUTE HOUSE BILL NO. 1051,
 ENGROSSED HOUSE BILL NO. 1348,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1402,
 SUBSTITUTE HOUSE BILL NO. 1416,
 ENGROSSED HOUSE BILL NO. 1428,
 HOUSE BILL NO. 1446,
 SUBSTITUTE HOUSE BILL NO. 1452,
 HOUSE BILL NO. 1480,
 HOUSE BILL NO. 1675,

HOUSE JOINT MEMORIAL NO. 4020, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5941 by Senators Hayner, Gaspard, Sellar, Snyder, Bluechel, Bauer and Sutherland

AN ACT Relating to growth; amending RCW 36.70A.020, 36.70A.030, 36.70A.060, 36.70A.070, 36.70A.080, 36.70A.090, 36.70A.110, 36.70A.120, 36.70A.130, 36.70A.140, 82.46.010, 82.46.035, 43.62.035, 36.70A.190, and 36.93.180; adding new sections to chapter 36.70A RCW; adding a new section to chapter 82.02 RCW; adding a new section to chapter 47.80 RCW; adding new sections to chapter 43.21B RCW; adding a new section to chapter 82.44 RCW; adding a new section to chapter 36.93 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35.63A RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 58.17 RCW; adding a new section to chapter 90.48 RCW; adding a new section to chapter 90.58 RCW; and adding a new section to chapter 90.70 RCW.

Referred to Committee on Governmental Operations.

SB 5942 by Senator Talmadge (by request of Department of Social and Health Services)

AN ACT Relating to treatment of abusive persons removed from home; and amending RCW 26.44.140.

Referred to Committee on Law and Justice.

SB 5943 by Senators Craswell and McDonald

AN ACT Relating to the costs of the Washington state lottery; adding a new section to chapter 67.70 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5944 by Senator Hayner

AN ACT Relating to improvement of the state's human resource systems; amending RCW 41.06.030, 41.06.070, 41.06.080, 41.06.120, 41.06.130, 41.06.140, 41.06.150, 41.06.160, 41.06.163, 41.06.167, 41.06.169, 41.06.170, 41.06.280, 41.06.350, 41.06.400, 41.06.420, 41.06.430, 41.64.090, 43.03.028, 28B.16.090, 28B.16.100, and 28B.16.110; reenacting and amending RCW 41.06.020 and 28B.16.020; adding new sections to chapter 41.06 RCW; adding new sections to chapter 28B.16 RCW; decodifying RCW 41.06.230, 41.06.240, and 41.06.310; and providing an effective date.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1003 by House Committee on Health Care (originally sponsored by Representatives O'Brien, Dellwo, Wineberry and Brough)

Requiring practitioners to provide information on prescription drugs.

Referred to Committee on Health and Long-Term Care.

EHB 1033 by Representatives Jacobsen, Appelwick, Dellwo, Roland, Ferguson, Rust and Paris

Prohibiting the release of lighter than air balloons.

Referred to Committee on Environment and Natural Resources.

HB 1038 by Representatives Kremen, McLean, Orr, Heavey, R. Meyers, Dorn, Holland, Mielke, Basich, Vance, Paris, Wineberry, Zellinsky, May, H. Myers, Peery, Phillips, Silver, R. Johnson, Sprenkle, Spanel, Sheldon, Wood, Miller, Ogden, Rayburn, Jones, Ludwig, O'Brien, Leonard, Haugen, Inslee, Franklin, Fraser, Braddock, R. King, Pruitt, Cantwell, G. Fisher, Jacobsen, Valle, Roland, Hine, Morris, Rasmussen and Brekke (by request of Governor Gardner)

Extending the commission for efficiency and accountability an additional four years.

Referred to Committee on Governmental Operations.

HB 1040 by Representatives Rayburn, Lisk, Haugen and Bray

Authorizing municipal utilities to reimburse the city or town for management services.

Referred to Committee on Governmental Operations.

SHB 1051 by House Committee on Higher Education (originally sponsored by Representatives Fraser, Forner, Prince, Jacobsen, Van Luven, Peery, Brough, Miller, Cantwell, Basich, Valle, Ogden, Dellwo, Wood, Ludwig, Sheldon, Morris, Tate, Ferguson, Silver, May, Ballard, Bowman, Haugen, Brumsickle, Jones, Broback, R. King, Mitchell, McLean and Winsley)

Requiring international student exchange visitor placement organizations to be registered.

Referred to Committee on Education.

EHB 1348 by Representatives Prentice, Heavey, Winsley, Jones, Dellwo, R. King, Franklin, R. Fisher, Phillips, Ebersole, O'Brien, Cole, G. Fisher, Basich and Jacobsen

Providing for arbitration in public transportation labor negotiations.
Referred to Committee on Commerce and Labor.

ESHB 1402 by House Committee on Revenue (originally sponsored by Representatives Morris, Holland, Wang, Wynne, Van Luven, Ogden and Fraser) (by request of Department of Revenue)

Changing penalties and interest for tax evasion, refunds, and late payment.

Referred to Committee on Ways and Means.

SHB 1416 by House Committee on Fisheries and Wildlife (originally sponsored by Representatives R. King, Fuhrman, Hochstatter, Padden, Basich, Morris, Dorn, R. Meyers and Winsley)

Establishing a plan for mitigation requirements if game fish habitat is impaired.

Referred to Committee on Environment and Natural Resources.

EHB 1428 by Representatives Neher, H. Sommers and Schmidt (by request of Office of Financial Management)

Altering budget request requirements.

Referred to Committee on Ways and Means.

HB 1446 by Representatives Fuhrman, Cole and Heavey (by request of Department of Licensing)

Pertaining to professional licensing.

Referred to Committee on Commerce and Labor.

SHB 1452 by House Committee on Transportation (originally sponsored by Representatives R. Fisher, G. Fisher, Cole, Fraser, Phillips, Rust, Haugen, Belcher, Hine, R. Meyers, Locke, Riley, Heavey, R. Johnson, Wilson, Betrozoff, Valle, Wynne, R. King, Scott, Cooper, Pruitt, Ogden, Roland, Nelson, Spanel, Brekke and Wineberry)

Creating the high-speed ground transportation steering committee.

Referred to Committee on Transportation.

HB 1480 by Representatives R. Meyers, Mielke, Heavey, Broback, Zellinsky and Paris

Allowing reciprocal insurer to affect title to real property.

Referred to Committee on Financial Institutions and Insurance.

HB 1675 by Representatives Inslee, Riley, R. Meyers, Roland, Winsley, Ludwig, Orr, H. Myers and Wineberry

Establishing civil docket priority for parties over seventy years of age or terminally ill.

Referred to Committee on Law and Justice.

HJM 4020 by Representatives Jones, Bowman, Brumsickle, Basich, Hargrove, Heavey, Fuhrman, Braddock, Morton, H. Sommers, Lisk, Nealey, Schmidt, Wang, Jacobsen, Peery, Franklin, May, Ogden, Leonard, Prentice, Kremen, Anderson, Scott, Van Luven, Valle, Wineberry, D. Sommers, Haugen, Dorn, Rasmussen, R. Fisher, Cooper, Spanel, G. Fisher, Pruitt, Ferguson, R. Johnson, Brough, Phillips, Chandler, Wynne, Sheldon, P. Johnson and Tate

Concerning the retraining of timber workers.

HOLD.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9037, Laura Stoner, as a member of the Board of Trustees for Pierce Community College District No. 11, was confirmed.

Senator Gaspard spoke to the confirmation of Laura Stoner, as a member of the Board of Trustees for Pierce Community College.

APPOINTMENT OF LAURA STONER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Barr, McDonald, Owen, L. Smith, Vognild - 5.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9039, John Terrey, as a member of the Board of Trustees for The Evergreen State College, was confirmed.

Senator Conner spoke to the confirmation of John Terrey as a member of the Board of Trustees for The Evergreen State College.

APPOINTMENT OF JOHN TERREY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Barr, McDonald, Owen, L. Smith, Vognild - 5.

MOTION

On motion of Senator Matson, Gubernatorial Appointment No. 9014, Janet L. Gaunt, as Chair of the Public Employment Relations Commission, was confirmed.

APPOINTMENT OF JANET L. GAUNT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Barr, McDonald, L. Smith, Vognild - 4.

MOTION

At 9:23 a.m., on motion of Senator Newhouse, the Senate recessed until 10:55 a.m.

The Senate was called to order at 10:51 a.m. by President Pritchard.

MOTION

On motion of Senator Anderson, Senator Thorsness was excused.

SECOND READING

SENATE BILL NO. 5731, by Senators West, Stratton, Saling, Barr, McCaslin, Hayner, Madsen, McMullen, Gaspard, Patterson, Nelson, Moore, von Reichbauer, Talmadge, Hansen, Newhouse, Sellar, Rinehart, Bluechel and Johnson

Allowing public facilities districts to impose excise tax.

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, Senate Bill No. 5731 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5731.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5731 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 13; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Bluechel, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, A. Smith, Snyder, Stratton, Talmadge, Vognild, von Reichbauer, West, Wojahn - 33.

Voting nay: Senators Amondson, Anderson, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, McMullen, Murray, Skratek, Sutherland, Williams - 13.

Excused: Senators Barr, L. Smith, Thorsness - 3.

SENATE BILL NO. 5731, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Murray, Senator Moore was excused.

SECOND READING

SENATE BILL NO. 5520, by Senators Newhouse, Jesernig, Murray, Matson, Skratek, Vognild, Bluechel, McCaslin, West, Hayner, Stratton, Patterson, Gaspard, Rinehart, Bauer and Saling

Creating permits for wine shipments to and from individuals.

MOTIONS

On motion of Senator Matson, Substitute Senate Bill No. 5520 was substituted for Senate Bill No. 5520 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Matson, the rules were suspended, Substitute Senate Bill No. 5520 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5520.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5520 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 4; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Murray, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, Snyder, Stratton, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 40.

Voting nay: Senators Bauer, Craswell, Nelson, Sutherland - 4.

Absent: Senator Metcalf - 1.

Excused: Senators Barr, Moore, L. Smith, Thorsness - 4.

SUBSTITUTE SENATE BILL NO. 5520, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

March 11, 1991

Because of a potential conflict of interest, I did not vote on Substitute Senate Bill No. 5520.

SENATOR RAY MOORE, 36th District

MOTION

On motion of Senator Anderson, Senator Newhouse, was excused.

SECOND READING

SENATE BILL NO. 5444, by Senators Moore and A. Smith

Extending the time for a bank customer to discover and report unauthorized signatures and alterations.

The bill was read the second time.

MOTION

On motion of Senator von Reichbauer, the rules were suspended, Senate Bill No. 5444 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5444.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5444 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Barr, Newhouse, L. Smith, Thorsness - 4.

SENATE BILL NO. 5444, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5332, by Senators Wojahn, West, Niemi, L. Smith, Madsen, Rasmussen, Snyder, Gaspard, Moore and Bauer

Providing residential care for disabled persons.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5332 was substituted for Senate Bill No. 5332 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5332 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5332.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5332 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Barr, Thorsness - 2.

SUBSTITUTE SENATE BILL NO. 5332, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5322, by Senators Conner, Rasmussen, Snyder, Pelz and McCaslin

Permitting emergency exemptions from building codes.

MOTIONS

On motion of Senator Matson, Substitute Senate Bill No. 5322 was substituted for Senate Bill No. 5322 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Matson, the rules were suspended, Substitute Senate Bill No. 5322 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5322 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senators Niemi, Talmadge, Vognild - 3.

Excused: Senators Barr, Thorsness - 2.

SUBSTITUTE SENATE BILL NO. 5322, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5092, by Senators Roach, Snyder, Stratton, Amondson, L. Kreidler, McCaslin, Erwin, Newhouse, Niemi, Sellar, Craswell, Gaspard, Hayner, Skratek, L. Smith, Talmadge, Oke, Bauer, Rasmussen, Thorsness, Johnson, Wojahn, Cantu and West

Continuing retirement system membership while on active duty in operation Desert Shield.

MOTIONS

On motion of Senator Amondson, Substitute Senate Bill No. 5092 was substituted for Senate Bill No. 5092 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5092 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5092 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Barr, Thorsness - 2.

SUBSTITUTE SENATE BILL NO. 5092, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5759, by Senator Rasmussen

Revising provisions regulating funeral directors, embalmers, and crematories.

MOTIONS

On motion of Senator Matson, Substitute Senate Bill No. 5759 was substituted for Senate Bill No. 5759 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Matson, the rules were suspended, Substitute Senate Bill No. 5759 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5759 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Barr, Thorsness - 2.

SUBSTITUTE SENATE BILL NO. 5759, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5624, by Senators Craswell, Conner and Metcalf

Protecting food fish resources by the department of fisheries.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5624 was substituted for Senate Bill No. 5624 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the following amendments by Senators Metcalf, Owen and Craswell were considered simultaneously and were adopted:

On page 1, line 9, after "with" insert "or without"

On page 2, line 5, after "repair" strike "and" and insert "an"

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5624 was deferred.

SECOND READING

SENATE BILL NO. 5481, by Senators Sellar and McMullen

Modifying open space classification provisions.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 5481 was substituted for Senate Bill No. 5481 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Newhouse, the following amendments by Senators Barr and Williams were considered simultaneously and were adopted:

On page 20, line 15, after "agricultural" insert "and forestry"

On page 20, line 16, strike "agricultural"

On page 20, line 17, strike "agricultural" and insert "community"

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute Senate Bill No. 5481 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Hansen: "Senator Newhouse, on open space when it comes to the dollar values we set, does that--say a dairy farm that isn't going to produce for two years can't go into open space until the revenue is there--or an orchard can't be planted and go into open space until it is in production? I don't think so; I don't think that is the intent and I would like to have some clarification of this before this bill is passed."

Senator Newhouse: "Mr. President, I can assure Senator Hansen and others that the intent to make a profit is what is used as a criteria here and obviously if you plant Christmas trees, it takes several years--or starting some other permanent crop that has a delayed productivity--that is still for agricultural uses and is indebted as such."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5481 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognilid, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Barr, Thorsness - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5481, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Joint Memorial No. 4020, which was held on the Introduction and First Reading Calendar today, was advanced to second reading and placed on the second reading calendar.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4020, by Representatives Jones, Bowman, Brumsickle, Basich, Hargrove, Heavey, Fuhrman, Braddock, Morton, H. Sommers, Lisk, Nealey, Schmidt, Wang, Jacobsen, Peery, Franklin, May, Ogden, Leonard, Prentice, Kremen, Anderson, Scott, Van Luven, Valle, Wineberry, D. Sommers, Haugen, Dorn, Rasmussen, R. Fisher, Cooper, Spanel, G. Fisher, Pruitt, Ferguson, R. Johnson, Brough, Phillips, Chandler, Wynne, Sheldon, P. Johnson and Tate

Concerning the retraining of timber workers.

The joint memorial was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, House Joint Memorial No. 4020 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4020.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4020 and the joint memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Barr, Thorsness - 2.

HOUSE JOINT MEMORIAL NO. 4020, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5140, by Senators McCaslin, Patterson and L. Smith

Authorizing the use of physical force against intruders.

The bill was read the second time.

MOTION

Senator McMullen moved that the following amendment be adopted:
On page 1, line 10, after "justified" insert ", within his or her own home,"

POINT OF INQUIRY

Senator McCaslin: "Senator McMullen, you know that I am not an attorney, you know that--we all know that. We know that you are and we know that you were what--an assistant prosecuting attorney?"

Senator McMullen: "I was the prosecutor."

Senator McCaslin: "My question is, what if you are visiting? In other words, I am staying at your house, which is highly unlikely, but occasionally you have Republicans in your home. If I was staying at your house and you and your wife were gone and my wife and I were in your home and this occurred, would I be all right under your amendment?"

Senator McMullen: "Using force?"

Senator McCaslin: "Yes sir."

Senator McMullen: "Yes, the intention if you read says, 'an occupant of a dwelling is justified in using force.'"

Senator McCaslin: "Thank you."

Senator McMullen: "And I do have a lot of Republicans into my home."

The President declared the question before the Senate to be the adoption of the amendment by Senator McMullen on page 1, line 10, to Senate Bill No. 5140.

The motion by Senator McMullen carried and the amendment was adopted.

MOTION

On motion of Senator Vognild, the following amendment by Senators Vognild and McCaslin was adopted:

On page 2, line 1, after "has" delete "a reasonable belief" and insert "reasonable knowledge"

POINT OF ORDER

Senator Talmadge: "A point of order, Mr. President. I believe that I have two amendments that would have preceded a striking amendment. In any event, I would ask that those be taken up."

REPLY BY THE PRESIDENT

President Pritchard: "Well I was advised by my attorneys here that he added a new section and that dealt with Section 3."

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 2, after line 14, insert the following new section:

NEW SECTION. Sec. 3. There is hereby appropriated from the general fund to the office of the attorney general for the purpose of defending the constitutionality of this act, the sum of \$50,000, or so much thereof as may be necessary, for the biennium ending June 30, 1993.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 2, after line 14, to Senate Bill No. 5140.

The motion by Senator Talmadge failed and the amendment was not adopted.

MOTION

Senator Hayner moved that the following amendment be adopted:

On page 1, beginning on line 7, strike all of section 2 and insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 9A.16 RCW to read as follows:

(1) Notwithstanding RCW 9A.16.020 and 9A.16.050, an occupant of a dwelling is justified in using any degree of physical force within the dwelling, including deadly physical force, against another person when:

(a) That other person has made an unlawful entry into the dwelling;

(b) The occupant has reason to believe that such other person has committed a crime in the dwelling in addition to the uninvited entry, or is committing or intends to commit a crime against a person or property in addition to the uninvited entry; and

(c) The occupant has reason to believe that such other person might use physical force against any occupant.

(2) An occupant of a dwelling using physical force, including deadly physical force, in accordance with the provisions of subsection (1) of this section shall be immune from criminal prosecution for the use of such force.

(3) An occupant of a dwelling using physical force, including deadly physical force, in accordance with the provisions of subsection (1) of this section shall be immune from any civil liability for injuries or death resulting from the use of such force.

POINT OF INQUIRY

Senator Vognild: "Senator Hayner, on your amendment, line 13, we are back to the language that this body just deleted from the bill. The language says, 'that the occupant has reason to believe.'"

Senator Hayner: "I have no problem with your deleting that again."

MOTION

Senator Vognild moved that the following amendment to the amendment by Senator Hayner be adopted:

On page 1, line 13, after "has" delete "reason to believe" and insert "reasonable knowledge"

Debate ensued.

MOTION

On motion of Senator Vognild, and there being no objection, the amendment on page 1, line 13, to the amendment by Senator Hayner to Senate Bill No. 5140 was withdrawn.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hayner on page 1, beginning on line 7 to Senate Bill No. 5140.

The motion by Senator Hayner carried and the amendment was adopted.

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 2, following line 14, insert the following:

NEW SECTION. Sec. 3. Notwithstanding the provisions of section 2 of this act, the occupant of a dwelling will receive the immunity set forth in section 2 of this act only if the circumstances create a situation in which the occupant is in an immediate danger of suffering a life-threatening injury.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 2, following line 14, to Senate Bill No. 5140.

The motion by Senator Talmadge failed and the amendment was not adopted.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Senate Bill No. 5140 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5140.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5140 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, Skratek, L. Smith, Snyder, Stratton, Sutherland, von Reichbauer, West - 37.

Voting nay: Senators L. Kreidler, Murray, Niemi, Pelz, Rinehart, A. Smith, Talmadge, Vognild, Williams, Wojahn - 10.

Excused: Senators Barr, Thorsness - 2.

ENGROSSED SENATE BILL NO. 5140, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, the Senate reverted to the third order of business.

MESSAGE FROM THE GOVERNOR

February 28, 1991

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

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

Carolyn Pinkett, appointed February 28, 1991, for a term ending November 2, 1993, as a member of the Juvenile Disposition Standards Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

MOTION

At 12:20 p.m., on motion of Senator Newhouse, the Senate recessed until 6:00 p.m.

The Senate was called to order at 8:58 p.m. by President Pro Tempore Craswell.

MOTION

On motion of Senator Newhouse, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

March 11, 1991

SB 5003 Prime Sponsor, Senator L. Smith: Providing penalties and remedies for a person operating an adult family home without a license. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5003 as recommended by Committee on Health and Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald,

Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5010 Prime Sponsor, Senator Moore: Including occupational therapy coverage in the department of social and health services limited casualty program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5010 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading:

March 11, 1991

SB 5042 Prime Sponsor, Senator Cantu: Extending the commission for efficiency and accountability an additional four years. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 7, 1991

SB 5072 Prime Sponsor, Senator Nelson: Reinstating the indigent defense task force. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5072 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Gaspard, Johnson, L. Kreidler, Metcalf, Murray, Niemi, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 7, 1991

SB 5102 Prime Sponsor, Senator Metcalf: Allowing an increased penalty for violations involving big game and endangered species. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5102 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Gaspard, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Rinehart, Saling, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5110 Prime Sponsor, Senator Bluechel: Expanding real property tax exemptions for senior citizens and certain retired persons. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5110 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Metcalf, Murray, Newhouse, Owen, Rinehart, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5124 Prime Sponsor, Senator Erwin: Licensing private security guards. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5124 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Rinehart, Saling, L. Smith, Talmadge, West, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5125 Prime Sponsor, Senator Erwin: Licensing private detectives. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5125 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Rinehart, Saling, L. Smith, Talmadge, West, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5128 Prime Sponsor, Senator Madsen: Requiring notification to witnesses upon release or escape of serious drug offenders. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5128 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1991

SB 5143 Prime Sponsor, Senator Metcalf: Increasing the procurement of recycled products. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5143 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Niemi, Rinehart, Saling, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5158 Prime Sponsor, Senator Owen: Providing for Hood Canal salmon management. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5158 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Owen, Rinehart, Saling, L. Smith, Talmadge, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5167 Prime Sponsor, Senator Nelson: Amending the juvenile justice act. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5167 be substituted therefor, and the second substitute bill do pass. Signed by Senators Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Metcalf, Murray, Newhouse, Niemi, Owen, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5184 Prime Sponsor, Senator Saling: Creating a work force training and education coordinating board, and combining community and

vocational-technical schools under one agency. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5184 as recommended by Committee on Higher Education be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Bauer, Hayner, L. Kreidler, Matson, Murray, Newhouse, Rinehart, Saling, L. Smith, Talmadge, West, and Williams.

MINORITY recommendation: Do not pass. Signed by Senators Craswell, Vice Chairman; Bluechel, Cantu, Johnson, Metcalf, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5236 Prime Sponsor, Senator Bailey: Permitting HIV testing of accused sex offenders. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5236 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Matson, Metcalf, Owen, Saling, L. Smith, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5278 Prime Sponsor, Senator Nelson: Enhancing the penalties for transmitting certain diseases. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5278 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Matson, Metcalf, Owen, Saling, L. Smith, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5289 Prime Sponsor, Senator Rasmussen: Requiring the state to pay attorneys' fees, costs, and expenses when the state is not the prevailing party. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5289 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Newhouse, Niemi, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5341 Prime Sponsor, Senator Kreidler: Providing liability insurance to foster parents. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5341 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5347 Prime Sponsor, Senator West: Establishing regional health promotion and disease prevention programs. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5347 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Johnson, L. Kreidler, Matson, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5358 Prime Sponsor, Senator Barr: Providing for exchanges of water through interties. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5358 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Murray, Newhouse, Niemi, Rinehart, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 7, 1991

SB 5359 Prime Sponsor, Senator Craswell: Allowing the transfer of certain retirement credits from out-of-state teacher retirement plans. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5359 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Gaspard,

Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 7, 1991

SB 5374 Prime Sponsor, Senator Anderson: Establishing the industrial insurance labor-management cooperation program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5374 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Metcalf, Murray, Newhouse, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5380 Prime Sponsor, Senator Saling: Providing an adjusted retirement allowance for certain retirees. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5380 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Gaspard, Johnson, L. Kreidler, Matson, Metcalf, Murray, Newhouse, Niemi, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5423 Prime Sponsor, Senator Thorsness: Continuing the geothermal account ten additional years. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5423 as recommended by Committee on Energy and Utilities be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5445 Prime Sponsor, Senator McDonald: Providing for the purchase of state forest lands. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5445 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Niemi, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5458 Prime Sponsor, Senator L. Smith: Establishing regional service centers for the deaf. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5458 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Johnson, L. Kreidler, Matson, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1991

SB 5510 Prime Sponsor, Senator Rasmussen: Allowing for restoration of withdrawn contributions in annual installments to the Washington public employees' retirement system. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Cantu, Gaspard, Johnson, L. Kreidler, Matson, Metcalf, Murray, Newhouse, Niemi, Rinehart, Saling, L. Smith, West, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1991

SB 5524 Prime Sponsor, Senator West: Limiting taxes on free hospitals. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Johnson, L. Kreidler, Metcalf, Niemi, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5534 Prime Sponsor, Senator Metcalf: Modifying conditions regarding water discharge permit fees. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5534 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Hayner, Johnson, Matson, Metcalf, Newhouse, L. Smith, and West.

MINORITY recommendation: Do not pass. Signed by Senators L. Kreidler, Niemi, Rinehart, Talmadge, and Williams.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5540 Prime Sponsor, Senator West: Requiring children and health care workers to be immunized against infectious diseases. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5540 as recommended by Committee on Health and Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5555 Prime Sponsor, Senator Owen: Providing assistance for timber harvesting areas. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5555 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Johnson, L. Kreidler, Matson, Metcalf, Murray, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5568 Prime Sponsor, Senator Roach: Addressing hunger and nutritional problems. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5568 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer,

Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5580 Prime Sponsor, Senator Anderson: Establishing community-based child care resource and referral agencies. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5580 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Metcalf, Murray, Newhouse, Owen, Rinehart, Saling, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 7, 1991

SB 5581 Prime Sponsor, Senator Anderson: Creating the community partnership program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5581 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Hayner, Johnson, Matson, Metcalf, Newhouse, Saling, L. Smith, and West.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5591 Prime Sponsor, Senator Metcalf: Adopting comprehensive recycling programs. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5591 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Hayner, L. Kreidler, Metcalf, Murray, Niemi, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 7, 1991

SB 5592 Prime Sponsor, Senator McDonald: Contracting out for specific services. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5592 as recommended by Committee on Commerce & Labor be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Hayner, Johnson, Matson, Metcalf, Newhouse, Saling, and L. Smith.

MINORITY recommendation: Do not pass. Signed by Senators Bauer, Gaspard, L. Kreidler, Murray, Rinehart, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5612 Prime Sponsor, Senator Bluechel: Changing provisions relating to natural resources conservation areas. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5612 as recommended by Committee on Environment and Natural Resources be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Johnson, L. Kreidler, Metcalf, Murray, Niemi, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5635 Prime Sponsor, Senator West: Changing provisions relating to advanced registered nurse practitioners. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5635 as recommended by Committee on Health and Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Metcalf, Murray, Newhouse, Niemi, Owen, Saling, L. Smith, Talmadge, West, and Williams.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5639 Prime Sponsor, Senator Cantu: Creating the Pacific Northwest export assistance project. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5639 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5650 Prime Sponsor, Senator West: Establishing pilot local community outreach for health programs. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5650 as recommended by Committee on Health and Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5653 Prime Sponsor, Senator Roach: Authorizing specialized child care and respite care for children of homeless parents. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5653 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5667 Prime Sponsor, Senator Niemi: Assuring access to local evaluation and treatment facilities. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5667 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5716 Prime Sponsor, Senator Barr: Extending the joint select committee on water resource policy. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5716 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, L. Kreidler, Matson, Murray, Newhouse, Niemi, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5724 Prime Sponsor, Senator Sutherland: Requiring the department of ecology to study impacts of regulating paper mill waste. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5724 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Matson, Newhouse, L. Smith, and West.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5739 Prime Sponsor, Senator Anderson: Creating the serious habitual offender program for juvenile offenders. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5739 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Metcalf, Murray, Newhouse, Owen, Saling, L. Smith, Talmadge, West, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5756 Prime Sponsor, Senator Hayner: Providing rate regulation for low-level waste sites. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5756 as recommended by Committee on Energy and Utilities be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Newhouse, Owen, Saling, L. Smith, West, Williams, and Wojahn

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5780 Prime Sponsor, Senator Smith: Enhancing employment transition programs for developmentally disabled high school students. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5780 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Metcalf, Murray, Newhouse, Niemi, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5782 Prime Sponsor, Senator Barr: Providing for rural health care services programs. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5782 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5792 Prime Sponsor, Senator Smith: Creating the chiropractic peer review committee. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5792 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Johnson, L. Kreidler, Metcalf, Murray, Niemi, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1991

SB 5812 Prime Sponsor, Senator Williams: Deferring interest and penalties on certain delinquent property taxes. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5812 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Niemi, Rinehart, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1991

SB 5818 Prime Sponsor, Senator Metcalf: Providing for locally determined property tax assessment levels. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5818 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Hayner, Johnson, L. Kreidler, Metcalf, L. Smith, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5830 Prime Sponsor, Senator Stratton: Creating gang risk intervention pilot programs. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5830 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1991

SB 5849 Prime Sponsor, Senator McDonald: Averaging large property tax valuation increases. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5849 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Rinehart, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1991

SB 5873 Prime Sponsor, Senator McDonald: Providing insurance coverage for retired and disabled school district employees. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5873 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5882 Prime Sponsor, Senator Pelz: Creating a drug asset forfeiture and criminal profiteering unit in the attorney general's office. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5882 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5919 Prime Sponsor, Senator Bailey: Adopting the bringing education home act. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5919 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Hayner, Johnson, Matson, Metcalf, Saling, L. Smith, and West.

MINORITY recommendation: That it not be second substituted and do not pass. Signed by: Senators Bauer, Gaspard, L. Kreidler, Murray, Niemi, Owen, Rinehart, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1991

SB 5928 Prime Sponsor, Senator Sellar: Prohibiting interest and penalties on delinquent 1991 taxes on personal residences owned by military personnel. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5928 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Newhouse, Saling, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 7, 1991

SB 5929 Prime Sponsor, Senator Cantu: Providing tax exemptions for nonprofit organizations serving meals for fundraising purposes. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5929 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Rinehart, Saling, L. Smith, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 11, 1991

SB 5940 Prime Sponsor, Senator Hayner: Requiring legislative approval for lottery or electronic gambling devices. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Hayner, Johnson, Metcalf, Newhouse, L. Smith, West, and Wojahn.

Passed to Committee on Rules for second reading.

MOTION

At 8:59 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Tuesday, March 12, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FIFTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 12, 1991

The Senate was called to order at 8:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Barr, Bluechel, Johnson, Matson, McDonald, Moore, Owen, Thorsness and Wojahn. On motion of Senator Murray, Senators Moore, Owen and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jennifer Looney and Jaret Sutherland, presented the Colors. Reverend William Riker, pastor of St. Benedict's Episcopal Church of Lacey, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

March 11, 1991

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1072,

HOUSE BILL NO. 1102,

HOUSE BILL NO. 1185,

HOUSE BILL NO. 1217,

ENGROSSED HOUSE BILL NO. 1225,

HOUSE BILL NO. 1310,

HOUSE BILL NO. 1312,

SUBSTITUTE HOUSE BILL NO. 1501,

HOUSE BILL NO. 1509, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1072 by Representatives McLean, Anderson, R. Fisher, Moyer, Sheldon, Chandler, Bowman, Pruitt, Winsley, Broback, Edmondson, Paris, D. Sommers, May, Wynne, Brumsickle, Nealey, Miller, P. Johnson, Casada, Wood, Forner and Mitchell

Changing provisions relating to elections.

Referred to Committee on Governmental Operations.

HB 1102 by Representatives Kremen, Heavey and Braddock

Requiring certification of electric spa equipment.

Referred to Committee on Commerce and Labor.

HB 1185 by Representatives Appelwick, Paris and Wineberry

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

Referred to Committee on Law and Justice.

HB 1217 by Representatives Wineberry, McLean, Dellwo, Jones, Wang, Riley, Pruitt and Anderson

Extending the voter registration period.

Referred to Committee on Governmental Operations.

EHB 1225 by Representatives Winsley, Wang, Ballard, Leonard, Nelson, Ebersole, Mitchell, Franklin, Heavey, D. Sommers, Paris, Broback, May, Bowman, Brough, Edmondson, Dellwo, Wood, Jones, Wynne, Scott, Jacobsen, Fraser, Moyer, Phillips, Brekke and Rasmussen

Providing a procedure for the classification and valuation of property devoted primarily to low-income housing.

Referred to Committee on Ways and Means.

HB 1310 by Representatives McLean, R. Fisher, Anderson, Miller, Hine, Moyer, Spanel, Bowman, Kremen, Ballard, Tate, Brekke, Vance, Paris, May, Leonard, Mitchell, Jacobsen, Wineberry, Pruitt, Basich and Wang

Establishing voter registration by mail.

Referred to Committee on Governmental Operations.

HB 1312 by Representatives Wang, McLean and Anderson

Changing requirements for special campaign reports.

Referred to Committee on Law and Justice.

SHB 1501 by House Committee on State Government (originally sponsored by Representatives McLean, Anderson, Miller, Bowman, Chandler, Silver, Holland and Paris)

Authorizing mail balloting in certain primaries and special elections.

Referred to Committee on Governmental Operations.

HB 1509 by Representatives Anderson, McLean, Miller, Bowman, Haugen, Pruitt and Paris (by request of Secretary of State)

Expanding eligibility for ongoing absentee voter status.

Referred to Committee on Governmental Operations.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9125, Hugh D. Spitzer, as a member of the Puget Sound Water Quality Authority, was confirmed.

APPOINTMENT OF HUGH D. SPITZER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 7; Excused, 3.

Voting yea: Senators Anderson, Bailey, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, L. Kreidler, Madsen, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams - 39.

Absent: Senators Amondson, Barr, Bluechel, Johnson, Matson, McDonald, Thorsness - 7.

Excused: Senators Moore, Owen, Wojahn - 3.

MOTIONS

On motion of Senator Murray, Senator Hansen was excused.

On motion of Senator Anderson, Senators Barr, Bluechel, Johnson, Matson and McDonald were excused.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9112, Reverend Lawrence R. Robertson, as a member of the Board of Trustees for Olympic Community College District No. 3, was confirmed.

APPOINTMENT OF REVEREND LAWRENCE R. ROBERTSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, L. Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 42.

Excused: Senators Barr, Bluechel, Hansen, Johnson, Matson, McDonald, Thorsness - 7.

SECOND READING

SENATE BILL NO. 5139, by Senator McCaslin

Changing provisions relating to incorporation elections.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5139 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5139.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5139 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Barr, Bluechel, Matson, McDonald - 4.

SENATE BILL NO. 5139, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 8:55 a.m., on motion of Senator Newhouse, the Senate recessed until 9:45 a.m.

The Senate was called to order at 10:35 a.m. by President Pritchard.

STATEMENT FOR THE JOURNAL

Mary Wiley
Journal/Minute Clerk
Legislative Building
Olympia, WA 98504

I would like to make the following statement for the Journal:

Due to an emergency caused by a bleeding ulcer, I was admitted to St. Peter Hospital in Olympia the morning of Tuesday, March 12, 1991, and was released in time to return to the afternoon session on March 15, 1991. During this period, I missed a substantial number of roll calls as follows:

March 12, 1991

- ESSB 5590 -- State Investment Board
- ESB 5797 -- Diminished Private Property
- ESB 5424 -- Campaign Contributions
- ESSB 5624 -- Food Fish Resource Protection
- SB 5675 -- Skagit River Salmon Restoration
- HB 1818 -- Convention and Trade Center
- SJM 8006 -- Desert Storm Troops Thanked
- Gubernatorial Appointment 9117 - Dr. Eliot W. Scull, Member
Interagency Committee for Outdoor Recreation
- Gubernatorial Appointment 9158 - Anne Cox, Member
Parks and Recreation Commission
- SSB 5644 -- Adult Entertainment Regulation
- ESSB 5411 -- Flood Damage Alleviation
- SSB 5276 -- Impounded Vehicle Disposition
- SSB 5301 -- Pac. Ocean Commun. Public Facility
- SJR 8217 -- Video Testimony/Child Sex Ab.
- SSB 5626 -- Hardwood Commission
- SB 5564 -- Van Pool Study
- 2SSB 5083 -- Salmon Hatcheries
- SJM 8008 -- United States Flag Desecration
- SB 5562 -- Reserved Lane Travel
- SSB 5062 -- Utility Availability/Plats
- SB 5103 -- Engineer Registration
- SSB 5185 -- Criminal Justice Purposes
- SB 5190 -- School Directors Assoc.
- SSB 5203 -- Nursing Home Administration
- SSB 5199 -- Assault on Institution Staff
- SSB 5204 -- Practical Nurse Licensure
- SSB 5237 -- Vehicle Lane Travel
- SSB 5260 -- Non-municipal Water Systems
- SSB 5261 -- Fire Equipment in Schools
- SSB 5266 -- Suspended Driver Penalties
- SSB 5288 -- American Vets Memorial Highway

SSB 5303 -- Initiative/Ref. Ballot Titles

SENATOR SID SNYDER, 19th District

SECOND READING

SENATE BILL NO. 5590, by Senators von Reichbauer and Pelz (by request of State Investment Board)

Affecting administration of the state investment board.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 5590 was substituted for Senate Bill No. 5590 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the following amendment by Senators von Reichbauer and Moore was adopted:

On page 5, line 21, after "annually" strike ": PROVIDED, That the legislative members and other members elected on a state-wide basis, including the state treasurer are not eligible to serve as chairperson." and insert "((~~PROVIDED, That the legislative members are not eligible to serve as chairperson~~)) Only those members appointed to represent specific retirement systems or retirees are eligible to serve as chairperson or vice chairperson."

MOTION

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Substitute Senate Bill No. 5590 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

MOTION

On motion of Senator Murray, Senator Snyder was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5590.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5590 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Snyder - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5590, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5797, by Senators McCaslin, Thorsness, L. Smith, Matson, Amondson, Hayner, Newhouse, Oke, Anderson, Barr, Sellar, Johnson, Cantu and Patterson

Requiring that compensation be paid when private property is diminished in value for a public purpose.

The bill was read the second time.

MOTIONS

On motion of Senator McCaslin, the following amendment was adopted:

On page 2, at the beginning of line 23, strike all material through "days" on line 25, and insert "~~((in excess of those allowed by applicable regulations in effect on the date an application for a permit is filed))~~"

Senator Pelz moved that the following amendment be adopted:

On page 3, line 20, after "interest" insert ". "Acts of an agency" include but are not limited to site authorization to build a power-plant, power-plant transmission lines, prisons, new highways or roads, airports, or new airplane factories"

Debate ensued.

POINT OF INQUIRY

Senator Pelz: "Senator McCaslin, if a nuclear power plant was built in a community or a coal-fired powered power plant, would not the people in the vicinity of that plant be able to claim that the economic value of their property was diminished and would they be able to seek relief under this bill?"

Senator McCaslin: "They might claim it, but, of course, I don't think we are going to have any more nuke plants. We've got several sitting now and perhaps you might come up with a better example."

Senator Pelz: OK, how about an airport?"

Senator McCaslin: "An airport?"

Senator Pelz: "Right."

Senator McCaslin: "Well, I think it would be a long, drawn out affair as far as EIS statements and getting approval by either the county or by the state."

Senator Pelz: "But, if an airport were sited--say if we had to build another airport in the Puget Sound metropolitan area--would not all the home owners, in this bill, in the flight path, which as we know is a very broad area, would not all the home owners in the flight path of that new airport be able to seek relief under this bill?"

Senator McCaslin: "They may or not. You know we can seek relief under any bill--but whether or not--it could be summarily dismissed in court, too, so I can't predict what the courts are going to do until the actual signing of the bill becomes statute. I really can't say. That is conjecture and I think it is good merit and good meat for discussion, but I don't think either one of us can make that decision here."

The President declared the question before the Senate to be the adoption of the amendment by Senator Pelz on page 3, line 20 to Senate Bill No. 5797.

The motion by Senator Pelz failed and the amendment was not adopted.

MOTION

On motion of McCaslin, the rules were suspended, Engrossed Senate Bill No. 5797 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Skratek: "Senator McCaslin, I somewhat like this bill. I come from an area where we have a lot of growth concerns and I just want to make sure that it is going to cover the types of things I have heard raised. I have a group--Covington Neighbors Council--that is very concerned about an area that is being zoned urban. That zoning as urban has raised questions in their mind about the value of their property interest. They moved there to be in a rural community. As I read this bill, they would have the right now to sue for the loss of the value of their property as a rural community. Is that accurate?"

Senator McCaslin: "If there is a diminishing of value caused by an agency, then they would have the right to sue."

Senator Skratek: "So, they could sue King County then, for example?"

Senator McCaslin: "I'm not saying, they'd win, though. I want that clearly understood."

Senator Skratek: "I understand that, but this bill would allow them to pursue that in court, then?"

Senator McCaslin: "If they could prove that because of the act of King County, their property lost value--because of their actions--they would have the right to sue. However, as we all know, you have a right to sue now and there are all kinds of attorneys out there happy to take your case, whether you have merit or not."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5797.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5797 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West - 39.

Voting nay: Senators Conner, L. Kreidler, Moore, Niemi, Pelz, Rinehart, Talmadge, Williams, Wojahn - 9.

Excused: Senator Snyder - 1.

ENGROSSED SENATE BILL NO. 5797, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 5424, deferred on second reading March 7, 1991, after an amendment by Senators Gaspard, Murray, McMullen and Snyder on page 1, line 6, was adopted.

MOTION

Senator Vognild moved that the following amendment be adopted:

On page 1, line 10 after "adjourns," insert "no candidate as defined by RCW 42.17.020(5),"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Vognild on page 1, line 10, to Senate Bill No. 5424.

The motion by Senator Vognild failed and the amendment was not adopted.

MOTION

Senator Vognild moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 10 after "no" strike "state-wide official,"

On page 1, line 11 after "a" strike "state-wide official or"

MOTION

On motion of Senator Vognild, and there being no objection, the amendments were withdrawn.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Senate Bill No. 5424 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5424.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5424 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senator Cantu - 1.

Excused: Senator Snyder - 1.

ENGROSSED SENATE BILL NO. 5424, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5624, deferred on second reading March 11, 1991, after amendments by Senators Metcalf, Owen and Craswell on page 1, line 9, and page 2, line 5, were adopted.

MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute Senate Bill No. 5624 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5624.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5624 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar,

Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Absent: Senators Cantu, Gaspard - 2.

Excused: Senator Snyder - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5624, having received the constitutional majority,, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGE FROM THE HOUSE

March 11, 1991

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1177,
 SUBSTITUTE HOUSE BILL NO. 1183,
 HOUSE BILL NO. 1191,
 SUBSTITUTE HOUSE BILL NO. 1205,
 ENGROSSED HOUSE BILL NO. 1244,
 HOUSE BILL NO. 1262,
 ENGROSSED HOUSE BILL NO. 1277,
 ENGROSSED HOUSE BILL NO. 1285,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1287,
 SUBSTITUTE HOUSE BILL NO. 1317,
 HOUSE BILL NO. 1325,
 SUBSTITUTE HOUSE BILL NO. 1326,
 HOUSE BILL NO. 1364,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440,
 HOUSE BILL NO. 1467,
 SUBSTITUTE HOUSE BILL NO. 1486,
 SUBSTITUTE HOUSE BILL NO. 1491,
 SUBSTITUTE HOUSE BILL NO. 1563,
 ENGROSSED HOUSE BILL NO. 1740,
 HOUSE BILL NO. 1818,

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4205, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HB 1818 by Representatives Locke, Prince, H. Sommers, Ferguson, Betrozoff and Wineberry (by request of State Convention and Trade Center and Office of Financial Management)

Changing project completion costs for the state convention and trade center.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Bill No. 1818 was advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Newhouse, Senate Bill No. 5601, which was on the second reading calendar, was referred to the Committee on Rules.

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

SECOND READING

SENATE BILL NO. 5675, by Senators Metcalf, McMullen, Anderson and Bailey

Requiring a restoration plan for Skagit river salmon.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 5675 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5675.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5675 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senator Vognild - 1.

Excused: Senator Snyder - 1.

SENATE BILL NO. 5675, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Murray, Senator Vognild was excused.

SECOND READING

HOUSE BILL NO. 1818, by Representatives Locke, Prince, H. Sommers, Ferguson, Betrozoff and Wineberry (by request of State Convention and Trade Center and Office of Financial Management)

Changing project completion costs for the state convention and trade center.

The bill was read the second time.

MOTION

On motion of Senator Cantu, the rules were suspended, House Bill No. 1818 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1818.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1818 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senators McCaslin, Patterson - 2.

Excused: Senators Snyder, Vognild - 2.

HOUSE BILL NO. 1818, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8006, by Senators Madsen, Bauer, A. Smith and McCaslin

Asking the department of defense to send our thanks to operation desert storm troops from Washington.

The joint memorial was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Joint Memorial No. 8006 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8006.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8006 and the joint memorial passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Absent: Senator L. Smith - 1.

Excused: Senators Snyder, Vognild - 2.

SENATE JOINT MEMORIAL NO. 8006, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5411, by Senators Bailey, Anderson, Hansen, Barr, McMullen, Conner and Skratek

Making changes relating to flood damage.

MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 5411 was substituted for Senate Bill No. 5411 and the substitute bill was placed on second reading and read the second time.

Senator Talmadge moved that the following amendment be adopted:

On page 6, after line 21, add the following section and renumber sections consecutively.

NEW SECTION. Sec. 9. A new section is added to chapter 76.09 RCW to read as follows:

Each forest practices permit issued by the department shall contain conditions to ensure that storm water volumes resulting from such practices do not exceed the

capacity of the natural watercourses conveying such waters. In adopting such conditions, the department shall consider the cumulative impact of other forest practices in the same watershed.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 6, after line 21, to Substitute Senate Bill No. 5411.

The motion by Senator Talmadge failed and the amendment was not adopted.

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 36, after line 5, insert the following:

Sec. 31. RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound. The land use element shall provide for the prevention and management of storm waters caused by land uses, and shall include level of service standards for storm water management. The standards shall address storm water detention and retention facilities, density controls, and other means to prevent increases in peak flood flows that exceed the capacity of natural watercourses receiving such waters.

(2) A housing element recognizing the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs; (b) includes a statement of goals, policies, and objectives for the preservation, improvement, and development of housing; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement

to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The rural element shall permit land uses that are compatible with the rural character of such lands and provide for a variety of rural densities.

(6) A transportation element that implements, and is consistent with, the land use element. The transportation element shall include the following subelements:

(a) Land use assumptions used in estimating travel;

(b) Facilities and services needs, including:

(i) An inventory of air, water, and land transportation facilities and services, including transit alignments, to define existing capital facilities and travel levels as a basis for future planning;

(ii) Level of service standards for all arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(iii) Specific actions and requirements for bringing into compliance any facilities or services that are below an established level of service standard;

(iv) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(v) Identification of system expansion needs and transportation system management needs to meet current and future demands;

(c) Finance, including:

(i) An analysis of funding capability to judge needs against probable funding resources;

(ii) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems;

(iii) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(d) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(e) Demand-management strategies.

After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

The transportation element described in this subsection, and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, must be consistent.

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

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 36, after line 5, to Substitute Senate Bill No. 5411.

The motion by Senator Talmadge failed and the amendment was not adopted.

MOTION

Senator Metcalf moved that the following amendment by Senators Metcalf and Skratek be adopted:

On page 38, after line 25, insert the following:

NEW SECTION. Sec. 32. (1) The legislature finds that:

(a) Washington state is characterized by high annual rainfall including locally exceptional precipitation causing high flood peaks;

(b) Such events cause enormous property damage and personal injury that are devastating to many individuals and present high costs to the state for emergency services, disaster assistance, and the repair and replacement of roads, bridges, utilities, and other public works;

(c) Inadequate storm water planning and controls contribute to the magnitude of flooding events, and, additionally, cause damage on a more frequent basis during lesser storm events;

(d) Many land uses alter the pattern of storm water runoff by decreasing the ability of upstream lands to store storm waters, thus increasing the rate of runoff and attendant downstream impacts; and

(e) Many land use developments for residential, commercial, or industrial activities employ natural watercourses for storm water conveyance, and if such systems are not properly designed, the capacity of the watercourse may be exceeded, causing downstream damage;

(2) It is the intent of the legislature to:

(a) Define a minimum standard to guide all land use development activities employing natural watercourses for storm water conveyance; and

(b) Overrule the "common enemy" doctrine adopted by the Washington courts which often works to preclude the recovery of damages by landowners against upstream landowners whose actions have exceeded the natural storm water conveyance capacity of a natural watercourse.

NEW SECTION. Sec. 33. A new section is added to chapter 90.03 RCW to read as follows:

(1) No person may divert, impound, or otherwise alter the natural flow of surface waters or water flowing in a natural watercourse, or permit a diversion, impounding, or alteration to continue, in a manner that damages the property of another by the overflow of the water diverted, impounded, or altered.

(2) A person unlawfully diverting, impounding, or altering the natural flow of surface waters or water flowing in a natural watercourse shall be liable in an action for property damages to a person whose property is damaged by such unlawful diversion, impoundment, or alteration. Such person shall not be liable under this section where the action was taken in compliance with a permit issued by a state agency or local government that includes requirements for management of storm water.

(3) For purposes of this section, "natural watercourse" means a channel with a defined bed and banks or a depression or swale that in its natural condition acts to drain water flowing perennially or intermittently.

(4) This section shall not apply to the diversion and collection of water for irrigation of agricultural lands, including the discharge of used irrigation water.

(5) This section shall apply only to actions taken subsequent to the effective date of this act.

Sec. 34. RCW 36.70A.150 and 1990 1st ex.s. c 17 s 15 are each amended to read as follows:

Each county and city that is required or chooses to prepare a comprehensive land use plan under RCW 36.70A.040 shall identify lands useful for public purposes such as utility corridors, transportation corridors, landfills, sewage treatment facilities, storm water retention, recreation, schools, and other public uses. The county shall work with the state and the cities within its borders to identify areas of shared need for public facilities. The jurisdictions within the county shall prepare a prioritized list of lands necessary for the identified public uses including an estimated date by which the acquisition will be needed.

The respective capital acquisition budgets for each jurisdiction shall reflect the jointly agreed upon priorities and time schedule.

Sec. 35. RCW 82.02.090 and 1990 1st ex.s. c 17 s 48 are each amended to read as follows:

Unless the context clearly requires otherwise, the following definitions shall apply in RCW 82.02.050 through 82.02.090:

(1) "Development activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land, that creates additional demand and need for public facilities.

(2) "Development approval" means any written authorization from a county, city, or town which authorizes the commencement of development activity.

(3) "Impact fee" means a payment of money imposed upon development as a condition of development approval to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee.

(4) "Owner" means the owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.

(5) "Proportionate share" means that portion of the cost of public facility improvements that are reasonably related to the service demands and needs of new development.

(6) "Project improvements" mean site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan approved by the governing body of the county, city, or town shall be considered a project improvement.

(7) "Public facilities" means the following capital facilities owned or operated by government entities: (a) Public streets and roads; (b) publicly owned parks, open space, and recreation facilities; (c) storm water management facilities; (d) school facilities; and ~~((d))~~ (e) fire protection facilities in jurisdictions that are not part of a fire district.

(8) "Service area" means a geographic area defined by a county, city, town, or intergovernmental agreement in which a defined set of public facilities provide service

to development within the area. Service areas shall be designated on the basis of sound planning or engineering principles.

(9) "System improvements" mean public facilities that are included in the capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements.

NEW SECTION. Sec. 36. A new section is added to chapter 36.70A RCW to read as follows:

Within one year of the adoption of comprehensive plans by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, such jurisdictions shall adopt ordinances that require the provision of storm water management facilities concurrently with development approval and that meet the standards for level of service provided in the comprehensive plan.

NEW SECTION. Sec. 37. Sections 32, 33, 34, 35, and 36 of this act shall apply only to actions and jurisdictions west of the crest of the Cascade Mountains, and shall not apply within any portion of Skamania county.

POINT OF ORDER

Senator Barr: "A point of order, Mr. President. If that is the proper time to do this I would like to raise the point of order and raise the point of scope and object of this amendment to this bill. I definitely believe that this amendment is outside of the scope of the bill. It deals with developmental regulations--definitely deals with developmental regulations--while the flood bill deals with the retention of water and controlling floods in the state of Washington. It overrules the common enemy doctrine. Now, sometimes we wish that could be done, but I think in doing that, in this case, under this bill, that it is out of order. It deals with liability--liability of who is liable to who--and I think that would be another reason why it would be outside the scope of this measure."

Further debate ensued.

POINT OF ORDER

Senator Newhouse: "A point of order, Mr. President. The understanding was that one member could speak on each side of a point of order only, as I understand it."

REPLY BY THE PRESIDENT

President Pritchard: "Well, we hadn't been going by that at this point. Is this in the rules? It is the procedure we've followed, but it is not in the rules, so at this point we will allow Senator Talmadge to continue and then I'll talk to you about that Senator. Go ahead."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5411 was deferred.

MOTION

At 12:07 p.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:07 p.m. by President Pritchard.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9117, Dr. Eliot W. Scull, as a member of the Interagency Committee for Outdoor Recreation, was confirmed.

MOTIONS

On motion of Senator Anderson, Senators Bluechel, McDonald and West were excused.

On motion of Senator Murray, Senator Moore was excused.

APPOINTMENT OF DR. ELIOT W. SCULL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Wojahn - 42.

Absent: Senators Owen, Williams - 2.

Excused: Senators Bluechel, McDonald, Moore, Snyder, West - 5.

MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9158, Anne Cox, as a member of the Parks and Recreation Commission, was confirmed.

MOTION

On motion of Senator Anderson, Senator Craswell was excused.

APPOINTMENT OF ANNE COX

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Wojahn - 44.

Absent: Senator Williams - 1.

Excused: Senators Craswell, Moore, Snyder, West - 4.

SECOND READING

SENATE BILL NO. 5644, by Senators Nelson, Rasmussen, Thorsness, A. Smith and Madsen

Regulating adult entertainment.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5644 was substituted for Senate Bill No. 5644 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5644 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5644.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5644 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 46.

Excused: Senators Moore, Snyder, West - 3.

SUBSTITUTE SENATE BILL NO. 5644, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5411 and the pending amendment by Senators Metcalf and Skratek on page 38, line 25, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Barr, the President finds that Substitute Senate Bill No. 5411 is a measure which requires state and local agencies to adopt policies to prevent and minimize flood damage. The bill expands the definition of damages in the Flood Plain Management Act. The bill further changes several statutes to provide priority treatment and/or time limits for action on flood control projects and establishes a Watercourse Management Task Force to be coordinated by the Department of Community Development.

"The amendment proposed by Senator Metcalf and Skratek in a number of aspects is consistent with the bill. However, it also sets forth a new standard for property damage liability between private property owners.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Metcalf and Skratek on page 38, after line 25, to Substitute Senate Bill No. 5411 was ruled out of order.

MOTIONS

On motion of Senator Barr, the following amendment by Senators Bailey, Barr and Hansen was adopted:

On page 39, line 1, delete section 33 and insert:

NEW SECTION. Sec. 33. If specific funding for the purposes of sections 12, 13, 14, 16, 19, 23, and 31 of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 12, 13, 14, 16, 19, 23, and 31 of this act shall be null and void.

On motion of Senator Barr, the rules were suspended, Engrossed Substitute Senate Bill No. 5411 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5411.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5411 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 7; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen,

Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Wojahn - 38.

Voting nay: Senators L. Kreidler, Murray, Niemi, Pelz, Rinehart, Talmadge, Williams - 7.

Absent: Senator Metcalf - 1.

Excused: Senators Moore, Snyder, West - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5411, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5276, by Senators Nelson, Moore, Thorsness and Oke

Requiring notice for impounded vehicle disposition.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5276 was substituted for Senate Bill No. 5276 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5276 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5276.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5276 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 46.

Excused: Senators Moore, Snyder, West - 3.

SUBSTITUTE SENATE BILL NO. 5276, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Linda Smith, Senator Matson was excused.

SECOND READING

SENATE BILL NO. 5301, by Senators Snyder and Conner

Authorizing certain cities and counties bordering the Pacific Ocean to levy a special excise tax to provide funding for public facilities.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5301 was substituted for Senate Bill No. 5301 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5301 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5301.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5301 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 9; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Saling, L. Smith, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 35.

Voting nay: Senators Anderson, Cantu, Craswell, McDonald, Roach, Sellar, Skratek, A. Smith, Sutherland - 9.

Absent: Senator Patterson - 1.

Excused: Senators Matson, Moore, Snyder, West - 4.

SUBSTITUTE SENATE BILL NO. 5301, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5096, by Senators Barr, Hansen, Anderson, Newhouse, Conner, Bailey, Matson, Patterson, Amondson, Sellar, Bauer, McMullen and L. Smith

Requiring state laws and rules to be assessed to determine adverse impact adverse impacts on agriculture.

MOTION

On motion of Senator Barr, Second Substitute Senate Bill No. 5096 was substituted for Senate Bill No. 5096 and the second substitute bill was placed on second reading and read the second time.

Senator Talmadge moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 6, after "agriculture" insert ", agricultural workers,"

On page 2, line 11, after "state" insert "and the protection of agricultural workers"

On page 3, line 24, after "industry" insert ", its workers"

On page 5, after line 20, insert the following subsection:

"(7) Consider the health and welfare of agricultural workers."

POINT OF ORDER

Senator Barr: "A point of order, Mr. President. I would challenge the scope and object on this amendment. I think that this particular bill deals with broad agriculture in its concept only and to pick out any particular part of agriculture--as workers for example--is definitely not within the intent or the object of this proposed legislation and, therefore, I think it clearly goes beyond the intent. I think it should be declared out of the scope and object."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Second Substitute Senate Bill No. 5096 was deferred.

Vice President Pro Tempore Bluechel assumed the Chair.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8400, by Senators Bailey, Rinehart, Erwin, Murray, Oke and Skratek

Endorsing the VISION: EDUCATION 2001 statement.

The concurrent resolution was read the second time.

MOTIONS

On motion of Senator Bailey, the following amendment was adopted:

On page 1, line 11, after "by" strike all material through "Billings" on line 12, and insert "the office of the governor, the office of the superintendent of public instruction"

On motion of Senator Bailey, the rules were suspended, Engrossed Senate Concurrent Resolution No. 8400 was advanced to third reading, the second

reading considered the third and the concurrent resolution was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bailey, I can see far-sighted, too. I can't see what is going to happen in the year 2001 and I am wondering what this vision is going to do for education. I thought the Doran decision down here in the court had a little vision, but I can't see anything in this one that tells me anything. What are we doing to assist in educating children and reducing the class load and I suppose you missed the dollar sign on this vision. I don't see it anywhere. Just explain to me what we are doing with this vision of 2001. A lot of us won't be here then, but we would like to know what is going to happen."

Senator Bailey: "Well, Senator Rasmussen, for the first time, all of the education community has sat down together to develop visions. The first part of the vision has been outlined here and you see the Vision Education 2001. That is the just the beginning--the scope, the vision of education for the state of Washington. If you just look at some of the areas of concern--responsibility for learning, learning communities, strategic direction, and then it breaks it down into attitudes, knowledge and skills. So, the knowledge command of English language proficiency and additional language, technological and informational management and several others. Those are all the beginning of the design--the vision of all the folks that are involved in the education development in the state of Washington. I think it is important, while this is a first step, and I agree with you, it is important that all these public and private bodies are sitting down together to develop a vision. The next step is to put some meat on the bones, if I can use that term, and thresh out the next direction for K-12 education in this state."

Senator Rasmussen: "I would assume, Senator Bailey, that this is something that we have not been doing for the last one hundred years and it is going to be something that we are going to do in the next one hundred years."

Senator Bailey: "Well, we haven't been doing what we need to do to provide adequate education for all children in the state of Washington. When, and I don't mean to spend too much time on this, but when we look at what is happening in our education program and if we look at the ninth grade class, of the fifty-nine thousand seven hundred odd students in the ninth grade class, about fifteen thousand of those will not graduate out of the twelfth grade. Another fourteen thousand will not have the work skills or academic skills to get a decent job in society. I don't think that tells us that we are doing things as well as we should do them."

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Engrossed Senate Concurrent Resolution No. 8400.

Engrossed Senate Concurrent Resolution No. 8400 was adopted by voice vote.

SECOND READING

SENATE JOINT RESOLUTION NO. 8217, by Senators Wojahn, Nelson, Rasmussen, Bauer, Bailey and McCaslin

Allowing video testimony of children under ten years of age who are sexual abuse victims.

The joint resolution was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Joint Resolution No. 8217 was advanced to third reading, the second reading considered the third and the joint resolution was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Joint Resolution No. 8217.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8217 and the joint resolution passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Wojahn - 41.

Voting nay: Senators Niemi, Rinehart, Talmadge, Williams - 4.

Excused: Senators Matson, Moore, Snyder, West - 4.

SENATE JOINT RESOLUTION NO. 8217, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Linda Smith, Senators Anderson and Roach were excused.

SECOND READING

SENATE BILL NO. 5626, by Senators McMullen, Amondson and Snyder (by request of Washington Hardwoods Commission)

Revising provisions relating to the hardwoods commission.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5626 was substituted for Senate Bill No. 5626 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5626 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5626.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5626 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 42.

Voting nay: Senator Sutherland - 1.

Excused: Senators Anderson, Matson, Moore, Roach, Snyder, West - 6.

SUBSTITUTE SENATE BILL NO. 5626, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5564, by Senators Erwin, Thorsness, Johnson, von Reichbauer, Snyder, Nelson and A. Smith

Proposing a study to make recommendations concerning van pools.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5564 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5564.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5564 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 2; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 41.

Voting nay: Senators Hansen, Sutherland - 2.

Excused: Senators Anderson, Matson, Moore, Roach, Snyder, West - 6.

SENATE BILL NO. 5564, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5083, by Senators L. Smith, Snyder, Oke and Rasmussen

Reconstructing salmon hatcheries.

MOTIONS

On motion of Senator Metcalf, Second Substitute Senate Bill No. 5083 was substituted for Senate Bill No. 5083 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Second Substitute Senate Bill No. 5083 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5083.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5083 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 2; Absent, 1; Excused, 5.

Voting yea: Senators Amondson, Bailey, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 41.

Voting nay: Senators Bauer, Sutherland - 2.

Absent: Senator Barr - 1.

Excused: Senators Anderson, Matson, Moore, Snyder, West - 5.

SECOND SUBSTITUTE SENATE BILL NO. 5083, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8008, by Senators Owen, Thorsness, Johnson, Oke, Nelson, Erwin, Rasmussen, Vognild, Stratton, Matson, McCaslin, Conner, Craswell, Saling, Madsen and Bauer

Requesting Congress to propose a Constitutional amendment to prohibit physical desecration of the United States flag.

The joint memorial was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Joint Memorial No. 8008 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

MOTIONS

On motion of Senator Linda Smith, Senator Sellar was excused.

On motion of Senator Murray, Senator Skratek was excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8008.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8008 and the joint memorial passed the Senate by the following vote: Yeas, 35; Nays, 7; Absent, 1; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, A. Smith, L. Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Wojahn - 35.

Voting nay: Senators McMullen, Murray, Niemi, Pelz, Rinehart, Talmadge, Williams - 7.

Absent: Senator Barr - 1.

Excused: Senators Matson, Moore, Sellar, Skratek, Snyder, West - 6.

SENATE JOINT MEMORIAL NO. 8008, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator McCaslin, Senator Barr was excused.

SECOND READING

SENATE BILL NO. 5562, by Senators Erwin, Vognild, Thorsness, Nelson and Johnson

Requiring at least two passengers in private vehicles using reserved lanes.

The bill was read the second time.

MOTION

On motion of Senator Erwin, the rules were suspended, Senate Bill No. 5562 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Pelz: "Let me ask you, Senator Vognild, if this change takes place and all of a sudden we've got tremendous popularity with that lane, because the vehicles with two people in them are allowed to use the lane and the lane then becomes congested, will DOT have to return to the Legislature to ask permission to change that regulation?"

Senator Vognild: "I would hope that by the time this bill sees its final passage in the Legislature, the answer to that question will be 'no, they would not have to return.' Under the wordings strictly of the bill as it sets before the Senate, the answer is 'yes, they must return.'"

Further debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5562.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5562 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 7; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Stratton, Thorsness, Vognild, von Reichbauer, Wojahn - 36.

Voting nay: Senators Bluechel, McDonald, Pelz, Skratek, Sutherland, Talmadge, Williams - 7.

Excused: Senators Barr, Matson, Moore, Sellar, Snyder, West - 6.

SENATE BILL NO. 5562, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5062, by Senators Nelson, Rasmussen and Thorsness

Designating availability of utilities on recorded plats.

MOTIONS

On motion of Senator Thorsness, Substitute Senate Bill No. 5062 was substituted for Senate Bill No. 5062 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thorsness, the rules were suspended, Substitute Senate Bill No. 5062 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5062.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5062 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 43.

Excused: Senators Barr, Matson, Moore, Sellar, Snyder, West - 6.

SUBSTITUTE SENATE BILL NO. 5062, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5103, by Senators Craswell, Nelson, McMullen and Matson (by request of Department of Licensing)

Concerning the registration of engineers.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5103 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Murray, Senators A. Smith and Vognild were excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5103.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5103 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Williams, Wojahn - 41.

Excused: Senators Barr, Matson, Moore, Sellar, A. Smith, Snyder, Vognild, West - 8.

SENATE BILL NO. 5103, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5185, by Senators Newhouse, Niemi, Anderson, McMullen, Thorsness, Madsen, and A. Smith (by request of Task Force on City/County Finances)

Clarifying "criminal justice purposes" for local government criminal justice assistance.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5185 was substituted for Senate Bill No. 5185 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5185 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5185.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5185 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Wojahn - 41.

Excused: Senators Barr, Matson, Moore, Sellar, A. Smith, Snyder, Vognild, Williams - 8.

SUBSTITUTE SENATE BILL NO. 5185, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5190, by Senators Bailey and Rinehart

Permitting compensation of school directors' association directors.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5190 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5190.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5190 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 10; Absent, 0; Excused, 7.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Conner, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McMullen, Murray, Newhouse, Niemi, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, L. Smith, Stratton, Sutherland, Talmadge, von Reichbauer, Williams, Wojahn - 32.

Voting nay: Senators Amondson, Anderson, Cantu, Craswell, Erwin, McDonald, Metcalf, Nelson, Oke, Thorsness - 10.

Excused: Senators Matson, Moore, Sellar, A. Smith, Snyder, Vognild, West - 7.

SENATE BILL NO. 5190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5199, by Senators West, Roach, Johnson and Madsen

Making assaults on staff at state hospitals for the mentally ill a class C felony.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5199 was substituted for Senate Bill No. 5199 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, further consideration of Substitute Senate Bill No. 5199 was deferred.

SECOND READING

SENATE BILL NO. 5203, by Senators West and Niemi (by request of Department of Health)

Changing provisions relating to nursing home administration.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5203 was substituted for Senate Bill No. 5203 and the substitute bill was placed on second reading and read the second time.

On motion of Senator L. Smith, the rules were suspended, Substitute Senate Bill No. 5203 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5203.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5203 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 45.

Excused: Senators Moore, A. Smith, Snyder, West - 4.

SUBSTITUTE SENATE BILL NO. 5203, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5199, deferred on second reading earlier today.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5199 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5199.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5199 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 45.

Excused: Senators Moore, A. Smith, Snyder, West - 4.

SUBSTITUTE SENATE BILL NO. 5199, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGE FROM THE HOUSE .

March 12, 1991

MR. PRESIDENT:

The Speaker has signed SENATE JOINT MEMORIAL NO. 8015, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 12, 1991

MR. PRESIDENT:

The Speaker has signed HOUSE BILL NO. 1818, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1818.

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

SECOND READING

SENATE BILL NO. 5204, by Senators West and Niemi (by request of Department of Health)

Changing licensure provisions for licensed practical nurses.

MOTIONS

On motion of Senator L. Smith, Substitute Senate Bill No. 5204 was substituted for Senate Bill No. 5204 and the substitute bill was placed on second reading and read the second time.

On motion of Senator L. Smith, the rules were suspended, Substitute Senate Bill No. 5204 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Murray, Senator Rinehart was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5204.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5204 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 43.

Absent: Senator Erwin - 1.

Excused: Senators Moore, Rinehart, A. Smith, Snyder, West - 5.

SUBSTITUTE SENATE BILL NO. 5204, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5237, by Senators Bailey, Johnson, Patterson, Rinehart, Voguild, Anderson, Cantu, McCaslin, Oke, Nelson, Conner and Erwin

Requiring large, slow vehicles to keep right.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5237 was substituted for Senate Bill No. 5237 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5237 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Murray: "Senator Bailey, we are going through this fast, and I was trying to figure out what this bill did. Currently, is the truck supposed to stay in the right lane and we are just making it less restrictive so a larger truck only has to stay in the right lane?"

Senator Bailey: "What we are doing is making it more restrictive, so that we keep our large trucks in the two right hand lanes on a three lane freeway--three lanes in one direction. This is making it more restrictive. We also removed the speed requirement out of the capacity of the vehicle, that has always been an enforcement problem, and that will remove that. It is similar to the bills that are in California and Oregon--keeping trucks to the right."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5237.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5237 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Voguild, von Reichbauer, Williams, Wojahn - 41.

Voting nay: Senators Barr, Hansen, Matson - 3.

Excused: Senators Moore, Rinehart, A. Smith, Snyder, West - 5.

SUBSTITUTE SENATE BILL NO. 5237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5260, by Senators Thorsness, Madsen and Barr (by request of Utilities and Transportation Commission)

Regulating certain nonmunicipal water systems.

MOTIONS

On motion of Senator Thorsness, Substitute Senate Bill No. 5260 was substituted for Senate Bill No. 5260 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thorsness, the rules were suspended, Substitute Senate Bill No. 5260 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5260.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5260 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 45.

Excused: Senators Moore, A. Smith, Snyder, West - 4.

SUBSTITUTE SENATE BILL NO. 5260, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5261, by Senators Bailey, Vognild, McMullen, Newhouse, Madsen, Oke, Rinehart and Conner

Requiring new schools to have automatic fire equipment.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5261 was substituted for Senate Bill No. 5261 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5261 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5261.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5261 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vogndild, von Reichbauer, Williams, Wojahn - 45.

Excused: Senators Moore, A. Smith, Snyder, West - 4.

SUBSTITUTE SENATE BILL NO. 5261, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5266, by Senators Thorsness, McMullen, Owen and A. Smith

Restructuring penalties for driving while suspended.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5266 was substituted for Senate Bill No. 5266 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5266 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Nelson, I guess what I need clarified for my own satisfaction, is that this bill that is before us will make the penalties, with respect to driving while suspended, greater than the present penalties for that offense?"

Senator Nelson: "Yes."

Senator Talmadge: "And it sets up three classifications? We're not establishing a classification for those individuals who drive without insurance that is substantially more lenient than present law?"

Senator Nelson: "Senator Talmadge, I would have to quickly review whether or not the list of additional crimes such as driving while not having insurance is included within the section beginning on page eight of the bill. I would have to run through all those RCWs to make sure that the reference is or is not. Frankly, I can't answer your question."

Senator Talmadge: "Perhaps, we can talk about that a little bit later. My concern is that in certain circumstances where individuals had been convicted of DWI, as you may know, they drive without a license. They drive without proof of insurance, which will frequently be ordered by the court. I wanted to make sure that we don't lose sight of that particular problem."

Senator Nelson: "Senator Talmadge, that is addressed on page nine of the bill dealing with a person who is in a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances or imitation controlled substances."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5266.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5266 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vogniild, von Reichbauer, Williams, Wojahn - 43.

Voting nay: Senators Conner, Hansen - 2.

Excused: Senators Moore, A. Smith, Snyder, West - 4.

SUBSTITUTE SENATE BILL NO. 5266, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5288, by Senators Rasmussen, Thorsness, Patterson, McMullen, Oke and Skratek

Renaming the state portion of Interstate 90 the American Veterans Memorial Highway.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5288 was substituted for Senate Bill No. 5288 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5288 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Murray, Senator Vognild was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5288.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5288 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Williams, Wojahn - 44.

Excused: Senators Moore, A. Smith, Snyder, Vognild, West - 5.

SUBSTITUTE SENATE BILL NO. 5288, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5303, by Senator Talmadge

Changing requirements for state and local initiative and referendum ballot titles.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5303 was substituted for Senate Bill No. 5303 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5303 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Anderson, Senator Erwin was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5303.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5303 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Talmadge, Thorsness, von Reichbauer, Williams, Wojahn - 42.

Absent: Senator Sutherland - 1.

Excused: Senators Erwin, Moore, A. Smith, Snyder, Vognild, West - 6.

SUBSTITUTE SENATE BILL NO. 5303, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:03 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Wednesday, March 13, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

FIFTY-NINTH DAY-----
MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 13, 1991

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Matson, McDonald, Snyder and West. On motion of Senator Anderson, Senators Matson, McDonald and West were excused. On motion of Senator Murray, Senator Snyder was excused.

The Sergeant at Arms Color Guard, consisting of Pages Corley Hughes and Brian Thomas, presented the Colors. Reverend William Riker, pastor of St. Benedict's Episcopal Church of Lacey, offered the prayer.

MOTION

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

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504

March 6, 1991

Mr. Gordon Golob
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504

Dear Gordon:

Enclosed is our Report to the Legislature on Structured Residential Programs: Detention-Based Chemical Dependency Treatment for Juvenile Offenders as required by Chapter 271, Laws of 1989.

If you have any questions regarding this report, please contact me at 753-3395.

Sincerely,
RICHARD J. THOMPSON, Secretary

The Report of the Select Committee is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE HOUSE

March 12, 1991

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1049,

SUBSTITUTE HOUSE BILL NO. 1050,

SUBSTITUTE HOUSE BILL NO. 1059,

HOUSE BILL NO. 1091,

HOUSE BILL NO. 1095, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 12, 1991

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1126,

ENGROSSED HOUSE BILL NO. 1139,

SUBSTITUTE HOUSE BILL NO. 1153,

SUBSTITUTE HOUSE BILL NO. 1201,

HOUSE BILL NO. 1203,

HOUSE BILL NO. 1221,

HOUSE BILL NO. 1224,

HOUSE BILL NO. 1339,

HOUSE BILL NO. 1355,

HOUSE BILL NO. 1447,

HOUSE BILL NO. 1458,

SUBSTITUTE HOUSE BILL NO. 1466,

HOUSE BILL NO. 1494,

SUBSTITUTE HOUSE BILL NO. 1496,

SUBSTITUTE HOUSE BILL NO. 1525,

HOUSE BILL NO. 1527, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1049 by Representatives Cole, Fuhrman, Heavey, Holland, Vance and Winsley (by request of Liquor Control Board)

Authorizing the disposal of seized liquor by the agency seizing the liquor.

Referred to Committee on Commerce and Labor.

SHB 1050 by House Committee on Local Government (originally sponsored by Representatives Morris, Cooper, Wynne, Peery, Ogden, Wang, Nealey and H. Myers)

Modifying the type of emergency medical service districts that may impose excess levies.

Referred to Committee on Governmental Operations.

SHB 1059 by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Ludwig and Orr)

Revising the list of personal property exempt from enforcement of judgments.

Referred to Committee on Law and Justice.

HB 1091 by Representative Appelwick

Establishing the uniform foreign-money claims act.

Referred to Committee on Law and Justice.

HB 1095 by Representatives Appelwick, Dellwo and Paris

Adding a new Article regarding funds transfers to the Uniform Commercial Code.

Referred to Committee on Financial Institutions and Insurance.

HB 1126 by Representatives Braddock and Orr (by request of Department of Social and Health Services)

Revising provisions for nursing facilities.

Referred to Committee on Health and Long-Term Care.

EHB 1139 by Representatives Peery, H. Myers, Brough, Morris, Winsley, Pruitt, Cooper, Jones, Rayburn, Basich, Betrozoff, Miller and G. Fisher

Authorizing continuing education credit for teachers for certain out-of-state courses.

Referred to Committee on Education.

SHB 1153 by House Committee on Judiciary (originally sponsored by Representatives Winsley, Rust, Horn, Valle, Edmondson, Neher, Cole, Anderson, Ferguson, Jacobsen, Rasmussen, R. Johnson, Paris, Scott, Betrozoff, Nealey and Sprengle)

Prescribing monetary penalties for littering.

Referred to Committee on Environment and Natural Resources.

EHB 1177 by Representatives Holland, Leonard, Peery, Brough, Jones and Winsley

Clarifying school district boards of directors' responsibilities.

Referred to Committee on Education.

SHB 1183 by House Committee on Judiciary (originally sponsored by Representatives Ludwig, Wynne, Orr and Rasmussen)

Changing provisions relating to negligent driving.

Referred to Committee on Law and Justice.

HB 1191 by Representatives Ogden, Jacobsen, Roland, Prentice, Wood, Edmondson, Fraser, Franklin, H. Myers, Ferguson, Winsley, D. Sommers, Paris, Bowman, Forner, Rayburn, Dellwo, Jones, Wynne, R. Johnson, Riley, Scott, Moyer, Phillips, Brekke, Basich, Spanel, Mitchell, Leonard and Anderson

Providing assistance to single parents in higher education.

Referred to Committee on Higher Education.

SHB 1201 by House Committee on Local Government (originally sponsored by Representatives Cooper, Wood, Rayburn, Edmondson, Franklin, Haugen, Nealey, Zellinsky, Wynne, Bray, Mitchell, Roland and Ferguson)

Removing references to county classes.

Referred to Committee on Governmental Operations.

HB 1203 by Representatives R. King and Fuhrman (by request of Department of Licensing)

Revising provisions for registration of landscape architects.

Referred to Committee on Commerce and Labor.

SHB 1205 by House Committee on Natural Resources and Parks (originally sponsored by Representatives Belcher, Beck, Scott, Broback, Hargrove, H. Sommers, Bowman, Silver, H. Myers, R. Meyers, Winsley, Edmondson, Wynne and Basich) (by request of Department of Natural Resources)

Clarifying forest fire fighting duties.

Referred to Committee on Environment and Natural Resources.

HB 1221 by Representatives Peery, Brough, Brumsickle, G. Fisher, Betzoff, Holland, Paris, Broback and Orr

Permitting compensation of school directors' association directors.

Referred to Committee on Education.

HB 1224 by Representatives H. Sommers, Brough, G. Fisher and Phillips

Changing provisions relating to school district indebtedness.

Referred to Committee on Education.

EHB 1244 by Representatives Heavey, Cole, R. King, Winsley, Jones, Prentice, O'Brien, R. Meyers, Ebersole and Rasmussen

Requiring a study by the legislative budget committee of employer avoidance of industrial insurance premiums and unemployment compensation contributions.

Referred to Committee on Commerce and Labor.

HB 1262 by Representatives Zellinsky, Lisk, R. Meyers, Van Luven, Ferguson, Prentice, Chandler, Orr, Bowman, Prince, Day, Cooper, R. Fisher, Betzoff, Cantwell, Forner, Paris, Wilson, P. Johnson, Fuhrman, Winsley, Hochstatter, Nealey, Wynne, D. Sommers, Broback, Wood, Morton, Horn, Mielke, Brough, Miller, Jacobsen and Silver

Lessening emergency service tow truck restrictions.

Referred to Committee on Transportation.

EHB 1277 by Representatives Grant, May, H. Myers, Hochstatter, Paris and Jacobsen (by request of Washington State Energy Office)

Continuing the geothermal account ten additional years.

Referred to Committee on Energy and Utilities.

EHB 1285 by Representatives Franklin, Cole, Heavey, R. King, Prentice, O'Brien, Hargrove, Ludwig, Jones, Leonard, Riley, Dellwo and Basich

Providing for payments for time lost from work while attending a medical examination for industrial insurance.

Referred to Committee on Commerce and Labor.

ESHB 1287 by House Committee on Human Services (originally sponsored by Representatives Heavey, Moyer, Franklin, Rayburn, Jones, May, Leonard, Tate, Hine, Ballard, Broback, Winsley, Wineberry, Anderson, Brekke, Miller, Riley, Kremen, Forner and Paris)

Revising provisions for adoption.

Referred to Committee on Children and Family Services.

SHB 1317 by House Committee on Revenue (originally sponsored by Representatives Silver, Morris, Holland, Fraser, Mielke, Spanel, Edmondson, Lisk, Morton, Paris, Hochstatter, Nealey, Wynne, Cooper, Bowman, D. Sommers, Miller, Ballard and Mitchell)

Clarifying the tax exemption for medically prescribed oxygen.

Referred to Committee on Health and Long-Term Care.

HB 1325 by Representatives Rasmussen, Miller and Dorn (by request of Utilities and Transportation Commission)

Regulating certain nonmunicipal water systems.

Referred to Committee on Energy and Utilities.

SHB 1326 by House Committee on Housing (originally sponsored by Representatives Franklin, Mitchell, Day, Prentice, Paris, Moyer, Winsley, Cole, Zellinsky, Bray, Ferguson, Edmondson, Wood, Wynne, Lisk, Wineberry, Heavey, Jones, Vance, Tate and Nelson)

Regulating drayage and storage of tenants' property by landlords.

Referred to Committee on Law and Justice.

HB 1339 by Representatives Heavey and O'Brien (by request of Employment Security Department)

Revising provisions for unemployment compensation.

Referred to Committee on Commerce and Labor.

HB 1355 by Representatives R. King, Jones, Cole and Wang (by request of Department of Labor and Industries)

Increasing civil penalties for industrial safety and health violations.

Referred to Committee on Commerce and Labor.

HB 1364 by Representatives Forner, D. Sommers, Winsley, Wynne, Mitchell, Edmondson, P. Johnson, Chandler, Vance, Wood, Moyer, Miller, Brumsickle, Bowman, Horn, Paris, Casada, Ballard, Brough, Tate and Lisk

Providing military leave for public employees and officers called to active duty.

Referred to Committee on Governmental Operations.

ESHB 1440 by House Committee on Housing (originally sponsored by Representatives Winsley, Franklin, Ballard, Nelson, Leonard, Ogden, Wineberry and Miller)

Regulating mobile homes.

Referred to Committee on Commerce and Labor.

HB 1447 by Representatives Cole, Fuhrman and Heavey (by request of Department of Licensing)

Changing the regulatory charge paid by cemetery authorities.

Referred to Committee on Commerce and Labor.

HB 1458 by Representatives Ludwig, Heavey, Lisk and Franklin (by request of Department of Licensing)

Ending dual registration requirements for limousine charter party carriers.

Referred to Committee on Transportation.

SHB 1466 by Committee on Commerce and Labor (originally sponsored by Representatives Ludwig, R. King, Cole, Heavey, Jones and Franklin)

Reimbursement for attorneys' fees in certain social security benefit cases.

Referred to Committee on Commerce and Labor.

HB 1467 by Representatives R. Meyers, Padden, Paris, Tate, Mielke, Broback, Forner, Vance, May, Brough, Winsley, D. Sommers, Mitchell and Roland

Increasing the number of district judges.

Referred to Committee on Law and Justice.

SHB 1486 by House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Belcher, Horn, Valle, Brekke, Pruitt and Jacobsen)

Establishing new integrated pest management procedures.

Referred to Committee on Agriculture and Water Resources.

SHB 1491 by Representatives R. Johnson, Haugen, Roland, Edmondson, Kremen, Nealey, Rayburn, Lisk, Spanel, Neher, Rasmussen, P. Johnson, Rust, Braddock, Wynne, Scott and Paris

Creating the flood control improvement study commission.

Referred to Committee on Environment and Natural Resources.

HB 1494 by Representatives Grant, Miller and Locke (by request of Utilities and Transportation Commission)

Authorizing the utilities and transportation commission to appoint persons to do emergency adjudications.

Referred to Committee on Energy and Utilities.

SHB 1496 by House Committee on Revenue (originally sponsored by Representatives O'Brien, Holland, Morris, Brumsickle, Leonard and Vance)

Changing the disposition of professional license fees.

Referred to Committee on Ways and Means.

SHB 1525 by House Committee on Education (originally sponsored by Representatives Schmidt, Peery, Wood, Brumsickle, Zellinsky, Wilson, Anderson and Neher)

Authorizing procedures to enable school district employees to obtain government travel and subsistence rates.

Referred to Committee on Education.

HB 1527 by Representatives Braddock, Moyer, Sprengle, Edmondson, R. Meyers, Franklin and Zellinsky

Allowing mandatory continuing medical education credit in the area of professional liability risk management.

Referred to Committee on Health and Long-Term Care.

SHB 1563 by House Committee on Capital Facilities and Financing (originally sponsored by Representatives Schmidt, H. Sommers, Anderson, Belcher, Neher, Brumsickle, Betzoff and Rasmussen) (by request of Department of General Administration)

Creating a facility land bank.

Referred to Committee on Governmental Operations.

EHB 1740 by Representatives Ogden, Winsley, Nelson, Leonard, May, Ebersole, Ballard, R. Johnson and Wineberry

Changing provisions relating to housing authorities.

Referred to Committee on Commerce and Labor.

SHJR 4205 by House Committee on Revenue (originally sponsored by Representatives Winsley, Wang, Ballard, Leonard, Mitchell, Nelson, Ebersole, Franklin, Bowman, Jones, R. Johnson, Jacobsen, Betzoff, Fraser, R. King, Phillips, Brekke, Inslee, Spanel, Rasmussen and Anderson)

Amending the Constitution to allow property devoted to low-income housing to be taxed based on its current use value.

Referred to Committee on Governmental Operations.

STATEMENT FOR THE JOURNAL

Mary Wiley
Journal/Minute Clerk
Legislative Building
Olympia, WA 98504

I would like to make the following statement for the Journal:
Due to an emergency caused by a bleeding ulcer, I was admitted to St. Peter Hospital in Olympia the morning of Tuesday, March 12, 1991, and was released in time to return to the afternoon session on March 15, 1991. During this period, I missed a substantial number of roll calls as follows:

March 13, 1991

Gubernatorial Appointment 9142 - Ida Ballasiotes, Member
Sentencing Guidelines Commission

Gubernatorial Appointment 9144 - Judge Anne Ellington, Chair

Sentencing Guidelines Commission

- SSB 5305 -- Student Suspension
- SSB 5346 -- Communication w/Minor/Crime
- SSB 5357 -- Individuals or Water Purveyors
- SSB 5381 -- Veterinarians/Legend Drugs
- SSB 5383 -- Prevailing Wage Administration
- ESSB 5363 -- Legal Financial Obligations
- SB 5391 -- Emergency Adjudications/UTC
- SSB 5418 -- Criminal Justice Work Group
- SB 5434 -- Railroad Regulatory Authority
- SSB 5435 -- Auto Products/Redeemable Crd.
- SB 5449 -- Discharged Educational Employees
- SSB 5450 -- Beer Pasteurization
- SSB 5465 -- Pharmacy Assistant Ratio
- SB 5473 -- Tort Claims Revolving Fund
- SSB 5480 -- Underground Storage Tanks
- SB 5512 -- Sewer Connection Approval
- SB 5432 -- Traffic Safety Program Funds (striking amendment by Senator Patterson)
- ESB 5640 -- Alternate Teacher Certification
- SSB 5121 -- Whistleblower Protection (amendments by Senator Madsen)
- SSB 5121 -- Whistleblower Protection (final passage)
- SB 5544 -- Private Mailbox/Corporations
- SSB 5548 -- Adult Family Home Providers
- SSB 5554 -- Professional License Fees
- SSB 5576 -- Specialized Veterinary Licenses
- SSB 5577 -- Board of Medical Examiners
- SB 5586 -- State Militia Provisions
- SSB 5611 -- Rental Vehicles Sales Tax
- SSB 5613 -- Pawnbrokers/Second-hand Dealers
- SB 5619 -- Candidate Filing Fees
- SB 5630 -- Permits and Licenses
- SSB 5632 -- Ocularist Apprenticeship
- SSB 5634 -- Equipment Sterilization/Dentists
- SSB 5645 -- Low-Level Waste Handlers
- SSB 5665 -- Dependent Children
- SSB 5713 -- Agriculture Dept. Licenses
- ESB 5704 -- Flood Control/Local Government
- SSB 5720 -- Motorist Information Signs
- SB 5722 -- Nat. Resources Interest Rates
- SSB 5762 -- Water Company Safety Improvement
- SB 5767 -- PUD Borrowing and Credit
- SSB 5806 -- Underground Storage Tanks
- SSB 5807 -- Water Rights Transfers
- ESSB 5810 -- Affordable Housing
- SB 5816 -- Road Maintenance Material Bids
- SSB 5820 -- Long-term Care Policy/Child
- SB 5821 -- Air Pollution Control Authority
- SB 5834 -- Archiving Methods

SSB 5835 -- Ski Lift Signs
 SSB 5852 -- Criminal Offender Work Crews
 SB 5863 -- Rail Freight Property Acquisition
 SB 5875 -- Controlled Substance Sale
 SSB 5876 -- Oil Spill Response Liability

SENATOR SID SNYDER, 19th District

SECOND READING
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9142, Ida Ballasiotes, as a member of the Sentencing Guidelines Commission, was confirmed.

Senators Rasmussen and Wojahn spoke to the confirmation of Ida Ballasiotes, as a member of the Sentencing Guidelines Commission.

APPOINTMENT OF IDA BALLASIOTES

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 45.

Excused: Senators Matson, McDonald, Snyder, West - 4.

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9144, Judge Anne Ellington, as Chair of the Sentencing Guidelines Commission, was confirmed.

Senator Talmadge spoke to the confirmation of Judge Ellington as Chair of the Sentencing Guidelines Commission.

MOTION

On motion of Senator Anderson, Senator Bluechel was excused.

APPOINTMENT OF JUDGE ANNE ELLINGTON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L.

Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 44.

Excused: Senators Bluechel, Matson, McDonald, Snyder, West - 5.

SECOND READING

SENATE BILL NO. 5305, by Senators Owen and Craswell

Conditioning the reduction of a student's suspension on the commencement of counseling.

MOTION

On motion of Senator Bailey, Substitute Senate Bill No. 5305 was substituted for Senate Bill No. 5305 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5305 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5305.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5305 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 45.

Excused: Senators Bluechel, McDonald, Snyder, West - 4.

SUBSTITUTE SENATE BILL NO. 5305, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5346, by Senator Nelson

Defining the crime of communication with a minor for immoral purposes.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5346 was substituted for Senate Bill No. 5346 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5346 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5346.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5346 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 46.

Excused: Senators McDonald, Snyder, West - 3.

SUBSTITUTE SENATE BILL NO. 5346, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5357, by Senators Barr and Madsen (by request of Joint Committee on Water Resource Policy)

Directing that criteria be established designating individuals or water purveyors as satellite system management agencies.

MOTIONS

On motion of Senator Thorsness, Substitute Senate Bill No. 5357 was substituted for Senate Bill No. 5357 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thorsness, the rules were suspended, Substitute Senate Bill No. 5357 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5357.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5357 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse,

Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 46.

Excused: Senators McDonald, Snyder, West - 3.

SUBSTITUTE SENATE BILL NO. 5357, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5381, by Senators West, Gaspard, Bailey, Hansen, Bauer and L. Smith

Allowing a veterinarian to dispense legend drugs prescribed by another veterinarian.

MOTIONS

On motion of Senator L. Smith, Substitute Senate Bill No. 5381 was substituted for Senate Bill No. 5381 and the substitute bill was placed on second reading and read the second time.

On motion of Senator L. Smith, the rules were suspended, Substitute Senate Bill No. 5381 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5383.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5381 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 46.

Excused: Senators McDonald, Snyder, West - 3.

SUBSTITUTE SENATE BILL NO. 5381, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5383, by Senators Hansen, Snyder, Matson, Barr and Skratek

Regarding the administration of prevailing wages.

MOTIONS

On motion of Senator Matson, Substitute Senate Bill No. 5383 was substituted for Senate Bill No. 5383 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Matson, the rules were suspended, Substitute Senate Bill No. 5383 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5383.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5383 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 46.

Excused: Senators McDonald, Snyder, West - 3.

SUBSTITUTE SENATE BILL NO. 5383, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5363, by Senators Thorsness, Rasmussen, Nelson, Newhouse, Hayner, Madsen, A. Smith, Erwin and L. Kreidler (by request of Department of Corrections)

Providing for an administrative process for legal financial obligations.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5363 was substituted for Senate Bill No. 5363 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the following amendment was adopted: On page 11, line 4, strike all of subsection (4)

Senator Talmadge moved that the following amendment by Senators Talmadge and Nelson be adopted:

On page 13, beginning on line 17, strike all material through "offender." on line 23, and insert:

"Notwithstanding any other provision of this act, if the department initiates collection action against a joint bank account, with or without the right of survivorship,

or any other funds which are subject to the community property laws of this state, notice shall be given to all affected parties that the account or funds are subject to potential withholding. Such notice shall be by first class mail, return receipt required, or by personal service and be given at least twenty calendar days before withholding is made. Upon receipt of such notice, the nonobligated person shall have ten calendar days to file a petition with the department contesting the withholding of his or her interest in the account or funds. The department shall provide notice of the right of the filing of the petition with the notice provided in this paragraph. If the petition is not filed within the period provided for herein, the department is authorized to proceed with the collection action."

Debate ensued.

The President declared the question before the Senate to the adoption of the amendment by Senators Talmadge and Nelson on page 13, to Substitute Senate Bill No. 5363.

The motion by Senator Talmadge carried and the amendment was adopted.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 5363 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5363.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5363 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 46.

Excused: Senators McDonald, Snyder, West - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5363, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5391, by Senators Thorsness, Sutherland and Stratton (by request of Utilities and Transportation Commission)

Authorizing the utilities and transportation commission to appoint persons to do emergency adjudications.

The bill was read the second time.

MOTION

On motion of Senator Thorsness, the rules were suspended, Senate Bill No. 5391 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5391.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5391 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 46.

Excused: Senators McDonald, Snyder, West - 3.

SENATE BILL NO. 5391, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5418, by Senators Thorsness, Rasmussen, Nelson and Talmadge

Creating an interagency criminal justice work group.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5418 was substituted for Senate Bill No. 5418 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5418 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5418.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5418 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Williams, Wojahn - 47.

Excused: Senators Snyder, West - 2.

SUBSTITUTE SENATE BILL NO. 5418, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5434, by Senators Patterson, Snyder and Hansen (by request of Utilities and Transportation Commission)

Repealing certain regulatory authority over railroads.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5434 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5434.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5434 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Williams, Wojahn - 47.

Excused: Senators Snyder, West - 2.

SENATE BILL NO. 5434, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Bluechel was excused.

SECOND READING

SENATE BILL NO. 5435, by Senators L. Kreidler, Metcalf, Owen, Amondson, Sutherland, Snyder, Patterson, Oke, Wojahn and Conner

Exempting from the business and occupation tax certain deposits that are refunded.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5435 was substituted for Senate Bill No. 5435 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5435 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5435.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5435 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 46.

Excused: Senators Bluechel, Snyder, West - 3.

SUBSTITUTE SENATE BILL NO. 5435, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, Senate Bill No. 5438 was moved to the bottom of the second reading calendar.

SECOND READING

SENATE BILL NO. 5449, by Senators Sellar, Vognild and Bailey

Requiring notice of the appeals process to discharged educational employees.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5449 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5449.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5449 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 46.

Excused: Senators Bluechel, Snyder, West - 3.

SENATE BILL NO. 5449, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator L. Smith, Senator Patterson was excused.

SECOND READING

SENATE BILL NO. 5450, by Senators Sellar, Snyder, Matson, Moore, McMullen, McDonald and Skratek

Concerning pasteurization in relation to licenses for the sale of beer.

MOTIONS

On motion of Senator Matson, Substitute Senate Bill No. 5450 was substituted for Senate Bill No. 5450 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Matson, the rules were suspended, Substitute Senate Bill No. 5450 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5450.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5450 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 45.

Excused: Senators Bluechel, Patterson, Snyder, West - 4.

SUBSTITUTE SENATE BILL NO. 5450, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5465, by Senators West, Moore, Conner, McDonald, Newhouse, Nelson, Bluechel, Johnson, Niemi, Wojahn and von Reichbauer

Concerning the ratio of pharmacy assistants.

MOTIONS

On motion of Senator L. Smith, Substitute Senate Bill No. 5465 was substituted for Senate Bill No. 5465 and the substitute bill was placed on second reading and read the second time.

On motion of Senator L. Smith, the rules were suspended, Substitute Senate Bill No. 5465 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5465.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5465 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Patterson, Snyder - 2.

SUBSTITUTE SENATE BILL NO. 5465, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5473, by Senators McCaslin and Madsen (by request of Department of General Administration)

Creating the tort claims revolving fund.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5473 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5473.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5473 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Snyder - 1.

SENATE BILL NO. 5473, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5480, by Senators Oke, Owen, Sutherland and Metcalf (by request of Department of Ecology)

Pertaining to the applicability of the uniform fire code to underground storage tank laws.

MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 5480 was substituted for Senate Bill No. 5480 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 5480 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5480.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5480 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Snyder - 1.

SUBSTITUTE SENATE BILL NO. 5480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5512, by Senators McCaslin and Madsen

Prohibiting connection of a sewer without approval of sewer districts.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5512 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5512.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5512 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler,

Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Snyder - 1.

SENATE BILL NO. 5512, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5432, by Senators Patterson, Vognild, Snyder, Skratek, Hansen, Oke, Madsen, McMullen, von Reichbauer, Thorsness and Conner (by request of Legislative Transportation Committee)

Funding programs from the public safety and education account.

The bill was read the second time.

MOTION

Senator Patterson moved that the following amendment be adopted:
Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.08.250 and 1985 c 57 s 27 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments, except for those fees, fines, forfeitures, penalties, reimbursements or assessments identified in section 2 of this act, by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote ((~~traffic safety education, highway safety,~~) criminal justice training, crime victims' compensation, judicial education, the judicial information system, winter recreation parking, and state game programs. All earnings of investments of balances in the public safety and education account shall be credited to the general fund.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.08 RCW to read as follows:

(1) The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements, or assessments from: (a) Traffic infractions pertaining to the operation or condition of a commercial or noncommercial vehicle whether it is moving, standing, or stopping; (b) pedestrian infractions; (c) violations of RCW 46.61.502 or 46.61.504; and (d) all other violations listed as exceptions to RCW 46.63.020 pertaining to the operation or use of a vehicle, by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited as follows: Seventy-five percent in the traffic safety and enforcement account hereby created in the transportation fund and twenty-five percent in the driver education account hereby created in the general fund.

(2) Moneys in the traffic safety and enforcement account shall be used for promotion of traffic safety education, highway safety, the safety education officer program, commercial vehicle enforcement, and other programs related to driver and vehicle safety, enforcement, and administration. All earnings of investments of

balances in the traffic safety and enforcement account shall be credited to the transportation fund, notwithstanding RCW 43.84.090.

(3) Moneys in the driver education account shall be used for driver education programs administered by the superintendent of public instruction. All earnings of investments of balances in the driver education account shall be credited to the general fund.

Sec. 3. RCW 43.84.090 and 1990 2nd ex.s. c 1 s 203 are each amended to read as follows:

Except as otherwise provided by RCW 43.250.030, 67.40.025, ~~((and))~~ 82.14.050, and section 2(2) of this act, twenty percent of all income received from such investments shall be deposited in the state general fund.

POINT OF INQUIRY

Senator Talmadge: "Senator Patterson, perhaps you could tell us how much of the eighty-eight million dollars that presently goes to PSCA would be diverted to these two new accounts that you have referenced?"

Senator Patterson: "All of it would be. In other words, the total of eighty-eight would go into the two accounts that we are talking about."

Senator Talmadge: "Do you have any information then what the impact would be on the funding of crime victim's compensations programs?"

Senator Patterson: "All of the money under crime victims would go into the separate account. It would not have any impact on it."

Senator Talmadge: "My understanding, Senator--"

Senator Patterson: "The general fund would still be appropriating money for that purpose."

Senator Talmadge: "The general fund, I don't believe, now appropriates any money for crime victim's compensation."

Senator Patterson: "Oh, yes they do. It is my understanding that they do."

Senator Talmadge: "Thank you."

Further debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senator Patterson to Senate Bill No. 5432.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 14; Nays, 34; Absent, 0; Excused, 1.

Voting yea: Senators Hansen, Jesernig, Madsen, Matson, McCaslin, McMullen, Metcalf, Nelson, Oke, Rasmussen, Skratek, L. Smith, Sutherland, Vognild - 14.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Johnson, L. Kreidler, McDonald, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Sellar, A. Smith, Stratton, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 34.

Excused: Senator Snyder - 1.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Patterson served notice that he would move to reconsider the vote by which the striking amendment to Senate Bill No. 5432 was not adopted.

MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 5432 was deferred.

SECOND READING

SENATE BILL NO. 5640, by Senators Craswell, Rasmussen, Bailey, McDonald, Cantu and Thorsness

Providing an alternate teacher certification program.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 2, line 6, after "from" strike "an accredited college or university" and insert "a college or university accredited by the northwest association of schools and colleges or an equivalent regional accrediting organization"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 2, line 6, to Senate Bill No. 5640.

The motion by Senator Talmadge carried and the amendment was adopted.

MOTION

Senator Murray moved that the following amendment be adopted:

On page 2, line 22, after "." insert "This shall include completion of a program in classroom management, discipline and conflict resolution."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Murray on page 2, line 22, to Senate Bill No. 5640.

The motion by Senator Murray failed and the amendment was not adopted.

MOTION

Senator Skratek moved that the following amendment be adopted:

On page 3, beginning after line 2, insert the following:

"(c) Have completed at least four months practicum teaching in a public school under the supervision of a certificated instructional staff member. The practicum teaching shall occur under the auspices of a state board of education approved teacher preparation program of a four year college or university in Washington state, and shall include all the provisions therein."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Skratek on page 3, beginning after line 2, to Senate Bill No. 5640.

The motion by Senator Skratek failed and the amendment was not adopted.

MOTION

Senator Rinehart moved that the following amendment be adopted:

On page 3, line 12, after "." strike "Initial certification shall not require additional course work or experience" and insert "Initial certification may require additional course work or experience subject to state board of education rule"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rinehart on page 3, line 12, to Senate Bill No. 5640.

The motion by Senator Rinehart failed and the amendment was not adopted.

MOTION

Senator Rinehart moved that the following amendment be adopted:

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

NEW SECTION. Sec. 6. This act shall expire June 30, 1995.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rinehart on page 4, beginning after line 4, to Senate Bill No. 5640.

The motion by Senator Rinehart failed on a rising vote and the amendment was not adopted.

MOTION

Senator Talmadge moved that the following amendment be adopted:

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

NEW SECTION. Sec. 6. The sum of three hundred fifty-one thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the general fund to the superintendent of public instruction for the purposes of section 2(b) of this act.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 4, beginning after line 4, to Senate Bill No. 5640.

The motion by Senator Talmadge failed and the amendment was not adopted.

MOTION

Senator Rinehart moved that the following amendment be adopted:

On page 4, after line 2, insert the following:

NEW SECTION. Sec. 5. If specific funding for this act, citing this act by bill number is not provided in the 1991 omnibus appropriations act this act shall be null and void.

Re-number the sections consecutively.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rinehart on page 4, after line 2, to Senate Bill No. 5640.

The motion by Senator Rinehart failed and the amendment was not adopted.

MOTION

Senator Gaspard moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The state board of education shall by December 15, 1995, report to the legislature on the status of the internship certificate pilot program and limited certificates established by the state board of education in January, 1991, and thereafter. The report shall include but is not limited to: the number of internship certificated and limited certificated teachers hired by school districts; the grade level and subject areas to which they have been assigned; the number of instructional hours they have taught; the number who have applied for initial or professional certification; and the number who have been granted initial or professional certification.

NEW SECTION. Sec. 2. This act shall expire December 15, 1995.

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Gaspard to Senate Bill No. 5640.

The motion by Senator Gaspard failed and the amendment was not adopted.

MOTION

On motion of Senator Bailey, the rules were suspended, Engrossed Senate Bill No. 5640 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Nelson: "Senator Craswell, if you look at Section 2, on the process of obtaining an alternative teacher's certificate--precisely page 3, subsection 3--it indicates that a person can obtain this certificate for part-time or full time teacher activity in the K-12 system. It goes on to say that the certificate shall be valid for not more than two years of full time teaching or its equivalent. My question is, how many years is it valid for a part-time teaching activity?"

Senator Craswell: "Thank you, Senator Nelson, that is a good question. It was the intent that it would be two years of full time or part-time teaching."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5640.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5640 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Stratton, Thorsness, von Reichbauer, West - 28.

Voting nay: Senators Bauer, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Nelson, Niemi, Pelz, Rinehart, Skratek, A. Smith, Sutherland, Talmadge, Vognild, Williams, Wojahn - 20.

Excused: Senator Snyder - 1.

ENGROSSED SENATE BILL NO. 5640, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5375, by Senators Anderson, Rasmussen, Bailey, Johnson, Metcalf, Matson, McCaslin, Thorsness, Roach, Cantu, Oke, Craswell, A. Smith and L. Smith

Eliminating the masters degree requirement for teachers.

The bill was read the second time.

MOTION

Senator Murray moved that the following amendment by Senators Murray and Rasmussen be adopted:

On page 3, following line 4, insert a new section to read as follows:

Sec. 3. RCW 28A.150.410 and 1990 c 33 s 118 are each amended to read as follows:

(1) The legislature shall establish for each school year in the appropriations act a state-wide salary allocation schedule, for allocation purposes only, to be used to distribute funds for basic education certificated instructional staff salaries under RCW 28A.150.260.

(2) The superintendent of public instruction shall calculate salary allocations for state funded basic education certificated instructional staff by determining the district average salary for basic education instructional staff using the salary allocation schedule established pursuant to this section. However, no district shall receive an allocation based upon an average basic education certificated instructional staff salary which is less than the average of the district's 1986-87 actual basic education certificated instructional staff salaries, as reported to the superintendent of public instruction prior to June 1, 1987, and the legislature may grant minimum salary increases on that base: PROVIDED, That the superintendent of public instruction may adjust this allocation based upon the education and experience of the district's certificated instructional staff.

~~((3) Beginning January 1, 1992, no more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in the biennial appropriations act, or any replacement schedules and documents, unless:~~

~~(a) The employee has a masters degree; or~~

~~(b) The credits were used in generating state salary allocations before January 1, 1992.))~~

POINT OF ORDER

Senator Anderson: "Mr. President, a point of order. I would like to raise the question of scope and object on this amendment. Senate Bill No. 5375 is a measure with one purpose, eliminating the requirement from mandatory master's degree. Senate Bill No. 5375 has only two sections on the bill amending a single chapter of the RCWs, Chapter 28A.410. The amendment before us deals with a different subject, that is the subject of teacher's salaries. It goes to an entirely different chapter of the statutes, 28A.150, giving the salary allocation schedules. The underlying bill was not intended to affect teacher's salaries. The sole aim of this is to form the teacher certification requirements. The amendment, I believe, is clearly outside the scope and object of Senate Bill No. 5375."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 5375 was deferred.

PARLIAMENTARY INQUIRY

Senator Talmadge: "A point of parliamentary inquiry, Mr. President. You have ruled that a committee chair may rule with respect to the question of scope and object in the committee. If a member of the Senate refuses or fails to raise the point of order of scope and object in the committee, before the appropriate committee chair, does that constitute a waiver of the point of

order with respect to scope and object for consideration by the full Senate out on the floor?"

REPLY BY THE PRESIDENT

President Pritchard: "We haven't made a ruling on that, Senator. It was a proposed rule change, but we haven't made a ruling on that."

Senator Talmadge: "If I might follow up. In light of the decision of the body to continue to permit committee chairs of the Senate to rule with respect to the point of order of scope and object, would the failure of a member of the Senate to raise scope and object in the committee, before the appropriate committee chair, would that constitute a waiver of the point of order of scope and object out on the floor of the Senate?"

President Pritchard: "The ruling is, it doesn't bind the President."

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5121, deferred on second reading March 7, 1991, after the amendments by Senator Skratek on page 1, after line 4 and line 12; page 2, line 4; and page 8, line 8; were adopted.

MOTION

Senator Madsen moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 23, after "to" insert "a legislator, a member of the news media
or"

On page 2, line 27, after "to" insert "a legislator, a member of the news media
or"

On page 2, line 29, after "to" insert "a legislator, a member of the news media
or"

On page 3, line 1, after "to" insert "a legislator, a member of the news media
or"

On page 3, line 5, after "information" insert "from a whistleblower, a legislator
or a member of the news media"

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained.

POINT OF INQUIRY

Senator Rasmussen: "Senator Madsen, the case that you explained where they talked to a reporter or they come to a legislator with information, will that legislator then turn that over to the auditor?"

Senator Madsen: "Under the bill, the individual--the person who is defined as a whistleblower--under this bill would have to go to the auditor. We would have to tell them to go to the auditor."

Further debate ensued.

MOTION

On motion of Senator Murray, Senator Hansen was excused.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Madsen on page 2, lines 23, 27, 29, and page 3, lines 1 and 5, to Substitute Senate Bill No. 5121.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Conner, Gaspard, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 22.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Thorsness, von Reichbauer, West - 25.

Excused: Senators Hansen, Snyder - 2.

MOTION

At 12:09 p.m., on motion of Senator Newhouse, the Senate recessed until 1:45 p.m.

The Senate was called to order at 2:11 p.m. by President Pro Tempore Craswell.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5121, which was being considered on second reading, before the Senate recessed.

MOTION

Senator Skratek moved that the following amendment be adopted:

On page 17, after line 13, insert a New Section to read as follows:

NEW SECTION. Sec. 8. A new section is added to chapter 43.09 RCW to read as follows:

The expense of investigating improper local governmental activity as provided in chapter 42.40 RCW shall be borne by each entity subject to such investigation. Procedures established by the division of municipal corporations concerning the municipal revolving fund shall be made applicable to these investigations and their expenses.

Renumber the remaining section consecutively.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Skratek on page 17, after line 13, to Substitute Senate Bill No. 5121.

The motion by Senator Skratek carried and the amendment was adopted.

MOTIONS

On motion of Senator Skratek, the following title amendment was adopted:

On page 1, line 3, after "160;" insert "adding a new section to chapter 43.09 RCW;"

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute Senate Bill No. 5121 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5121.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5121 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Cantu, Conner, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 41.

Voting nay: Senators Barr, Bluechel, Craswell, Erwin, Newhouse, Saling - 6.

Absent: Senator Matson - 1.

Excused: Senator Snyder - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5544, by Senator Metcalf

Authorizing corporations to use a private mailbox as a mailing address.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5544 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5544.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5544 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Snyder - 1.

SENATE BILL NO. 5544, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5548, by Senators L. Smith and West

Changing the limitations on adult family home providers.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5548 was substituted for Senate Bill No. 5548 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5548 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5548.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5548 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Snyder - 1.

SUBSTITUTE SENATE BILL NO. 5548, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5554, by Senators Cantu, Gaspard, L. Smith, Owen and Anderson

Changing the disposition of professional license fees.

MOTIONS

On motion of Senator Cantu, Substitute Senate Bill No. 5554 was substituted for Senate Bill No. 5554 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Cantu, the rules were suspended, Substitute Senate Bill No. 5554 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5554.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5554 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Snyder - 1.

SUBSTITUTE SENATE BILL NO. 5554, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

March 13, 1991

Gordon A. Golob
Secretary of the Senatē
306 Legislative Building
Olympia, Washington 98504

Dear Secretary Golob:

Early today, two constituents from Klickitat County requested an impromptu meeting with me about some current timber problems in my legislative district.

While meeting with them, I missed voting on Substitute Senate Bill No. 5576, Substitute Senate Bill No. 5577 and Senate Bill No. 5586. Had I been

present, I would have voted 'yes' on all three. All three were on the consent calendar and passed overwhelmingly.

I would like this explanation entered into the Journal.

Thank you.

Sincerely,
DEAN SUTHERLAND, State Senator, 17th District

SECOND READING

SENATE BILL NO. 5576, by Senators West and Niemi (by request of Department of Health)

Establishing a license to practice specialized veterinary medicine.

MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 5576 was substituted for Senate Bill No. 5576 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, the rules were suspended, Substitute Senate Bill No. 5576 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5576.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5576 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senator Sutherland - 1.

Excused: Senator Snyder - 1.

SUBSTITUTE SENATE BILL NO. 5576, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5577, by Senators West and Niemi (by request of Department of Health)

Revising the responsibilities of the board of medical examiners.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5577 was substituted for Senate Bill No. 5577 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5577 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5577.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5577 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senator Sutherland - 1.

Excused: Senator Snyder - 1.

SUBSTITUTE SENATE BILL NO. 5577, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5586, by Senators McCaslin, Sutherland and Roach (by request of Military Department)

Making technical corrections to provisions for the state militia.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5586 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5586.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5586 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senator Sutherland - 1.

Excused: Senator Snyder - 1.

SENATE BILL NO. 5586, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5611, by Senators Matson, Patterson, Snyder and Conner

Imposing an additional sales tax on rental vehicles in lieu of the motor vehicles excise tax.

MOTIONS

On motion of Senator Matson, Substitute Senate Bill No. 5611 was substituted for Senate Bill No. 5611 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Matson, the rules were suspended, Substitute Senate Bill No. 5611 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5611.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5611 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Snyder - 1.

SUBSTITUTE SENATE BILL NO. 5611, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Amondson was excused.

SECOND READING

SENATE BILL NO. 5613, by Senators Matson, Moore, McCaslin, McMullen, Snyder Bauer, Vognild, Sutherland, Thorsness, Johnson and Hansen

Regulating pawnbrokers and second-hand dealers.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5613 was substituted for Senate Bill No. 5613 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5613 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator McCaslin, there are instances, in fact a number of instances, where people come in and pawn stolen property. Is there any requirement that they take a picture and maintain for the record of those people that are pawning property that may or may not be stolen--frequently it is?"

Senator McCaslin: "Well, Senator Rasmussen, I was on the committee handling this bill and the Seattle Police Department and the Pierce County Sheriff's Office all testified in favor of this bill, so I am sure they have done everything they can to handle any stolen property."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5613.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5613 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, West, Williams, Wojahn - 46.

Voting nay: Senator von Reichbauer - 1.

Excused: Senators Amondson, Snyder - 2.

SUBSTITUTE SENATE BILL NO. 5613, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5619, by Senators McCaslin and Madsen (by request of Secretary of State)

Concerning candidates filing fees.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5619 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5619.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5619 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Absent: Senator Vognild - 1.

Excused: Senators Amondson, Snyder - 2.

SENATE BILL NO. 5619, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5630, by Senators McCaslin, Madsen and Nelson (by request of Department of Wildlife)

Exempting certain permits and licenses from the definition of a fee.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 5630 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5630.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5630 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Absent: Senator Vognild - 1.

Excused: Senators Amondson, Snyder - 2.

SENATE BILL NO. 5630, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Murray, Senator Vognild was excused.

SECOND READING

SENATE BILL NO. 5632, by Senators West, Niemi and Johnson

Redefining what an ocularist is and his or her apprenticeship period.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5632 was substituted for Senate Bill No. 5632 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5632 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5632.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5632 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Snyder, Vognild - 2.

SUBSTITUTE SENATE BILL NO. 5632, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5634, by Senators Cantu, Bailey and A. Smith

Requiring that dentists' offices comply with requirements for sterilization of equipment and infection control.

MOTIONS

On motion of Senator Cantu, Substitute Senate Bill No. 5634 was substituted for Senate Bill No. 5634 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Cantu, the rules were suspended, Substitute Senate Bill No. 5634 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5634.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5634 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Absent: Senator Metcalf - 1.

Excused: Senators Snyder, Vognild - 2.

SUBSTITUTE SENATE BILL NO. 5634, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5645, by Senators Thorsness and Williams

Changing liability of handlers of low-level waste.

MOTIONS

On motion of Senator Thorsness, Substitute Senate Bill No. 5645 was substituted for Senate Bill No. 5645 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thorsness, the rules were suspended, Substitute Senate Bill No. 5645 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5645.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5645 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Snyder, Vognild - 2.

SUBSTITUTE SENATE BILL NO. 5645, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5665, by Senators L. Smith, Stratton and Craswell

Changing provisions relating to dependent children.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5665 was substituted for Senate Bill No. 5665 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5665 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5665.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5665 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Absent: Senator Matson - 1.

Excused: Senators Snyder, Vognild - 2.

SUBSTITUTE SENATE BILL NO. 5665, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5678, by Senators Thorsness, Madsen, Rasmussen, Hayner, Newhouse, Erwin, A. Smith, L. Kreidler, Williams, Saling, Cantu, Sutherland, Owen, Johnson and Oke

Creating Washington national guard day.

The bill was read the second time.

MOTION

Senator McCaslin moved that the rules be suspended and that Senate Bill No. 5678 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

MOTION

On motion of Senator McCaslin, further consideration of Senate Bill No. 5678 was deferred.

MOTION

On motion of Senator Linda Smith, Senator Matson was excused.

SECOND READING

SENATE BILL NO. 5713, by Senators Barr and Hansen (by request of Department of Agriculture)

Making changes to license administration by the department of agriculture.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 5713 was substituted for Senate Bill No. 5713 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Substitute Senate Bill No. 5713 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5713.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5713 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Matson, Snyder, Vognild - 3.

SUBSTITUTE SENATE BILL NO. 5713, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5704, by Senators Owen and Metcalf

Ensuring that local governments have a flood control plan.

The bill was read the second time.

MOTIONS

On motion of Senator Hansen, the following amendment was adopted:
On page 1, line 11, following "town," insert "within which a floodplain exists,"

On motion of Senator Metcalf, the rules were suspended, Engrossed Senate Bill No. 5704 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5704.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5704 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Matson, Snyder, Vognild - 3.

ENGROSSED SENATE BILL NO. 5704, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5720, by Senators Patterson, Vognild and Nelson (by request of Department of Transportation)

Recodifying statutes on motorist information signs.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5720 was substituted for Senate Bill No. 5720 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5720 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5720.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5720 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Matson, Snyder, Vognild - 3.

SUBSTITUTE SENATE BILL NO. 5720, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5722, by Senators Oke and Owen (by request of Department of Natural Resources)

Providing a department-wide interest policy for the department of natural resources.

The bill was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5722 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Anderson, Senators Bluechel and Metcalf were excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5722.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5722 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Bluechel, Matson, Metcalf, Snyder, Vognild - 5.

SENATE BILL NO. 5722, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Murray, Senator McMullen was excused.

SECOND READING

SENATE BILL NO. 5762, by Senators Hayner, Cantu and Thorsness

Financing water company safety improvements.

MOTIONS

On motion of Senator Thorsness, Substitute Senate Bill No. 5762 was substituted for Senate Bill No. 5762 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thorsness, the rules were suspended, Substitute Senate Bill No. 5762 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5762.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5762 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 43.

Excused: Senators Bluechel, Matson, McMullen, Metcalf, Snyder, Vognild - 6.

SUBSTITUTE SENATE BILL NO. 5762, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5767, by Senators Sellar, Pelz and von Reichbauer

Permitting public utility districts to borrow from or establish credit with any financial institution.

The bill was read the second time.

MOTION

On motion of Senator von Reichbauer, the rules were suspended, Senate Bill No. 5767 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5767.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5767 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Bluechel, Matson, Snyder, Vognild - 4.

SENATE BILL NO. 5767, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5806, by Senators Patterson, Matson, Hansen, Vognild, Snyder, Barr, Hayner, Newhouse, Owen, Oke, Metcalf, Jesernig, Madsen, Conner, McMullen, Sellar, Johnson, Bailey and L. Smith

Authorizing loans and grants to preserve underground petroleum storage tanks in rural areas.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5806 was substituted for Senate Bill No. 5806 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5806 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Murray Senators Owen and Wojahn were excused. The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5806.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5806 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams - 43.

Excused: Senators Bluechel, Matson, Owen, Snyder, Vognild, Wojahn - 6.

SUBSTITUTE SENATE BILL NO. 5806, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, Senate Bill No. 5778, Senate Bill No. 5790 and Senate Bill No. 5825 were moved to the bottom of the second reading calendar.

SECOND READING

SENATE BILL NO. 5807, by Senators Newhouse, Bauer, Barr and Gaspard

Modifying provisions for transfer or change of a right related to public water.

MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 5807 was substituted for Senate Bill No. 5807 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, the rules were suspended, Substitute Senate Bill No. 5807 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5807.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5807 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams - 44.

Excused: Senators Matson, Owen, Snyder, Vognild, Wojahn - 5.

SUBSTITUTE SENATE BILL NO. 5807, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Bluechel assumed the Chair.

SECOND READING

SENATE BILL NO. 5810, by Senators Rasmussen, McCaslin and L. Smith

Creating state-wide affordable housing.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5810 was substituted for Senate Bill No. 5810 and the substitute bill was placed on second reading and read the second time.

Senator Williams moved that the following amendments by Senators Williams and McCaslin be considered simultaneously and be adopted:

On page 4, beginning on line 18, strike all of subsection (c)

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 7, beginning on line 18, strike all of subsection (c)

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 10, beginning on line 18, strike all of subsection (c)

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 13, beginning on line 15, strike all of subsection (c)

Re-number the remaining subsections consecutively and correct any internal references accordingly.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Williams and McCaslin on page 4, beginning on line 18; page 7, beginning on line 18; page 10, beginning on line 18; and page 13, beginning on line 15, to Substitute Senate Bill No. 5810.

The motion by Senator Williams carried and the amendments were adopted.

MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute Senate Bill No. 5810 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5810.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5810 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Skratek, L. Smith, Stratton, Sutherland, Thorsness, West, Williams, Wojahn - 37.

Voting nay: Senators Bluechel, Hayner, L. Kreidler, Moore, Rinehart, Sellar, A. Smith, Talmadge, von Reichbauer - 9.

Excused: Senators Matson, Snyder, Vognild - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5810, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5816, by Senator McCaslin

Allowing the county to award to multiple bidders for the procurement of road maintenance materials.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5816 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5816.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5816 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Matson, Snyder, Vognild - 3.

SENATE BILL NO. 5816, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5820, by Senators L. Smith, Niemi, Bailey, L. Kreidler and Bauer

Developing a children's long-term care policy.

MOTIONS

On motion of Senator Linda Smith, Substitute Senate Bill No. 5820 was substituted for Senate Bill No. 5820 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Linda Smith, the rules were suspended, Substitute Senate Bill No. 5820 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5820.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5820 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Matson, Snyder, Vognild - 3.

SUBSTITUTE SENATE BILL NO. 5820, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5821, by Senators Craswell, Owen and Oke

Modifying provisions relating to the creation of air pollution control authorities.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 5821 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5821.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5821 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Saling, Sellar, L. Smith, Stratton, Sutherland, Thorsness, von Reichbauer, West, Wojahn - 37.

Voting nay: Senators Madsen, Moore, Murray, Niemi, Pelz, Skratek, A. Smith, Talmadge, Williams - 9.

Excused: Senators Matson, Snyder, Vognild - 3.

SENATE BILL NO. 5821, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5834, by Senator McCaslin (by request of Secretary of State)

Updating archiving methods.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5834 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5834.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5834 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senator Patterson - 1.

Excused: Senators Matson, Snyder, Vognild - 3.

SENATE BILL NO. 5834, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5835, by Senators Sellar, Talmadge and Nelson

Giving the parks and recreation commission responsibility for signs on aerial ski lifts.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5835 was substituted for Senate Bill No. 5835 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5835 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5835.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5835 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Matson, Snyder, Vognild - 3.

SUBSTITUTE SENATE BILL NO. 5835, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5852, by Senators Nelson and Thorsness (by request of Sentencing Guideline Commission)

Authorizing work crews for criminal offenders.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5852 was substituted for Senate Bill No. 5852 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5852 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5852.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5852 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Matson, Snyder - 2.

SUBSTITUTE SENATE BILL NO. 5852, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5863, by Senator Sellar

Correcting internal references in rail freight property acquisition statutes.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5863 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5863.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5863 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Matson, Snyder - 2.

SENATE BILL NO. 5863, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5875, by Senators Niemi, Nelson, Madsen, Thorsness and Rasmussen (by request of Sentencing Guidelines Commission)

Increasing the penalties for selling controlled substances for profit.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5875 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5875.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5875 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Matson, Snyder - 2.

SENATE BILL NO. 5875, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5876, by Senators Amondson, Snyder, Anderson, Conner, Metcalf, Vognild, Nelson, Sutherland, Oke and Bauer

Specifying liability for oil spill response.

MOTIONS

On motion of Senator Amondson, Substitute Senate Bill No. 5876 was substituted for Senate Bill No. 5876 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Amondson, the rules were suspended, Substitute Senate Bill No. 5876 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Amondson, there is one aspect of this bill that is troubling me. I think it is a good bill, but what if you have a set of circumstances, say as occurred in the Exxon Valdez, where Exxon was the party responsible because it was the vessel owner and the oil spill occurred and Exxon, also, was a party doing some of the cleanup. I just wanted to make clear that insofar as Exxon was responsible in both capacities, it was going to be responsible and would not have any limitation on its liability when it did the clean up?"

Senator Amondson: "Those two issues would have to be separated. The liability with respect to allowing the oil to occur, or the damage to occur, is one separate incident, separate from the actual cleanup."

Senator Talmadge: "Would Exxon, in that situation, be immunized from any liability if it was faulty in its cleanup of its own oil spill?"

Senator Amondson: "I would see that they would be held as two separate actions."

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5876.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5876 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Matson, Snyder - 2.

SUBSTITUTE SENATE BILL NO. 5876, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT RESOLUTION NO. 8227, by Senators McCaslin and Conner

Making all gubernatorial appointments subject to senate confirmation.

The joint resolution was read the second time.

MOTION

Senator Moore moved that the following amendment by Senators Moore and McCaslin be adopted:

On page 2, line 5, after "~~journal~~)" insert "and shall not serve until confirmed by the Senate"

Debate ensued.

MOTION

On motion of Senator Gaspard, further consideration of Senate Joint Resolution No. 8227 was deferred.

MOTION

On motion of Senator Newhouse, the Senate reverted to the third order of business.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

March 1, 1991

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

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

Paul J. Wysocki, appointed March 1, 1991, for a term ending September 30, 1995, as a member of the Board of Trustees for Seattle Community College District No. 6.

Sincerely,

BOOTH GARDNER, Governor

Referred to the Committee on Higher Education.

March 5, 1991

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

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

Irene Heninger, appointed March 5, 1991, for a term ending December 31, 1995, as a member of the Public Disclosure Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to the Committee on Law and Justice.

MOTION

At 5:20 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Thursday, March 14, 1991.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

SIXTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 14, 1991

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Bluechel, Adam Smith and Snyder. On motion of Senator Anderson, Senator Bluechel was excused. On motion of Senator Murray, Senators Bauer, Adam Smith and Snyder were excused.

The Sergeant at Arms Color Guard, consisting of Pages Melissa Sepulveda and Jason Talaska, presented the Colors. Reverend William Riker, pastor of St. Benedict's Episcopal Church of Lacey, offered the prayer.

MOTION

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

STATEMENT FOR THE JOURNAL

Mary Wiley
Minute/Journal Clerk
305 Legislative Building
Olympia, Washington 98504

Mary,

Please record in the official Journal of the Senate that I was absent from the Senate Floor, Thursday, March 14 and Friday, March 15, due to oral surgery on my wisdom teeth.

If you have any questions, please call me at 786-7664.

Thank you,
SENATOR ADAM SMITH, 33rd District

STATEMENT FOR THE JOURNAL

Mary Wiley
Journal/Minute Clerk
305 Legislative Building
Olympia, WA 98504

I would like to make the following statement for the Journal:
Due to an emergency caused by a bleeding ulcer, I was admitted to St. Peter

Hospital in Olympia the morning of Tuesday, March 12, 1991, and was released in time to return to the afternoon session of March 15, 1991. During this period, I missed a substantial number of roll calls as follows:

March 14, 1991

- Gubernatorial Appointment 9218 - David Tang, Member
Higher Education Coordinating Board
- Gubernatorial Appointment 9134 - Carol Vipperman, Trustee
The Evergreen State College
- SSB 5342 -- Payment by Annuity/Self Insurer
- 2SSB 5022 -- Excellence in Education Program
- SB 5678 -- Wash. National Guard Day
- SB 5264 -- Community/Urban Forestry Prg.
- SSB 5438 -- Stolen Prop. Value/Theft Degr.
- ESSB 5790 -- Auto. Liability Insurance
- SSB 5916 -- Foster Care Grievance Process
- Gubernatorial Appointment 9140 - Phyllis J. Campbell, Member
Board of Regents, Washington State University
- E2SSB 5096 -- Agriculture/Adverse Impacts
- SB 5375 -- Teachers' Masters' Degree Elim.
- SB 5290 -- Valid Drivers's License
- SSB 5300 -- Fisheries B&O Tax
- SSB 5478 -- Curbside Recycling
- Gubernatorial Appointment 9077 - Kristine M. Gebbie, Secretary
Department of Health
- E2SSB 5120 -- Child Support Guidelines
- SSB 5504 -- Student Teaching Centers
- ESB 5745 -- Special Amusement Games License
- ESSB 5114 -- Student Transportation Safety
- SB 5878 -- Replacement Vehicle Tire Fees
- SSB 5891 -- Woodstove Restrictions
- SB 5848 -- Homestead Exemption
- SSB 5193 -- Infants Exposed to Drugs
- SSB 5130 -- Wildlife Dept. Reorganization
- SSB 5251 -- Vehicle Wreckers Regulation
- SSB 5202 -- Civil Judgments
- SB 5779 -- Deaf/Blind Schools Appropriations
- SB 5522 -- Life Insurance Policy Limits
- SB 5766 -- At-risk Youth Academic Excel.
- SSB 5748 -- Long-term Care of Children
- SSB 5518 -- Pay-Per Call Services Regulation
- SSB 5456 -- Community College Tenure
- E2SSB 5025 -- Youth and Family Services

SENATOR SID SNYDER, 19th District

MESSAGES FROM THE HOUSE

March 13, 1991

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1434,
HOUSE BILL NO. 1489,
HOUSE BILL NO. 1977,
HOUSE BILL NO. 1985,
HOUSE BILL NO. 1991,
HOUSE BILL NO. 1995,
SUBSTITUTE HOUSE BILL NO. 2028,
SUBSTITUTE HOUSE BILL NO. 2048, and the same are herewith
transmitted.

ALAN THOMPSON, Chief Clerk

March 12, 1991

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1156,
SUBSTITUTE HOUSE BILL NO. 1243,
SUBSTITUTE HOUSE BILL NO. 1265,
HOUSE BILL NO. 1308,
ENGROSSED HOUSE BILL NO. 1366,
HOUSE BILL NO. 1377,
HOUSE BILL NO. 1409,
ENGROSSED HOUSE BILL NO. 1500,
HOUSE BILL NO. 1519,
HOUSE BILL NO. 1520,
SUBSTITUTE HOUSE BILL NO. 1532,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1552,
HOUSE BILL NO. 1553,
HOUSE BILL NO. 1558,
SUBSTITUTE HOUSE BILL NO. 1568,
ENGROSSED HOUSE BILL NO. 1572,
SUBSTITUTE HOUSE BILL NO. 1573,
HOUSE BILL NO. 1581,
SUBSTITUTE HOUSE BILL NO. 1586,
SUBSTITUTE HOUSE BILL NO. 1616,
HOUSE BILL NO. 1627,
SUBSTITUTE HOUSE BILL NO. 1628,
SUBSTITUTE HOUSE BILL NO. 1629,
SUBSTITUTE HOUSE BILL NO. 1631,
SUBSTITUTE HOUSE BILL NO. 1634,
SUBSTITUTE HOUSE BILL NO. 1636,
SUBSTITUTE HOUSE BILL NO. 1638,
SUBSTITUTE HOUSE BILL NO. 1702,
SUBSTITUTE HOUSE BILL NO. 1704,
HOUSE BILL NO. 1706,
HOUSE BILL NO. 1707,
HOUSE BILL NO. 1708,
SUBSTITUTE HOUSE BILL NO. 1710,
HOUSE BILL NO. 1732,
SUBSTITUTE HOUSE BILL NO. 1734,

HOUSE BILL NO. 1748,
 SUBSTITUTE HOUSE BILL NO. 1776,
 SUBSTITUTE HOUSE BILL NO. 1789,
 HOUSE BILL NO. 1812,
 HOUSE BILL NO. 1853,
 HOUSE BILL NO. 1878,
 SUBSTITUTE HOUSE BILL NO. 1885,
 HOUSE BILL NO. 1939,
 SUBSTITUTE HOUSE BILL NO. 1957,
 SUBSTITUTE HOUSE BILL NO. 1958,
 HOUSE BILL NO. 2021,
 ENGROSSED HOUSE BILL NO. 2061,
 HOUSE BILL NO. 2147,
 HOUSE BILL NO. 2163, and the same are herewith transmitted.
 ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1156 by Representatives Winsley, Rayburn, Rasmussen, R. Johnson, Cole and Wilson

Regulating structural pest control inspectors.

Referred to Committee on Agriculture and Water Resources.

SHB 1243 by House Committee on Education (originally sponsored by Representatives Fuhrman, G. Fisher, Wood, Brekke, Neher, Cole, Silver, Jones, Holland, Peery, Fraser, Brumsickle, Bowman, Moyer, May, Dorn, Pruitt, Belcher, Valle, Heavey, McLean, Chandler, Ferguson, Hochstatter, Padden, Brough, Paris, Winsley, Morton, Mielke, Rayburn, Vance, Forner, P. Johnson, Wynne, Betzoff, Hargrove, Van Luven, D. Sommers, Edmondson, Miller, Bray, Basich, Mitchell and Tate)

Requiring teaching experience for teacher educators.

Referred to Committee on Education.

SHB 1265 by House Committee on Local Government (originally sponsored by Representatives Valle, Heavey and Scott)

Restricting subdivision alterations that diminish dedications.

Referred to Committee on Governmental Operations.

HB 1308 by Representatives Winsley, Franklin, Haugen, Nelson, Ogden, Mitchell and Ferguson

Modifying membership of the state board of registration for professional engineers and land surveyors.

Referred to Committee on Commerce and Labor.

EHB 1366 by Representatives Zellinsky, Broback, Dellwo, Paris, R. Johnson, Winsley, Sheldon, Anderson, Inslee, R. Meyers, Schmidt, Dorn, Scott, Wynne, Ferguson, Mielke, Wood, Bowman, May, Betrozoff, Sprengle, McLean, Lisk, Silver and Wang

Exempting terrorism from an insurer's limitations of liability.

Referred to Committee on Financial Institutions and Insurance.

HB 1377 by Representatives Peery, Cole, G. Fisher, Betrozoff, Miller and Jacobsen (by request of Board of Health)

Revising provisions for the screening program for scoliosis.

Referred to Committee on Education.

HB 1409 by Representatives Jacobsen, H. Sommers, Wood, Wineberry, Nelson, May, Ogden, Miller, Sheldon, Basich, Paris, Spanel, Phillips, Rasmussen and Anderson

Eliminating mandatory retirement for employees of public institutions of higher education.

Referred to Committee on Higher Education.

ESHB 1434 by House Committee on State Government (originally sponsored by Representatives Hine, Miller, Anderson, McLean, R. King, R. Meyers, Scott, R. Fisher, Cooper, Appelwick, Rasmussen, Dorn, Valle, R. Johnson, Prentice, Cantwell, Cole, Jones, Pruitt, Fraser, Winsley, Sheldon, H. Myers, Riley, Orr, Roland, O'Brien, Ogden, Braddock, Phillips, Nelson, G. Fisher, Wineberry, Haugen, Spanel, Leonard, Sprengle and Dellwo)

Providing limitations on campaign contributions, voluntary limitations on campaign spending, and partial public financing of campaigns.

Referred to Committee on Governmental Operations.

EHB 1500 by Representatives Riley, Hargrove, Basich, Wood, Roland, Appelwick, Paris and Scott

Increasing the pay for jail labor performed by prisoners with outstanding fines and costs.

Referred to Committee on Law and Justice.

HB 1519 by Representatives Sprenkle, D. Sommers, Rust, Horn, G. Fisher, Phillips and Pruitt

Concerning the transport of recovered materials.

Referred to Committee on Transportation.

HB 1520 by Representatives Leonard, Winsley and Riley (by request of Department of Social and Health Services)

Correcting the name of a residential habilitation center.

Referred to Committee on Health and Long-Term Care.

SHB 1532 by House Committee on Education (originally sponsored by Representatives Dorn, Brumsickle, Ferguson, Pruitt, Neher, Basich, Peery, Grant, R. Meyers, Orr, H. Myers, Leonard, Roland, Morris, G. Fisher, Phillips, Scott, Paris and Winsley)

Granting temporary waivers of school day requirements for missed days due to snow.

Referred to Committee on Education.

ESHB 1552 by House Committee on Judiciary (originally sponsored by Representatives Padden, Appelwick, D. Sommers and R. Meyers)

Allowing for deferral of a judicial determination that a traffic violation was committed.

Referred to Committee on Law and Justice.

HB 1553 by Representatives Haugen, Ferguson, H. Sommers, Sprenkle, Morris, Zellinsky, Holland, Wood and Kremen

Allowing counties to meet solid waste disposal standards.

Referred to Committee on Commerce and Labor.

HB 1558 by Representatives R. Meyers, R. Fisher, Schmidt, Orr, Hargrove, G. Fisher, Cooper, Zellinsky, Holland, Winsley, Betrozoff and Ludwig (by request of Legislative Transportation Committee)

Improving the state patrol compensation survey.

Referred to Committee on Transportation.

SHB 1568 by House Committee on Transportation (originally sponsored by Representatives Haugen, Wilson, R. Johnson and R. Fisher)

Permitting public transportation benefit areas greater flexibility in areas served.

Referred to Committee on Transportation.

EHB 1572 by Representatives Spanel, Wilson, R. King, Morris, Haugen, Orr, Cole, Fuhrman, Padden, Kremen and Paris

Requiring additional labeling on salmon sold for human consumption.

Referred to Committee on Environment and Natural Resources.

SHB 1573 by House Committee on Judiciary (originally sponsored by Representatives Winsley, Dellwo, Inslee, R. Meyers, Dorn, R. Johnson and Anderson)

Establishing the measure of damages for a motor vehicle.

Referred to Committee on Law and Justice.

HB 1581 by Representatives Grant, Miller and Rasmussen (by request of Utilities and Transportation Commission)

Placing the burden of proof on utilities to show that certain operations are not subject to regulation.

Referred to Committee on Energy and Utilities.

SHB 1586 by House Committee on Health Care (originally sponsored by Representatives D. Sommers, Prentice, Moyer, Paris, Braddock and Franklin)

Providing criteria for exempting continuing care retirement communities.

Referred to Committee on Health and Long-Term Care.

SHB 1616 by House Committee on Judiciary (originally sponsored by Representatives Ludwig, Riley, Paris, Heavey, Prince, R. Johnson, Mielke, Orr, Bray, Ferguson, Vance, Winsley, Van Luven, Haugen, Kremen, Scott, Rayburn, Miller, Roland, Chandler, Moyer and Sheldon)

Providing for seizure of property involved in a felony.

Referred to Committee on Law and Justice.

HB 1627 by Representatives Fuhrman, Heavey, R. King, Morris, McLean, Prentice, Ballard, R. Meyers, Jones, Pruitt, Van Luven, Kremen, Hochstatter, Nealey, P. Johnson, Wynne, Casada and Dorn

Including the provision of chiropractic services under industrial insurance.

Referred to Committee on Commerce and Labor.

SHB 1628 by House Committee on Commerce and Labor (originally sponsored by Representatives Heavey, Ferguson, Lisk, McLean, Cooper, Brough, Jones and R. King)

Concerning pasteurization in relation to licenses for the sale of beer.

Referred to Committee on Commerce and Labor.

SHB 1629 by House Committee on Health Care (originally sponsored by Representatives Prentice, Wood, R. Meyers, Franklin, Day, Miller, Ludwig, Morris, Pruitt, Brough, Braddock, Anderson, Betrozoff, Cooper, Fuhrman, R. King, McLean, Cantwell, Leonard, Kremen, Nealey, Phillips, P. Johnson, Wynne and Dorn)

Redefining the practice of chiropractic.

Referred to Committee on Health and Long-Term Care.

SHB 1631 by House Committee on Appropriations (originally sponsored by Representatives Wineberry, McLean, Franklin, Anderson, Ballard, Ebersole, Ferguson, Miller, Hine, Horn, Prince, Prentice, Holland, O'Brien, May, Wang, Fuhrman, Belcher, Bowman, Heavey, Van Luven, Phillips, Paris, Hargrove, Lisk, Spanel, Moyer, Braddock, Brumsickle, R. Fisher, D. Sommers, Appelwick, Padden, R. Meyers, Peery, Tate, Jones, Betrozoff, Cole, Dorn, Grant, Ludwig, Valle, Rayburn, Sheldon, Riley, H. Myers, Pruitt, Nelson, Kremen, Zellinsky, Dellwo, Sprengle, Jacobsen, Scott, Rust, Ogden, G. Fisher, Bray, Cantwell, Inslee, Brough, R. King, Winsley, Basich, Leonard, Locke, Orr, Cooper, Brekke, Rasmussen, P. Johnson and Casada)

Establishing in statute the commission on African-American affairs.

Referred to Committee on Governmental Operations.

SHB 1634 by House Committee on Judiciary (originally sponsored by Representatives Winsley, Appelwick, Forner, Padden, Vance, Miller, D. Sommers, Tate, Wood, Wynne, Horn, Bowman, Neher, Holland, Moyer, Casada, Mitchell, Paris, Chandler, Ferguson,

Betrozoff, Lisk, Cole, Scott, R. Johnson, Kremen, Riley, Ballard and Anderson)

Adjusting fines for improper parking in a disabled space.

Referred to Committee on Law and Justice.

SHB 1636 by House Committee on Judiciary (originally sponsored by Representatives Scott, Padden, Wineberry, Beck, Appelwick, Tate, Riley, Belcher, Winsley, Orr, Wynne and Broback)

Providing for recovery of public agency expenses incurred in certain emergency responses.

Referred to Committee on Law and Justice.

SHB 1638 by House Committee on Judiciary (originally sponsored by Representatives Inslee, Winsley, Grant, R. Meyers, Padden, Dellwo, Wang and Orr)

Allowing partial summary judgment in civil actions.

Referred to Committee on Law and Justice.

SHB 1702 by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Rasmussen, Prince, Jacobsen and Rayburn)

Modifying provisions regarding composition of the beef commission.

Referred to Committee on Agriculture and Water Resources.

SHB 1704 by House Committee on Transportation (originally sponsored by Representatives Cooper, Betrozoff and R. Johnson) (by request of Department of Licensing)

Changing provisions relating to motor vehicles.

Referred to Committee on Transportation.

HB 1706 by Representatives Anderson, Sheldon, McLean and Broback (by request of Military Department)

Making technical corrections to provisions for the state militia.

Referred to Committee on Governmental Operations.

HB 1707 by Representatives Anderson, Sheldon, McLean, R. King, Jacobsen, Broback and Wineberry (by request of Military Department)

Changing the Washington state guard to the Washington state defense force.

Referred to Committee on Governmental Operations.

HB 1708 by Representatives Cantwell, Forner, Sheldon, Jacobsen, Pruitt and Wineberry (by request of Department of Community Development)

Revising provisions for employee cooperative corporations.

Referred to Committee on Commerce and Labor.

SHB 1710 by House Committee on Environmental Affairs (originally sponsored by Representatives Miller, Fraser, Rust, Valle, Roland, Winsley and Dorn) (by request of Department of Health)

Requiring certification of water systems operators.

Referred to Committee on Energy and Utilities.

HB 1732 by Representatives Appelwick, Winsley, Wineberry, Locke, Ferguson, Scott and Forner

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

Referred to Committee on Law and Justice.

SHB 1734 by House Committee on Housing (originally sponsored by Representatives Nelson, Mitchell, Leonard, Winsley, Ogden, May, Franklin, Van Luven, Wineberry and Anderson)

Providing for the sale and purchase of section 8 assisted housing developments.

Referred to Committee on Commerce and Labor.

HB 1748 by Representatives Ludwig, Cantwell, Forner, Moyer, Roland, Kremen, Rasmussen, Betrozoff, Ferguson, Wineberry, Miller, Bowman and Sheldon

Preventing termination of the small business export finance assistance center.

Referred to Committee on Commerce and Labor.

SHB 1776 by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Day, Moyer, Zellinsky and Rasmussen) (by request of Department of Health)

Establishing a license to practice specialized veterinary medicine.

Referred to Committee on Agriculture and Water Resources.

SHB 1789 by House Committee on Health Care (originally sponsored by Representatives Braddock, Paris and Prentice)

Concerning the filling of prescriptions written by out-of-state prescribers.

Referred to Committee on Health and Long-Term Care.

HB 1812 by Representatives Riley, Brumsickle, Sheldon, Rasmussen and Cooper

Adopting the woodland stewardship assistance act.

Referred to Committee on Environment and Natural Resources.

HB 1853 by Representatives Wang and Holland (by request of Office of Financial Management and Secretary of State)

Increasing fees for nonprofit corporation filings.

Referred to Committee on Ways and Means.

HB 1878 by Representatives Cooper, Betrozoff, R. Meyers, Day, Prince and Haugen

Establishing minimum requirements for dealers' plates.

Referred to Committee on Transportation.

SHB 1885 by House Committee on Education (originally sponsored by Representatives Roland, Forner, Peery, Orr, G. Fisher, Cole, Scott, Haugen, Vance, Riley, Pruitt, Jacobsen, Nelson, Ebersole, Winsley and Rasmussen)

Creating the teachers recruiting future teachers program.

Referred to Committee on Education.

HB 1939 by Representatives Anderson, Miller, H. Sommers, Brough, Fraser and Brekke

Providing that either party to a marriage may take the surname of the other.

Referred to Committee on Law and Justice.

SHB 1957 by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Nealey, McLean, Chandler, Roland, Franklin and Rasmussen) (by request of Department of Agriculture)

Requiring licensing of food processing plants.

Referred to Committee on Agriculture and Water Resources.

SHB 1958 by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Nealey, McLean, Chandler, Roland, Franklin and Rasmussen) (by request of Department of Agriculture)

Changing requirements and penalties for livestock brands.

Referred to Committee on Agriculture and Water Resources.

HB 1977 by Representatives Belcher, Prentice, Inslee, Rayburn and Rasmussen

Increasing in-state marketing opportunities for small agricultural producers.

Referred to Committee on Agriculture and Water Resources.

HB 1985 by Representatives Brumsickle, Dorn, Peery, Winsley, Miller and Rasmussen (by request of Superintendent of Public Instruction and Board of Education)

Requiring teachers to have professional preparation in child abuse issues.

Referred to Committee on Education.

HB 1991 by Representatives R. Fisher, Betrozoff, R. Meyers and McLean (by request of Department of Transportation)

Adjusting certain vehicle size and weight restrictions.

Referred to Committee on Transportation.

HB 1995 by Representatives R. Fisher, Jones, Wood, R. Meyers, Horn, Wilson, Mielke and Miller

Exempting converter gear and tow dollies from licensing.

Referred to Committee on Transportation.

HB 2021 by Representatives Fraser, Miller, Valle, McLean, Edmondson, Jacobsen, Nealey, Paris, Chandler and Wynne (by request of Joint Select Committee on Water Resource Policy)

Extending the joint select committee on water resource policy.

Referred to Committee on Agriculture and Water Resources.

SHB 2028 by House Committee on Judiciary (originally sponsored by Representatives Appelwick and Paris)

Updating the uniform controlled substances act.

Referred to Committee on Law and Justice.

SHB 2048 by House Committee on Health Care (originally sponsored by Representatives Moyer, Prentice, Paris, Braddock, Holland, Sprenkle, D. Sommers, Beck, Miller, Nealey, Padden, Winsley, Forner, Silver and Sheldon)

Lowering licensing fees for older physicians.

Referred to Committee on Health and Long-Term Care.

EHB 2061 by Representatives Grant, Cooper and H. Myers

Regulating amendments to the Washington state energy code.

Referred to Committee on Energy and Utilities.

HB 2147 by Representatives Heavey and Wang

Restricting certain lottery activities.

Referred to Committee on Commerce and Labor.

HB 2163 by Representatives Orr, Rasmussen, Wineberry, Bray, Dorn, R. Meyers, Dellwo, R. King, Ferguson and Anderson

Revoking licenses of persons who assault wildlife agents and other law enforcement officers.

Referred to Committee on Environment and Natural Resources.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9128, David Tang, as a member of the Higher Education Coordinating Board, was confirmed.

APPOINTMENT OF DAVID TANG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senators Bauer, Bluechel - 2.

Excused: Senators A. Smith, Snyder - 2.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9134, Carol Vipperman, as a member of the Board of Trustees for The Evergreen State College, was confirmed.

MOTION

On motion of Senator Murray, Senator Wojahn was excused.

APPOINTMENT OF CAROL VIPPERMAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 46.

Excused: Senators A. Smith, Snyder, Wojahn - 3.

PERSONAL PRIVILEGE

Senator McCaslin: "Mr. President a point of personal privilege. I want to point out to the body that for the first time, in the history of the Senate, we have a row of Irishmen back here, starting with Senator McRinehart, Senator McGaspard, Senator McMullen--Senator McMullen has a bit of impish Irish Leprechaun in him, I believe. He put me up to this, but he will also represent me in court in case I end up there. Then we have Senator McNeil, who is on the phone to his mother-in-law and then Senator McDonald and the famous Senator from the Fourth District, Senator McCaslin. We are a little early on this, but when McMullen gets an idea, I want to help him out, because you know he gets in a bit early. The seventeenth, I believe, is St. Patrick's Day, so I do wish to point out to the body that we have all of these fine Irishmen, starting from the left, of course, and coming over to the right."

PERSONAL PRIVILEGE

Senator McMullen: "Also, rising to a point of personal privilege, we now have the full row of Big Macs here. As we read everyday, going through the roll call, it is always McCaslin, McDonald and McMullen. We thought we might as well fill the roll out which we have done. This week is to remind folks that St. Patty's Day is really a three day holiday and for some of us, it is a full week. So, we are starting early for some, but on time and a little late for some of us as a matter of fact. Working up to St. Patty's Day, we wish you all the best and God speed and thank you."

SECOND READING

SENATE BILL NO. 5532, by Senators Matson, Owen, Oke, McCaslin, Stratton and Nelson

Revising the definition of "acting in the course of employment."

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5532 was substituted for Senate Bill No. 5532 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5532 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator McCaslin, there was a recent case where a juror was covered by Industrial Insurance and the court decided that it was in the course of his travel he was covered. Does this exclude, in a case like that where jurors--lets say jurors are impounded in a different county and

brought in to get a neutral point of view--does this exclude that juror from Industrial Insurance?"

Senator McCaslin: "To my understanding it does, and that's the reason this bill came before us. It places counties and cities in a very precarious position financially and insurance-wise if this were to continue, so that was the reason for this bill."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5532 was deferred.

SECOND READING

SENATE BILL NO. 5342, by Senators Matson, Anderson, Owen, McCaslin and Oke

Authorizing payment by annuity by self-insured employers.

MOTIONS

On motion of Senator Matson, Substitute Senate Bill No. 5342 was substituted for Senate Bill No. 5342 and the substitute bill was placed on final passage read the second time.

On motion of Matson, the rules were suspended, Substitute Senate Bill No. 5342 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5342.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5342 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators A. Smith, Snyder - 2.

SUBSTITUTE SENATE BILL NO. 5342, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5022, by Senators Gaspard, Bailey, Rinehart, von Reichbauer, Murray, Conner and Erwin

Changing the Washington award for excellence in education program.

MOTIONS

On motion of Senator Bailey, Second Substitute Senate Bill No. 5022 was substituted for Senate Bill No. 5022 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Second Substitute Senate Bill No. 5022 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5022.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5022 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators A. Smith, Snyder - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:43 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 10:39 a.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 5678, by Senators Thorsness, Madsen, Rasmussen, Hayner, Newhouse, Erwin, A. Smith, L. Kreidler, Williams, Saling, Cantu, Sutherland, Owen, Johnson and Oke

Creating Washington national guard day.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5678 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5678.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5678 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators A. Smith, Snyder - 2.

SENATE BILL NO. 5678, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

The Sergeant at Arms announced that members of the Washington National Guard were present in the Senate Chamber.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Saling, Stratton, McCaslin and West as a committee to escort the honored guests to the Senate Rostrum.

MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

SENATE RESOLUTION 1991-8634

By Senators von Reichbauer, McMullen, Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz,

Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, West, Williams and Wojahn

WHEREAS, For the sake of world peace, freedom and justice, citizens from across Washington put their plans, their careers and their lives on hold to fight aggression in the Middle East as members of the Washington National Guard; and

WHEREAS, Men and women of the Washington National Guard joined with forces of an unprecedented international coalition to achieve a stunning victory for the rule of law over tyranny and aggression; and

WHEREAS, The people of the state of Washington take great pride in the confidence, bravery and sense of duty displayed by members of the Washington National Guard in accomplishing their goals in Operation Desert Storm; and

WHEREAS, In the process of confronting an enemy abroad, Washington National Guard soldiers and airmen and other members of the United States Armed Forces transformed a nation at home, spurring us all to rethink our values, our sense of duty, and our national purpose; and

WHEREAS, Through their efforts, members of the Washington National Guard have played a pivotal role in forging a world blessed with the promise of peace, freedom and respect for human rights;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honors with gratitude each and every member of the Washington National Guard for their valiant service in the hard work of freedom; and

BE IT FURTHER RESOLVED, That, with open arms, members of the Washington State Senate are honored to hereby welcome home their friends and neighbors serving in the Washington National Guard; and

BE IT FURTHER RESOLVED, That the Washington State Senate encourages the communities of this state to heed the President's call to make July 4, 1991, a very special and memorable day of celebration for returning Washington troops; and

BE IT FURTHER RESOLVED, That the Washington State Senate thanks Washington employers of the men and women of the National Guard for the sacrifice and patriotism that makes possible the Guard's ability to respond to disasters in communities here and abroad; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the Adjutant General of the Washington National Guard and to the President of the United States, The Honorable George Bush.

Senators von Reichbauer, McDonald, Gaspard, Thorsness and Oke spoke to Senate Resolution 1991-8634.

INTRODUCTION OF SPECIAL GUEST

The President introduced Major General Gregory Barlow, Commandant of the Washington National Guard.

With permission of the Senate, business was suspended to permit General Barlow to address the Senate.

INTRODUCTION OF SPECIAL GUEST

The President introduced Brigadier General Dennis Hague, Commander of the Washington Air National Guard.

With permission of the Senate, business was suspended to permit General Hague to address the Senate.

General Hague introduced the members of the National Guard present on the rostrum who had served in Operation Desert Storm.

The President introduced Viet-Nam veterans who were seated in the gallery.

MOMENT OF SILENCE

At the request of Senator Rasmussen, a moment of silence was held for those who had served in Operation Desert Storm and had returned, as well as those who were still serving in the Middle East.

Senator Gaspard gave a tribute to Senator Mike Kreidler who was called to active duty during Operation Desert Storm.

PRESENTATION OF CERTIFICATES

In recognition of their valiant service, the President presented each of the members of the Washington National Guard with a certificate of appreciation.

The members of the Washington National Guard were escorted from the Senate Chamber and the committee of honor was discharged.

MOTION

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

SENATE RESOLUTION 1991-8632

By Senators Madsen and Gaspard

WHEREAS, The Eatonville Cruisers are the 1990 State A Boys' Football Champions; and

WHEREAS, Such an accomplishment can only be achieved by a team of young people possessing strong feelings of self-worth and self-esteem; and

WHEREAS, Each and every member of the team played a key role in the march to victory; and

WHEREAS, Steve Gervais, the team's head coach, provided valuable leadership and inspiration; and

WHEREAS, This victory could only be achieved with the cooperation of the coach, staff, district, community, and the students;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize and honor the Eatonville Cruisers Boys' Football Team for this well-earned championship and for its contribution to the spirit of the entire student body; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the captain of the Eatonville Cruisers Boys' Football Team, the head coach, the principal, and the student body president.

Senator Madsen spoke to Senate Resolution 1991-8632.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the Eatonville Cruisers championship football team and their coaches, who were seated in the gallery.

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

MOTION

On motion of Senator Craswell, Senator Bluechel was excused.

SECOND READING

SENATE BILL NO. 5264, by Senators Oke, Bailey, Rinehart, Stratton and Bauer

Authorizing the department of natural resources to establish a program in community and urban forestry.

The bill was read the second time.

MOTIONS

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5264 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5264.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5264 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi,

Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Voting nay: Senators Barr, Skratek - 2.

Absent: Senator Moore - 1.

Excused: Senators Bluechel, A. Smith, Snyder - 3.

SENATE BILL NO. 5264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5438, by Senators Nelson, Owen, Talmadge and Moore

Increasing stolen property values for determining degree of theft.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5438 was substituted for Senate Bill No. 5438 and the substitute bill was placed on second reading and read the second time.

Senator Talmadge moved that the following amendments be considered simultaneously and be adopted:

On page 5, line 25, following "exceed(s)" strike "two hundred and fifty" and insert "~~((two hundred and fifty))~~ five hundred"

On page 6, line 13, following "exceed" strike "two hundred and fifty" and insert "~~((two hundred and fifty))~~ five hundred"

On page 7, line 12, following "amount of" strike "two hundred and fifty" and insert "~~((two hundred and fifty))~~ five hundred"

On page 7, line 19, following "than" strike "two hundred and fifty" and insert "~~((two hundred and fifty))~~ five hundred"

On page 7, line 21, following "amount of" strike "two hundred and fifty" and insert "~~((two hundred and fifty))~~ five hundred"

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, what is the penalty now for shoplifting?"

Senator Talmadge: "I believe the bill states that the penalty, Senator, for those crimes of theft--shoplifting--is addressed within the definitions of theft in the first, second and third degree. You will find those on page, I believe it is, five of the bill--that's where it starts."

Senator Rasmussen: "Isn't the practice when you are picked up for shoplifting that they go to the parents and settle for two hundred or two hundred and fifty dollars on a shoplifting charge--the stores automatically assess it?"

Senator Talmadge: "Senator, I think, if you recall, we have provided for

some civil penalties and some communities have availed themselves of those kinds of penalties. This was at the request of Bremerton, as I recall, some years ago. I think it depends on the local jurisdiction, under their local ordinances, with respect to shoplifting and also under state statutes with respect to shoplifting, but I would remind you that the bill that we have before us on pages five and six deals, not only with shoplifting, but all other forms of theft in the state in the numbers we are talking about--the dollar numbers--we are talking about have not been updated for two decades."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Talmadge on page 5, line 25; page 6, line 13; page 7, lines 12, 19 and 21; to Substitute Senate Bill No. 5438.

The motion by Senator Talmadge failed and the amendments were not adopted.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5438 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5438.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5438 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators A. Smith, Snyder - 2.

SUBSTITUTE SENATE BILL NO. 5438, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5790, by Senators von Reichbauer, Pelz, Moore, Vognild, Rasmussen, McCaslin, Johnson and West

Concerning automobile liability insurance.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 5790 was substituted for Senate Bill No. 5790 and the substitute bill was placed on second reading and read the second time.

Senator von Reichbauer moved that the following amendments by Senators von Reichbauer, Talmadge and McMullen be considered simultaneously and be adopted:

On page 2, line 24, after "dismissed" delete "without cost or assessment"

On page 2, line 30, after "dismissed" delete "without cost or assessment." and insert ". A person who provides such written evidence may be assessed court administrative costs of twenty-five dollars at the time the traffic infraction citation is dismissed."

On page 3, after line 28, insert the following:

Sec. 3. RCW 46.63.151 and 1981 c 19 s 4 are each amended to read as follows:

Each party to a traffic infraction case is responsible for costs incurred by that party. No costs or attorney fees may be awarded to either party in a traffic infraction case, except as provided for in RCW 46.30.020(2).

POINT OF INQUIRY

Senator Rasmussen: "Senator von Reichbauer, in the event that my wife inadvertently leaves her insurance card in another purse--or can't find it--she get's cited--now, she can go to court and present evidence that she does have insurance and there is no cost. Is that correct?"

Senator von Reichbauer: "Senator Rasmussen, at no time would Eleanor Rasmussen forget anything, but anybody else if they were faced with that circumstance, the court would have the opportunity to push on to that person who fails to follow the current law on holding a card identifying that you have mandatory auto insurance, the court costs relating to that. The current court administrator advises us that they are not now having to impose that penalty, because of the funds that are currently available."

Senator Rasmussen: "They dismiss the charges of criminal violation of the law without any costs to the person and does it cost twenty-five dollars for them to look at that letter and say that you do have insurance; you are not guilty?"

Senator von Reichbauer: "We established the fee of twenty-five dollars, because it relates to current policy and practice where one does not have a driver's license on them when they are stopped. If they do indeed have a driver's license, that is the general policy figure used by the magistrate of courts for individuals who do not have the license when they are stopped, but indeed have a license and can give proof of possession later on. They have generally been charged twenty-five dollars."

Further debate ensued.

Senator Rasmussen demanded a roll call and the demand was not sustained.

The President declared the question before the Senate to be the adoption of the amendments by Senator von Reichbauer, Talmadge and McMullen on

page 2, lines 24 and 30, and page 3, after line 28, to Substitute Senate Bill No. 5790.

The motion by Senator von Reichbauer carried and the amendments were adopted on a rising vote.

MOTIONS

On motion of Senator von Reichbauer, the following title amendment was adopted:

On page 1, line 2 of the title, after ".020" strike "and" and insert "," and after ".040" and before the semicolon, insert ", and 46.63.151"

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Substitute Senate Bill No. 5790 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5790.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5790 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senators Matson, Rasmussen - 2.

Excused: Senators A. Smith, Snyder - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5790, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION TO LIMIT DEBATE

Senator Newhouse: "Mr. President, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time. This motion shall be in effect through Wednesday, March 20, 1991."

The President declared the question before the Senate to be the motion by Senator Newhouse to limit debate.

The motion by Senator Newhouse carried and debate was limited to three minutes through March 20, 1991.

SECOND READING

SENATE BILL NO. 5916, by Senators Roach, Talmadge, L. Smith and Stratton

Changing foster care provisions and providing a grievance process.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5916 was substituted for Senate Bill No. 5916 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5916 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5916.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5916 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senator Craswell - 1.

Excused: Senators A. Smith, Snyder - 2.

SUBSTITUTE SENATE BILL NO. 5916, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:08 p.m., on motion of Senator Newhouse, the Senate recessed until 1:45 p.m.

The Senate was called to order at 2:13 p.m. by President Pritchard.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9140, Phyllis J. Campbell, as a member of the Board of Regents for Washington State University, was confirmed.

APPOINTMENT OF PHYLLIS J. CAMPBELL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Absent: Senator Pelz - 1.

Excused: Senators A. Smith, Snyder - 2.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 5096 and the pending amendments by Senator Talmadge on page 2, lines 6 and 11; page 3, line 24; and page 5, after line 20; deferred March 12, 1991.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Barr, the President finds that Second Substitute Senate Bill No. 5096 is a measure which requires the Department of Agriculture to establish and conduct an agricultural impact assessment review program for all state agency rules that have an impact on agriculture.

"The amendments proposed by Senator Talmadge would include agricultural workers as a consideration in the review process.

"The President, therefore, finds the proposed amendments do not change the scope and object of the bill and the point of order is not well taken."

The amendments by Senator Talmadge on page 2, lines 6 and 11; page 3, line 24; and page 5, after line 20; to Second Substitute Senate Bill No. 5096 were ruled in order.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Talmadge on page 2, lines 6 and 11; page 3, line 24; and page 5, after line 20; to Second Substitute Senate Bill No. 5096.

The motion by Senator Talmadge failed and the amendments were not adopted.

MOTIONS

On motion of Senator Barr, the following amendments were considered simultaneously and were adopted:

On page 3, line 27, after "sections" strike "3" and insert "4"

On page 3, line 27, after "through" strike "5" and insert "6"

On motion of Senator Barr, the following amendment was adopted:

On page 6, line 11, strike section 7 and insert:

NEW SECTION. Sec. 7. If specific funding for the purposes of sections 4, 5, and 6 of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 4, 5, and 6 of this act shall be null and void.

MOTION

On motion of Senator Barr, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5096 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Barr, is the Department of Ecology taken out of here? I see they have a fiscal impact of one million and ninety-seven thousand dollars--six hundred and forty-five thousand, the first year--four hundred and fifty-two thousand the next. Are they going to go into farming or is this just a study?"

Senator Barr: "I expect that you are probably looking at one of the first fiscal impacts that was put out before the bill was changed. I believe that the most recent fiscal impact now is very minimal, because the bill, as it was drafted and as we dealt with in committee, required a lot more state agencies working together, but now that is out of the bill and I think that fiscal impact is not based on the bill as it is written now. It is very minimal."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5096.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5096 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West - 39.

Voting nay: Senators L. Kreidler, Moore, Niemi, Pelz, Rinehart, Talmadge, Williams, Wojahn - 8.

Excused: Senators A. Smith, Snyder - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5096, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 5375 and the pending amendment by Senators Murray and Rasmussen on page 3, following line 4, deferred March 13, 1991.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Anderson, the President finds that Senate Bill No. 5375 is a measure which repeals the master degree requirement for teacher certification.

"The amendment proposed by Senators Murray and Rasmussen would amend the state teacher salary allocation schedule for certain teachers with baccalaureate degrees.

"The President, therefore, finds the amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Murray and Rasmussen on page 3, following line 4, to Senate Bill No. 5375 was ruled out of order.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5375 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5375.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5375 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators A. Smith, Snyder - 2.

SENATE BILL NO. 5375, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5290, by Senator Patterson

Defining resident for purposes of obtaining a valid driver's license.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 5290 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5290.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5290 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators A. Smith, Snyder - 2.

SENATE BILL NO. 5290, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5300, by Senators Snyder, Rasmussen and Amondson

Limiting business and occupation tax on fisheries.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 5300 was substituted for Senate Bill No. 5300 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Substitute Senate Bill No. 5300 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5300.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5300 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, L. Smith, Stratton, Talmadge, Thorsness, Vognil, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senators Skratek, Sutherland - 2.

Excused: Senators A. Smith, Snyder - 2.

SUBSTITUTE SENATE BILL NO. 5300, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5478, by Senators Conner and Wojahn

Authorizing additional curbside recycling.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5478 was substituted for Senate Bill No. 5478 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5478 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, I'm looking at the original bill where it says that each one should have a container. Now, this is going to say that they have to provide separate containers for each apartment? I can see a four-unit apartment with three stacks of these plastic boxes in the hall and the hallway is dark and they will be stumbling over them. Is that what the intent of this bill is?"

Senator Metcalf: "It was my understanding that it didn't mean separate containers for each apartment, but to be sure that the apartment complex was provided with sufficient containers. That was my understanding."

Senator Rasmussen: "Not single, but they may have one for all the apartments?"

Senator Metcalf: "Or several depending on how it is laid out, I think. We didn't try to micro-manage, but we did say that they should have a recycling opportunity."

Senator Rasmussen: "For each apartment?"

Senator Metcalf: "Yes."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5478.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5478 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators A. Smith, Snyder - 2.

SUBSTITUTE SENATE BILL NO. 5478, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5149, by Senators Nelson and Rasmussen (by request of Public Disclosure Commission)

Regulating political gifts and public office funds.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5149 was substituted for Senate Bill No. 5149 and the substitute bill was placed on second reading and read the second time.

Senator Murray moved that the following amendment by Senators Murray and Gaspard be adopted:

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

NEW SECTION. Sec. 2. A new section is added to chapter 42.17 RCW under the subchapter heading of "campaign financing" to read as follows:

(1) Under no circumstances may a candidate receive during an election cycle in the aggregate more than:

(a) For a candidate for the office of governor, two million two hundred thousand dollars;

(b) For a candidate for state executive office other than the office of governor, eight hundred thousand dollars;

(c) For a candidate for the office of a member of the state senate, ninety-five thousand dollars; and

(d) For a candidate for the office of a member of the state house of representatives, fifty-five thousand dollars.

(2) For the purposes of this section, "election cycle" means the period beginning on the first day of December following the date of the last previous general election for the office which the candidate seeks and ending on November thirtieth following the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on November thirtieth following the special election."

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

POINT OF ORDER

Senator Nelson: "Mr. President, I rise to a point of order. I believe this amendment is out of scope and object. The original bill deals with an act relating to gifts and public office funds. This particular amendment deals with campaign expenditure limitations and I haven't, perhaps, seen all of it; I figured there would be public financing in here someplace, but I note that it isn't, which would actually put it in jeopardy, as well.

"This particular amendment is meritorious, but it is meritorious in a separate bill and this body may have an ample opportunity to vote on campaign finance reform as it deals with the public contributions and expenditures. For the President's need here, I believe I have outlined why it is outside of the scope and object and would hope that the President would rule accordingly."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5149 was deferred.

MOTION

At 3:09 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 4:48 p.m. by President Pritchard.

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

MOTION

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

SENATE RESOLUTION 1991-8635

By Senators Sutherland, Skratek, Conner, Wojahn, Owen, Rasmussen, West, Murray, Stratton, Oke, Jesernig, Niemi, Bauer, Thorsness, Metcalf, Anderson, McDonald, Cantu, L. Kroidler, Williams, Moore, Talmadge, McMullen, Gaspard, Rinehart, Vognild, Pelz, Madsen and Bailey

WHEREAS, The month of March has been declared National Women's Month by the Congress of the United States, and Women's History Month in the state of Washington by Governor Gardner; and

WHEREAS, Since 1908, March 8th has been observed as International Women's Day by people around the world; and

WHEREAS, Women of every race, class, and ethnic background have made historic contributions to the growth and strength of Washington State in countless recorded and unrecorded ways; and

WHEREAS, Women have played and continue to play a critical economic, cultural, political, and social role in every sphere of life in Washington state; and

WHEREAS, Women have played a unique role throughout the history of this state by providing the majority of the volunteer labor force; and

WHEREAS, Women have been particularly important in the establishment of early charitable, philanthropic, and cultural institutions in Washington state; and

WHEREAS, Women have served as leaders in causes to create a more equitable and just society for all; and

WHEREAS, Despite these contributions, the role of women in history has been consistently overlooked and undervalued in the body of American history;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes and commends the many contributions that women have made to our country, our state, and communities.

Senator Sutherland spoke to Senate Resolution 1991-8635.

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9077, Kristine M. Gebbie, as Secretary of the Department of Health, was confirmed.

APPOINTMENT OF KRISTINE M. GEBBIE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senators McMullen, L. Smith - 2.

Excused: Senators A. Smith, Snyder - 2.

SECOND READING

SENATE BILL NO. 5120, by Senators Nelson, Rasmussen, Thorsness, Stratton, Saling, McCaslin, Hayner, Erwin, L. Smith, Newhouse, Amondson, Johnson, Bailey, Gaspard, Vognil, Matson, West, Owen, Bauer, Snyder, Roach and Oke

Making adjustments to child support guidelines.

MOTIONS

On motion of Senator Nelson, Second Substitute Senate Bill No. 5120 was substituted for Senate Bill No. 5120 and the second substitute bill was placed on second reading and read the second time.

Senator Niemi moved that the following amendments by Senators Niemi, Moore, Talmadge, L. Kreidler, Rinehart, Murray and Williams be considered simultaneously and be adopted:

On page 3, after line 41, strike all material through "708" on page 4, line 15, and insert the following:

<u>2600</u>	<u>545</u>	<u>674</u>	<u>424</u>	<u>523</u>
<u>2700</u>	<u>565</u>	<u>698</u>	<u>439</u>	<u>542</u>
<u>2800</u>	<u>584</u>	<u>722</u>	<u>454</u>	<u>561</u>
<u>2900</u>	<u>604</u>	<u>746</u>	<u>469</u>	<u>579</u>
<u>3000</u>	<u>623</u>	<u>770</u>	<u>484</u>	<u>598</u>
<u>3100</u>	<u>643</u>	<u>794</u>	<u>499</u>	<u>617</u>
<u>3200</u>	<u>662</u>	<u>819</u>	<u>514</u>	<u>635</u>
<u>3300</u>	<u>682</u>	<u>843</u>	<u>530</u>	<u>654</u>
<u>3400</u>	<u>701</u>	<u>866</u>	<u>544</u>	<u>672</u>
<u>3500</u>	<u>719</u>	<u>889</u>	<u>559</u>	<u>690</u>
<u>3600</u>	<u>738</u>	<u>912</u>	<u>573</u>	<u>708</u>
<u>3700</u>	<u>757</u>	<u>935</u>	<u>588</u>	<u>726</u>
<u>3800</u>	<u>775</u>	<u>958</u>	<u>602</u>	<u>744</u>
<u>3900</u>	<u>794</u>	<u>981</u>	<u>617</u>	<u>762</u>
<u>4000</u>	<u>812</u>	<u>1004</u>	<u>631</u>	<u>779</u>
<u>4100</u>	<u>831</u>	<u>1027</u>	<u>645</u>	<u>797</u>
<u>4200</u>	<u>850</u>	<u>1050</u>	<u>660</u>	<u>815</u>
<u>4300</u>	<u>868</u>	<u>1073</u>	<u>674</u>	<u>833</u>
<u>4400</u>	<u>885</u>	<u>1094</u>	<u>688</u>	<u>849</u>
<u>4500</u>	<u>902</u>	<u>1114</u>	<u>700</u>	<u>865</u>
<u>4600</u>	<u>918</u>	<u>1135</u>	<u>713</u>	<u>881</u>
<u>4700</u>	<u>935</u>	<u>1155</u>	<u>726</u>	<u>897</u>
<u>4800</u>	<u>951</u>	<u>1176</u>	<u>739</u>	<u>913</u>
<u>4900</u>	<u>968</u>	<u>1196</u>	<u>752</u>	<u>929</u>
<u>5000</u>	<u>984</u>	<u>1216</u>	<u>765</u>	<u>944</u>
<u>5100</u>	<u>1001</u>	<u>1237</u>	<u>778</u>	<u>960</u>
<u>5200</u>	<u>1017</u>	<u>1257</u>	<u>790</u>	<u>976</u>
<u>5300</u>	<u>1034</u>	<u>1278</u>	<u>803</u>	<u>992</u>
<u>5400</u>	<u>1050</u>	<u>1298</u>	<u>816</u>	<u>1008</u>
<u>5500</u>	<u>1067</u>	<u>1318</u>	<u>829</u>	<u>1024</u>

<u>5600</u>	<u>1083</u>	<u>1339</u>	<u>842</u>	<u>1039</u>
<u>5700</u>	<u>1100</u>	<u>1359</u>	<u>855</u>	<u>1055</u>
<u>5800</u>	<u>1116</u>	<u>1380</u>	<u>867</u>	<u>1071</u>
<u>5900</u>	<u>1133</u>	<u>1400</u>	<u>880</u>	<u>1087</u>
<u>6000</u>	<u>1149</u>	<u>1420</u>	<u>893</u>	<u>1103</u>
<u>6100</u>	<u>1166</u>	<u>1441</u>	<u>906</u>	<u>1119</u>
<u>6200</u>	<u>1182</u>	<u>1461</u>	<u>919</u>	<u>1135</u>
<u>6300</u>	<u>1199</u>	<u>1482</u>	<u>932</u>	<u>1150</u>
<u>6400</u>	<u>1215</u>	<u>1502</u>	<u>945</u>	<u>1166</u>
<u>6500</u>	<u>1232</u>	<u>1522</u>	<u>957</u>	<u>1182</u>
<u>6600</u>	<u>1248</u>	<u>1543</u>	<u>970</u>	<u>1198</u>
<u>6700</u>	<u>1265</u>	<u>1563</u>	<u>983</u>	<u>1214</u>
<u>6800</u>	<u>1281</u>	<u>1584</u>	<u>996</u>	<u>1230</u>
<u>6900</u>	<u>1298</u>	<u>1604</u>	<u>1009</u>	<u>1246</u>
<u>7000</u>	<u>1314</u>	<u>1624</u>	<u>1022</u>	<u>1261</u>

On page 4, after line 49, strike all material through "437" On page 5, line 17, and insert the following:

<u>2600</u>	<u>353</u>	<u>437</u>	<u>299</u>	<u>369</u>	<u>261</u>	<u>322</u>
<u>2700</u>	<u>366</u>	<u>453</u>	<u>310</u>	<u>383</u>	<u>270</u>	<u>334</u>
<u>2800</u>	<u>379</u>	<u>468</u>	<u>320</u>	<u>396</u>	<u>279</u>	<u>345</u>
<u>2900</u>	<u>391</u>	<u>484</u>	<u>331</u>	<u>409</u>	<u>289</u>	<u>357</u>
<u>3000</u>	<u>404</u>	<u>499</u>	<u>342</u>	<u>422</u>	<u>298</u>	<u>368</u>
<u>3100</u>	<u>417</u>	<u>515</u>	<u>352</u>	<u>435</u>	<u>307</u>	<u>380</u>
<u>3200</u>	<u>429</u>	<u>531</u>	<u>363</u>	<u>449</u>	<u>317</u>	<u>391</u>
<u>3300</u>	<u>442</u>	<u>546</u>	<u>374</u>	<u>462</u>	<u>326</u>	<u>403</u>
<u>3400</u>	<u>454</u>	<u>561</u>	<u>384</u>	<u>475</u>	<u>335</u>	<u>414</u>
<u>3500</u>	<u>466</u>	<u>576</u>	<u>394</u>	<u>487</u>	<u>344</u>	<u>425</u>
<u>3600</u>	<u>478</u>	<u>591</u>	<u>404</u>	<u>500</u>	<u>353</u>	<u>436</u>
<u>3700</u>	<u>490</u>	<u>606</u>	<u>415</u>	<u>512</u>	<u>362</u>	<u>447</u>
<u>3800</u>	<u>502</u>	<u>621</u>	<u>425</u>	<u>525</u>	<u>371</u>	<u>458</u>
<u>3900</u>	<u>515</u>	<u>636</u>	<u>435</u>	<u>538</u>	<u>379</u>	<u>469</u>
<u>4000</u>	<u>527</u>	<u>651</u>	<u>445</u>	<u>550</u>	<u>388</u>	<u>480</u>
<u>4100</u>	<u>539</u>	<u>666</u>	<u>455</u>	<u>563</u>	<u>397</u>	<u>491</u>
<u>4200</u>	<u>551</u>	<u>681</u>	<u>466</u>	<u>575</u>	<u>406</u>	<u>502</u>
<u>4300</u>	<u>563</u>	<u>696</u>	<u>476</u>	<u>588</u>	<u>415</u>	<u>513</u>
<u>4400</u>	<u>574</u>	<u>709</u>	<u>485</u>	<u>599</u>	<u>423</u>	<u>523</u>
<u>4500</u>	<u>584</u>	<u>722</u>	<u>494</u>	<u>611</u>	<u>431</u>	<u>533</u>
<u>4600</u>	<u>595</u>	<u>736</u>	<u>503</u>	<u>622</u>	<u>439</u>	<u>543</u>
<u>4700</u>	<u>606</u>	<u>749</u>	<u>512</u>	<u>633</u>	<u>447</u>	<u>552</u>
<u>4800</u>	<u>617</u>	<u>762</u>	<u>521</u>	<u>644</u>	<u>455</u>	<u>562</u>
<u>4900</u>	<u>627</u>	<u>775</u>	<u>530</u>	<u>655</u>	<u>463</u>	<u>572</u>
<u>5000</u>	<u>638</u>	<u>789</u>	<u>539</u>	<u>667</u>	<u>471</u>	<u>582</u>
<u>5100</u>	<u>649</u>	<u>802</u>	<u>548</u>	<u>678</u>	<u>478</u>	<u>591</u>
<u>5200</u>	<u>659</u>	<u>815</u>	<u>557</u>	<u>689</u>	<u>486</u>	<u>601</u>
<u>5300</u>	<u>670</u>	<u>828</u>	<u>567</u>	<u>700</u>	<u>494</u>	<u>611</u>
<u>5400</u>	<u>681</u>	<u>842</u>	<u>576</u>	<u>711</u>	<u>502</u>	<u>621</u>
<u>5500</u>	<u>691</u>	<u>855</u>	<u>585</u>	<u>723</u>	<u>510</u>	<u>630</u>
<u>5600</u>	<u>702</u>	<u>868</u>	<u>594</u>	<u>734</u>	<u>518</u>	<u>640</u>
<u>5700</u>	<u>713</u>	<u>881</u>	<u>603</u>	<u>745</u>	<u>526</u>	<u>650</u>
<u>5800</u>	<u>724</u>	<u>894</u>	<u>612</u>	<u>756</u>	<u>534</u>	<u>660</u>
<u>5900</u>	<u>734</u>	<u>908</u>	<u>621</u>	<u>767</u>	<u>542</u>	<u>669</u>
<u>6000</u>	<u>745</u>	<u>921</u>	<u>630</u>	<u>779</u>	<u>550</u>	<u>679</u>
<u>6100</u>	<u>756</u>	<u>934</u>	<u>639</u>	<u>790</u>	<u>557</u>	<u>689</u>

<u>6200</u>	<u>766</u>	<u>947</u>	<u>648</u>	<u>801</u>	<u>565</u>	<u>699</u>
<u>6300</u>	<u>777</u>	<u>961</u>	<u>657</u>	<u>812</u>	<u>573</u>	<u>709</u>
<u>6400</u>	<u>788</u>	<u>974</u>	<u>666</u>	<u>823</u>	<u>581</u>	<u>718</u>
<u>6500</u>	<u>798</u>	<u>987</u>	<u>675</u>	<u>835</u>	<u>589</u>	<u>728</u>
<u>6600</u>	<u>809</u>	<u>1000</u>	<u>684</u>	<u>846</u>	<u>597</u>	<u>738</u>
<u>6700</u>	<u>820</u>	<u>1014</u>	<u>693</u>	<u>857</u>	<u>605</u>	<u>748</u>
<u>6800</u>	<u>831</u>	<u>1027</u>	<u>702</u>	<u>868</u>	<u>613</u>	<u>757</u>
<u>6900</u>	<u>841</u>	<u>1040</u>	<u>711</u>	<u>879</u>	<u>621</u>	<u>767</u>
<u>7000</u>	<u>852</u>	<u>1053</u>	<u>720</u>	<u>891</u>	<u>629</u>	<u>777</u>

On page 5, line 18, after "exceeds" strike "five" and insert "seven"
Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Niemi, Moore, Talmadge, L. Kreidler, Rinehart, Murray and Williams on page 3, after line 41; page 4, after line 49; and page 5, line 18; to Second Substitute Senate Bill No. 5120.

The motion by Senator Niemi failed and the amendments were not adopted.

MOTIONS

On motion of Senator Hansen, the following amendment was adopted:

On page 10, line 12, after "wealth," insert "including but not limited to savings, investments, real estate holdings and business interests,"

Senator Talmadge moved that the following amendment be adopted:

On page 8, line 11, after "(2)" strike all material through "26.26 RCW" on line 19, and insert "Monthly gross income shall not include the following items when they are not received on a regular or customary basis: overtime; bonuses; contract-related cash benefits; gifts; or prizes"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 8, line 11, to Second Substitute Senate Bill No. 5120.

The motion by Senator Talmadge failed and the amendment was not adopted.

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 11, line 18, after "parents" strike "~~((level of education,))~~ standard of living((;))" and insert "level of education, standard of living,

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 11, beginning on line 18, to Second Substitute Senate Bill No. 5120.

The motion by Senator Talmadge carried and the amendment was adopted.

MOTIONS

On motion of Senator McMullen, the following amendment was adopted:
On page 14, after line 4, insert a new subsection to read as follows:

"(4) If disability payments are made pursuant to Title 51 RCW and are classified as earnings and subject to collection by the office of support enforcement pursuant to RCW 74.20A.260, the amount subject to collection shall bear its proportionate share of attorney's fees and costs, if any, incurred by the injured worker or worker's dependent in obtaining disability payments."

On motion of Senator Nelson, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5120 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

MOTION

On motion of Senator Anderson, Senator Matson was excused.
Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5120.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5120 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 11; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West - 35.

Voting nay: Senators Conner, L. Kreidler, McMullen, Moore, Murray, Niemi, Pelz, Rinehart, Talmadge, Williams, Wojahn - 11.

Excused: Senators Matson, A. Smith, Snyder - 3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5120, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Patterson was excused.

SECOND READING

SENATE BILL NO. 5504, by Senators Bauer, Bailey, Rinehart, Saling, Murray, Pelz, Gaspard, Patterson, A. Smith, Sutherland and L. Smith

Establishing student teaching centers.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5504 was substituted for Senate Bill No. 5504 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute Senate Bill No. 5504 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5504.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5504 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Matson, Patterson, A. Smith, Snyder - 4.

SUBSTITUTE SENATE BILL NO. 5504, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5745, by Senators Moore, Matson, West, McMullen, von Reichbauer, Murray, Stratton, Anderson and Bauer

Clarifying licensing requirements for special amusement games.

The bill was read the second time.

MOTIONS

On motion of Senator Moore, the following amendment by Senators Moore and Matson was adopted:

On page 2, line 26, after "(g)" strike "A" and insert "Within a"

On motion of Senator McCaslin, the rules were suspended, Engrossed Senate Bill No. 5745 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Senator Moore, in the summary, it says, 'prohibit to meet the following criteria, prohibit school age minors from entry during school hours.' Are there prizes for these games?"

Senator Moore: "Yes."

Senator Metcalf: "What kind of prizes?"

Senator Moore: "Well, whatever the institution that is operating it decides is appropriate in accordance with the Gambling Commission regulations."

Senator Metcalf: "Would it be money prizes?"

Senator Moore: "No."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5745.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5745 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Voting nay: Senators Craswell, Metcalf - 2.

Excused: Senators Matson, Patterson, A. Smith, Snyder - 4.

ENGROSSED SENATE BILL NO. 5745, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5114, by Senators Murray, Bailey, Bauer, Thorsness, Erwin, Gaspard, A. Smith, Rinehart, Madsen, Talmadge, Wojahn, Rasmussen, Conner and Snyder (by request of Task Force on Student Transportation Safety)

Requiring safety enhancements for student transportation.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5114 was substituted for Senate Bill No. 5114 and the substitute bill was placed on second reading and read the second time.

Senator Murray moved that the following amendments by Senators Murray and McDonald be adopted:

On page 2, after line 5, insert the following:

NEW SECTION. Sec. 3. The superintendent of public instruction shall, in cooperation with at least one school district, conduct a pilot program to test the feasibility of using video cameras inside of school buses to reduce discipline problems and assist school bus drivers in identifying students who create discipline problems. The superintendent of public instruction shall report her findings to the education committees of the house of representatives and the senate by December 31, 1991.

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

On motion of Senator Rasmussen, the following amendment to the amendment by Senators Murray and McDonald was adopted:

On line 8 of the amendment, after "shall report" strike "her" and insert "their"

The President declared the question before the Senate to be the adoption of the amendment by Senators Murray and McDonald on page 2, after line 5, as amended, to Substitute Senate Bill No. 5114.

The motion by Senator Murray carried and the amendment, as amended, was adopted.

MOTION

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute Senate Bill No. 5114 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5114.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5114 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senator Barr - 1.

Excused: Senators Matson, Patterson, A. Smith, Snyder - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5114, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5878, by Senators Stratton and Saling

Including grants to other state agencies in the types of grants that the department of ecology administers from tire fee funds.

The bill was read the second time.

MOTION

On motion of Senator Thorsness, the rules were suspended, Senate Bill No. 5878 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5878.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5878 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senators Barr, Nelson - 2.

Excused: Senators Matson, A. Smith, Snyder - 3.

SENATE BILL NO. 5878, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5891, by Senators Oke, Snyder, Metcalf, Patterson, McMullen, Owen, Rasmussen, Anderson, Matson, Bauer, Nelson, Conner, Bailey, McCaslin, Hansen, Craswell and Amondson

Exempting households where persons over the age of sixty-two reside from certain woodstove restrictions.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5891 was substituted for Senate Bill No. 5891 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5891 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5891.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5891 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 11; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Hayner, Jesernig, Johnson, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Stratton, Thorsness, Vognild, von Reichbauer, West, Wojahn - 34.

Voting nay: Senators Gaspard, L. Kreidler, Moore, Murray, Niemi, Pelz, Rinehart, Skratek, Sutherland, Talmadge, Williams - 11.

Absent: Senator Owen - 1.

Excused: Senators Matson, A. Smith, Snyder - 3.

SUBSTITUTE SENATE BILL NO. 5891, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5848, by Senators Rasmussen and L. Smith

Increasing the homestead exemption.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5848 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5848.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5848 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senator Owen - 1.

Excused: Senators Matson, A. Smith, Snyder - 3.

SENATE BILL NO. 5848, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Murray, Senator Owen was excused.

SECOND READING

SENATE BILL NO. 5193, by Senators L. Smith, Wojahn, West, Johnson, Oke and Thorsness

Providing a program to assess and monitor infants exposed to drugs.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5193 was substituted for Senate Bill No. 5193 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5193 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5193.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5193 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Matson, Owen, A. Smith, Snyder - 4.

SUBSTITUTE SENATE BILL NO. 5193, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Murray, Senator Williams was excused.

SECOND READING

SENATE BILL NO. 5130, by Senators Metcalf and Owen

Reorganizing the department of wildlife.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5130 was substituted for Senate Bill No. 5130 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5130 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5130.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5130 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Wojahn - 43.

Absent: Senator L. Smith - 1.

Excused: Senators Matson, Owen, A. Smith, Snyder, Williams - 5.

SUBSTITUTE SENATE BILL NO. 5130, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5127, by Senators Craswell, Bailey, Vognild, Erwin, L. Smith, Stratton, Matson, Conner and Roach

Establishing citizen review boards.

MOTION

Senator Roach moved that Second Substitute Senate Bill No. 5127 be substituted for Senate Bill No. 5127 and that the second substitute bill be placed on second reading and read the second time.

POINT OF ORDER

Senator McMullen: "Mr. President, a point of order. Senate Bill No. 5127, the second substitute bill which was just offered, we believe, changes, not only the scope and object of the original bill, but it changes the title as well and we ask for a ruling from the chair on the change of the scope and title on the second substitute bill."

MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 5127 was deferred.

SECOND READING

SENATE BILL NO. 5251, by Senators Nelson, Vognild, Thorsness, Madsen, Patterson, Hansen, Oke, Saling, von Reichbauer, Barr, Snyder, Erwin, Bluechel and Murray

Revising regulation of motor vehicle wreckers.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5251 was substituted for Senate Bill No. 5251 and the substitute bill was placed on second reading and read the second time.

Senator Vognild moved that the following amendment be adopted:

On page 8, line 12, after "replaced." strike all language through "time." on line 19

Debate ensued.

The President declared the question before the Senate to the adoption of the amendment by Senator Vognild on page 8, line 12, to Substitute Senate Bill No. 5251.

The motion by Senator Vognild failed and the amendment was not adopted on a rising vote.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5251 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5251.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5251 and the bill failed to pass the Senate by the following vote: Yeas, 22; Nays, 22; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Hansen, Hayner, Jesernig, Johnson, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Patterson, Sellar, L. Smith, Thorsness, West - 22.

Voting nay: Senators Amondson, Bauer, Erwin, Gaspard, L. Kreidler, Madsen, McCaslin, Moore, Murray, Niemi, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Wojahn - 22.

Excused: Senators Matson, Owen, A. Smith, Snyder, Williams - 5.

SUBSTITUTE SENATE BILL NO. 5251, having failed to receive the constitutional majority, was declared lost.

President Pro Tempore Craswell assumed the Chair.

MOTION

On motion of Senator Murray, Senator Talmadge was excused.

STATEMENT FOR THE JOURNAL

Due to a business meeting in Seattle, I missed the vote on Substitute Senate Bill No. 5202, Senate Bill No. 5779, Senate Bill No. 5522, Senate Bill No. No. 5766, Substitute Senate Bill No. 5748, Substitute Senate Bill No. 5518, Substitute Senate Bill No. 5456 and Engrossed Second Substitute Senate Bill No. 5025. I would have voted 'aye' on all of these bills except Substitute Senate Bill No. 5456.

SENATOR PHIL TALMADGE, 34th District

SECOND READING

SENATE BILL NO. 5202, by Senators Nelson and Madsen

Changing provisions relating to civil judgments.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5202 was substituted for Senate Bill No. 5202 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5202 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5202.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5202 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler,

Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 43.

Excused: Senators Matson, Owen, A. Smith, Snyder, Talmadge, Williams - 6.

SUBSTITUTE SENATE BILL NO. 5202, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5779, by Senators Bauer, Rinehart, Bailey and Sutherland

Requiring direct appropriations to the school for the deaf and the school for the blind.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5779 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5779.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5779 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 43.

Excused: Senators Matson, Owen, A. Smith, Snyder, Talmadge, Williams - 6.

SENATE BILL NO. 5779, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5522, by Senators Vognild, West, Pelz, Bailey, Moore, Sellar, Owen, Newhouse, Conner, Talmadge, A. Smith, Murray, Wojahn, Thorsness, Erwin, L. Kreidler, Rasmussen, Nelson, Saling, McCaslin, Craswell, Roach, McDonald, Bauer, Gaspard, Snyder and Johnson

Requiring life insurers to disclose policy limits based on war, suicide, or aviation.

The bill was read the second time.

MOTION

On motion of Senator von Reichbauer, the rules were suspended, Senate Bill No. 5522 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5522.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5522 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 43.

Excused: Senators Matson, Owen, A. Smith, Snyder, Talmadge, Williams - 6.

SENATE BILL NO. 5522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5766, by Senators Pelz, Bailey, Rinehart, Erwin, Murray, Anderson, A. Smith, Newhouse, Stratton and Bauer

Creating an academic excellence program for at-risk youth.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5766 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5766.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5766 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 43.

Excused: Senators Matson, Owen, A. Smith, Snyder, Talmadge, Williams - 6.

SENATE BILL NO. 5766, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Amondson served notice that he would move to reconsider the vote by which Substitute Senate Bill No. 5251 failed to pass the Senate earlier today.

SECOND READING

SENATE BILL NO. 5748, by Senator Roach

Requiring the department of social and health services to develop a coordinated policy for long-term care of children with special needs.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5748 was substituted for Senate Bill No. 5748 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5748 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5748.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5748 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler,

Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 43.

Excused: Senators Matson, Owen, A. Smith, Snyder, Talmadge, Williams - 6.

SUBSTITUTE SENATE BILL NO. 5748, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5518, by Senators Thorsness, Sutherland, Patterson, Jesernig, Stratton and Roach (by request of Attorney General)

Regulating pay-per-call services.

MOTIONS

On motion of Senator Thorsness, Substitute Senate Bill No. 5518 was substituted for Senate Bill No. 5518 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thorsness, the rules were suspended, Substitute Senate Bill No. 5518 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5518.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5518 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 42.

Absent: Senator Moore - 1.

Excused: Senators Matson, Owen, A. Smith, Snyder, Talmadge, Williams - 6.

SUBSTITUTE SENATE BILL NO. 5518, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5456, by Senators Saling, Cantu and Bluechel

Modifying tenure at community colleges.

MOTIONS

On motion of Senator Saling, Substitute Senate Bill No. 5456 was substituted for Senate Bill No. 5456 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Saling, the rules were suspended, Substitute Senate Bill No. 5456 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Murray, Senator Moore was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5456.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5456 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 10; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Hayner, Jesernig, Johnson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Stratton, Sutherland, Thorsness, von Reichbauer, West - 32.

Voting nay: Senators Gaspard, L. Kreidler, Madsen, Murray, Niemi, Pelz, Rinehart, Skratek, Vognild, Wojahn - 10.

Excused: Senators Matson, Moore, Owen, A. Smith, Snyder, Talmadge, Williams - 7.

SUBSTITUTE SENATE BILL NO. 5456, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Bluechel assumed the Chair.

SECOND READING

SENATE BILL NO. 5025, by Senators Craswell, Owen, Bailey, L. Smith, Roach, Stratton and Oke

Providing services for at-risk youth and their families.

MOTIONS

On motion of Senator Roach, Second Substitute Senate Bill No. 5025 was substituted for Senate Bill No. 5025 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Niemi, the following amendment by Senator Talmadge was adopted:

On page 24, line 11, after "center" insert "in violation of a court order"

On motion of Senator Niemi, the following amendment by Senator Talmadge was adopted:

On page 25, after line 17, insert the following:

NEW SECTION. Sec. 19. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

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

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5025 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5025.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5025 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 1; Absent, 1; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 40.

Voting nay: Senator Rinehart - 1.

Absent: Senator Bauer - 1.

Excused: Senators Matson, Moore, Owen, A. Smith, Snyder, Talmadge, Williams - 7.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5025, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

March 13, 1991

HB 1060 Prime Sponsor, Representative Ludwig: Requiring the notice to the creditors of a deceased person to be filed with the clerk of the court. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

March 13, 1991

SHB 1061 Prime Sponsor, House Committee on Judiciary: Making funeral expenses and cost of administration fully deductible from the decedent's estate. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Referred to Committee on Ways and Means.

March 13, 1991

SHB 1062 Prime Sponsor, House Committee on Judiciary: Broadening the power of fiduciaries to divide trusts. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

March 13, 1991

HB 1063 Prime Sponsor, Representative Ludwig: Revising provisions on disposition of disclaimed interest. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

MOTION

At 7:23 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m. Friday, March 15, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

SIXTY-FIRST DAY-----
MORNING SESSION

Senate Chamber, Olympia, Friday, March 15, 1991

The Senate was called to order at 8:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Erwin, Hansen, McDonald, Owen, Pelz, Sellar, Adam Smith, Snyder, Talmadge and Wojahn. On motion of Senator Anderson, Senators Erwin, McDonald and Sellar were excused. On motion of Senator Murray, Senators Hansen, Owen, Pelz, Adam Smith, Snyder, Talmadge and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jessica Doig and Paige Irving, presented the Colors. Reverend G. Edward Nelson, senior pastor of the Neighborhood Church of Bellevue, and a guest of Senator Ellen Craswell, offered the prayer.

MOTION

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

STATEMENT FOR THE JOURNAL

Mary Wiley
Minute/Journal Clerk
305 Legislative Building
Olympia, Washington 98504

Mary,

Please record in the official Journal of the Senate that I was absent from the Senate Floor, Thursday, March 14, and Friday, March 15, due to oral surgery on my wisdom teeth.

If you have any questions, please call me at 786-7664.

Thank you,
SENATOR ADAM SMITH, 33rd District

STATEMENT FOR THE JOURNAL

Mary Wiley
Journal/Minute Clerk
Legislative Building
Olympia, WA 98504

I would like to make the following statement for the Journal:
 Due to an emergency caused by a bleeding ulcer, I was admitted to St. Peter Hospital in Olympia the morning of Tuesday, March 12, 1991, and was released in time to return to the afternoon session on March 15, 1991. During this period, I missed a substantial number of roll calls as follows:

March 15, 1991

Gubernatorial Appointment 9141 - Louis H. Pepper, Member
 Washington State University Board of Regents
 Gubernatorial Appointment 9161 - Dr. Max M. Snyder, Member
 State Board for Community College Education
 SB 5778 -- Pesticide Damage Reports
 2SSB 5127 -- Foster Care Citizen Rev. Boards
 ESSB 5825 -- Offender Firearm Possession
 ESSB 5552 -- Water Systems Operator Cert.
 SB 5845 -- Adult Entertainment Taxation

SENATOR SID SNYDER, 19th District

REPORT OF SELECT COMMITTEE

THE STATE OF WASHINGTON
 OFFICE OF THE STATE TREASURER
 OLYMPIA, WASHINGTON

February 27, 1991

The Honorable Ralph Munro
 Secretary of State
 Legislative Building
 Olympia, Washington 98504
 Dear Mr. Munro:

The provisions of Article VIII, Section 1, of the State Constitution, and Chapter 39.42 RCW, as amended, require that the State Treasurer certify the limitations on the bonded debt of Washington State for each fiscal year. Forwarded herewith is documentation of the computations utilized in developing the debt limitation for Fiscal Year 1991.

In accordance with constitutional and statutory requirements, I hereby certify, for the fiscal year ending June 30, 1991, that the maximum debt authorization subject to limitation is \$3,213,942,000, and, further, that the State is empowered to contract additional bond indebtedness subject to limitation of \$853,777,000.

A copy of this certification has been forwarded to each elected official of the State and each member of the Washington Legislature.

Sincerely,
 DANIEL K. GRIMM, State Treasurer

The Select Committee Report is on file in the Office of the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

THE STATE OF WASHINGTON
 WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
 1300 S. Evergreen Park Drive, S.W.
 OLYMPIA, WASHINGTON 98504

February 15, 1991

Dear Member of the Energy and Utilities Committee:

The Washington Utilities and Transportation Commission is pleased to submit its 1991 Report on the Status of the Washington State Telecommunications Industry. This report was prepared pursuant to the requirements of the Telecommunications Regulatory Flexibility Act of 1985 (Laws of 1985, ch. 450) as amended (Laws of 1987, ch 505, sec. 78 and Laws of 1987, ch. 293, sec. 6).

The report addresses regulatory activity under the Regulatory Flexibility Act; telecommunications network and market trends; services, rates and infrastructure in the state; the competitiveness of telecommunications markets; and current and emerging issues. As the fourth periodic report in the series, this report updates the information provided in the 1986, 1987 and 1989 volumes, emphasizing trends over the years 1989-1990.

The 1991 report is the final report contemplated under the current statute. We recommend that the Legislature continue requiring the Commission to produce these reports on a biennial basis. We believe the report is useful for our staff, the industry and the public. If the Legislature concurs, we would require additional fiscal resources of \$55,000 during the period 1991 through 1992 for preparation of a report to be submitted in early 1993.

SHARON NELSON
 Chairman

RICHARD CASAD
 Commissioner

Sincerely,
 A.J."BUD" PARDINI
 Commissioner

MESSAGE FROM THE HOUSE

March 13, 1991

MR. PRESIDENT:

The House has passed:
 ENGROSSED HOUSE BILL NO. 1131,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1462,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571,
 HOUSE BILL NO. 1625,
 SUBSTITUTE HOUSE BILL NO. 1676,
 SUBSTITUTE HOUSE BILL NO. 1690,
 SUBSTITUTE HOUSE BILL NO. 1715,
 HOUSE BILL NO. 1716,
 SUBSTITUTE HOUSE BILL NO. 1726,

SUBSTITUTE HOUSE BILL NO. 1743,
 SUBSTITUTE HOUSE BILL NO. 1847,
 SUBSTITUTE HOUSE BILL NO. 1886,
 SUBSTITUTE HOUSE BILL NO. 1997,
 HOUSE BILL NO. 2059,
 SUBSTITUTE HOUSE BILL NO. 2069,
 HOUSE BILL NO. 2073,
 SUBSTITUTE HOUSE BILL NO. 2089,
 ENGROSSED HOUSE BILL NO. 2141,
 ENGROSSED HOUSE BILL NO. 2168,
 HOUSE JOINT MEMORIAL NO. 4004,
 HOUSE JOINT MEMORIAL NO. 4007,
 HOUSE JOINT RESOLUTION NO. 4200, and the same are herewith

transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5945 by Senators Patterson, McMullen, Conner and Metcalf

AN ACT Relating to state government organization; amending RCW 43.17.010, 43.17.020, 47.01.081, 47.64.011, 88.16.010, 47.60.010, 47.60.013, 47.60.040, 47.60.060, 47.60.113, 47.60.114, 47.60.120, 47.60.130, 47.60.140, 47.60.145, 47.60.150, 47.60.310, 47.60.326, 47.60.440, 47.60.450, 47.60.470, 47.60.505, 47.60.530, and 47.60.760; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 47 RCW; creating new sections; and repealing RCW 47.64.290.

Referred to Committee on Transportation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1131 by Representatives Valle, Ferguson, Belcher, Holland, Bowman, Sprenkle, Brekke and Forner

Prohibiting municipal employees' conflicts of interest.

Referred to Committee on Governmental Operations.

ESHB 1462 by House Committee on Judiciary (originally sponsored by Representatives Nealey, Haugen, Ferguson, Dorn, May, Tate, Ludwig, Neher, Anderson, Rasmussen, Silver, Mielke, Grant, Rayburn, Fuhrman, Bray and Morton)

Regulating dangerous and potentially dangerous dogs.

Referred to Committee on Law and Justice.

HB 1489 by Representatives H. Myers, May, Grant, Miller, Ebersole, Ballard, Belcher, Casada, Leonard, Hine, Bray, Appelwick,

Hochstatter, R. Meyers, Morris, Cooper, Rayburn, Schmidt, Broback, Neher, Wynne, Betrozoff and Winsley

Adding limited new services to the current common carrier exceptions to the privacy act.

Referred to Committee on Energy and Utilities.

ESHB 1571 by House Committee on State Government (originally sponsored by Representatives Jones, McLean, Anderson, Hargrove, Ferguson, Phillips and Jacobsen)

Requiring a recount by hand of election returns that have a difference of less than one-fourth of one percent.

Referred to Committee on Governmental Operations.

HB 1625 by Representatives McLean, Rayburn, Nealey, Kremen, Chandler, Grant, Fuhrman, Ballard, Moyer and Rasmussen

Removing the requirement for the development of a plan for voluntary combined reporting for agricultural employers.

Referred to Committee on Agriculture and Water Resources.

SHB 1676 by House Committee on Judiciary (originally sponsored by Representatives Inslee, Winsley, R. Meyers, Dorn, Dellwo, Zellinsky, Jacobsen, Rasmussen and Sheldon)

Establishing punitive liability for injury or wrongful death from driving while intoxicated.

Referred to Committee on Law and Justice.

SHB 1690 by House Committee on Appropriations (originally sponsored by Representatives Riley, Ludwig and Scott)

Changing juvenile disposition standards.

Referred to Committee on Law and Justice.

SHB 1715 by House Committee on State Government (originally sponsored by Representatives Rasmussen, Brumsickle, Haugen, Bowman, Dorn, Paris and Sheldon)

Making the office of sheriff nonpartisan.

Referred to Committee on Governmental Operations.

HB 1716 by Representatives Wood, Haugen, Ferguson, Cooper, Zellinsky, Miller, Franklin, Beck, Bray, Edmondson, Horn, Wynne, Rayburn, Nealey, Roland, Mitchell, Winsley and Paris

Standardizing terminology relating to county auditors and recording officers.

Referred to Committee on Governmental Operations.

SHB 1726 by House Committee on Higher Education (originally sponsored by Representatives Spanel, Jacobsen, Kremen, Ogden, Prince, R. Johnson, Braddock and Wineberry)

Including certain tribally controlled colleges in definitions of institutions of higher education.

Referred to Committee on Higher Education.

SHB 1743 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo, Broback, R. Meyers, R. Johnson, Dorn, Zellinsky, Paris, Scott and Winsley)

Revising regulation of high-interest consumer loans.

Referred to Committee on Financial Institutions and Insurance.

SHB 1847 by House Committee on State Government (by Representatives Van Luven, Grant, McLean, Sheldon, Tate, Ferguson, Bowman, Chandler and Paris)

Prohibiting any person who has worked for an agency from becoming an administrative law judge for that agency for five years.

Referred to Committee on Governmental Operations.

SHB 1886 by House Committee on Judiciary (originally sponsored by Representatives H. Myers, Padden, Cooper, Morris, Ogden, Peery, Tate, Ludwig, Fuhrman, Paris, Wineberry, May, Winsley, Sheldon, Rasmussen and Orr)

Requiring drug and alcohol evaluation and treatment in the event of a vehicular crime.

Referred to Committee on Law and Justice.

SHB 1997 by House Committee on Judiciary (originally sponsored by Representatives Tate, Riley, Padden, Hargrove, Mielke, Ludwig, Bowman, Dorn, Ferguson, Paris, D. Sommers, Vance, Forner,

Scott, Winsley, Kremen, Broback, Brough, Roland, Jacobsen, Holland, Horn, Wynne, Morton, R. Johnson, Van Luven, Chandler, P. Johnson, Brumsickle, Silver and Rasmussen)

Clarifying provisions relating to registration of sex offenders.

Referred to Committee on Law and Justice.

HB 2059 by Representatives H. Myers, Grant, O'Brien, Wineberry, Orr and Anderson

Providing low-income persons with residential weatherization and energy assistance.

Referred to Committee on Energy and Utilities.

SHB 2069 by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk, Heavey, Ballard, Grant, D. Sommers, Kremen, Fuhrman, Prince, Rayburn, Chandler, Winsley, Mitchell, Vance, Inslee and Silver)

Revising provisions for employer relief from unemployment insurance charges.

Referred to Committee on Commerce and Labor.

HB 2073 by Representatives Padden, Morris, Silver, Winsley, Casada, Bowman, Vance, Broback, Fuhrman, P. Johnson, Morton, Wynne, Moyer, Edmondson, Van Luven and Mitchell

Increasing the penalties for selling controlled substances for profit.

Referred to Committee on Law and Justice.

SHB 2089 by House Committee on State Government (originally sponsored by Representatives Anderson, Bowman, Pruitt, Grant, R. Fisher, Ferguson, R. Johnson and Franklin)

Fixing the date of the presidential primary.

Referred to Committee on Governmental Operations.

EHB 2141 by Representatives Prince, Jacobsen, Anderson and Winsley

Establishing a state oral history program.

Referred to Committee on Governmental Operations.

EHB 2168 by Representative R. Meyers

Directing a temporary study of truck weight.

Referred to Committee on Transportation.

HJM 4004 by Representatives Nealey, Grant, Beck, Valle, May, Ludwig, Betrozoff, Rayburn, Chandler, Prince, McLean, Hochstatter, Rasmussen, Silver, Vance, D. Sommers, Jacobsen, R. King, Bowman, Fuhrman, Paris, Horn, Moyer and Broback

Requesting Congress to increase ethanol content in motor fuel.

Referred to Committee on Energy and Utilities.

HJM 4007 by Representatives Hine, Grant, Holland, G. Fisher, Forner, Braddock, Heavey, Prentice, Leonard, Valle, Kremen, Fuhrman, Morton, Spanel and Anderson

Concerning the study of electric and magnetic fields.

Referred to Committee on Energy and Utilities.

HJR 4200 by Representatives Locke, Ballard, Appelwick, Peery, Ludwig, Belcher, Prince, H. Myers, Tate, Vance, D. Sommers, Morton, Wineberry, McLean, Edmondson, Chandler, P. Johnson, Moyer, Hochstatter, Lisk, Wood, Paris, Casada, Nealey, Brekke, Silver, May and Anderson

Amending the Constitution to remove the special procedures for nonpartisan elections.

Referred to Committee on Law and Justice.

STATEMENT FOR THE JOURNAL

Due to a business meeting in Seattle, I missed the votes on Gubernatorial Appointment No. 9141, Gubernatorial Appointment No. 9161, Senate Bill No. 5778 and Second Substitute Senate Bill No. 5127. I would have voted 'aye' on each.

SENATOR PHIL TALMADGE, 43rd District

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9141, Louis H. Pepper, as a member of the Board of Regents for Washington State University, was confirmed.

APPOINTMENT OF LOUIS H. PEPPER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell; Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Rinehart, Roach, Saling, Skratek, L. Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams - 39.

Excused: Senators Erwin, Hansen, McDonald, Owen, Pelz, Sellar, A. Smith, Snyder, Talmadge, Wojahn - 10.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9161, Dr. Max M. Snyder, as a member of the State Board for Community College Education, was confirmed.

APPOINTMENT OF DR. MAX M. SNYDER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams - 41.

Excused: Senators Hansen, McDonald, Owen, Pelz, A. Smith, Snyder, Talmadge, Wojahn - 8.

SECOND READING

SENATE BILL NO. 5778, by Senators Newhouse and Hansen

Requiring persons filing reports of pesticide damage to cooperate with the department of agriculture.

The bill was read the second time.

MOTION

On motion of Senator Barr, the rules were suspended, Senate Bill No. 5778 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5778.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5778 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 42.

Excused: Senators Hansen, McDonald, Owen, Pelz, A. Smith, Snyder, Talmadge - 7.

SENATE BILL NO. 5778, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 5127 and the pending motion by Senator Roach that Second Substitute Senate Bill No. 5127 be substituted for Senate Bill No. 5127, deferred March 14, 1991.

RULING BY THE PRESIDENT

President Pritchard: "Having ruled that substitute bills are not subject to scope and object challenges the President finds that Senator McMullen's point of order is not well taken."

Second Substitute Senate Bill No. 5127 was substituted for Senate Bill No. 5127 and the second substitute bill was placed on second reading and read the second time.

MOTION

On motion of Senator Craswell, the rules were suspended, Second Substitute Senate Bill No. 5127 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5127.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5127 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Excused: Senators Hansen, McDonald, Owen, A. Smith, Snyder, Talmadge - 6.
SECOND SUBSTITUTE SENATE BILL NO. 5127, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5825, by Senators Nelson, Madsen, Thorsness, Erwin, Rasmussen, Oke and L. Kreidler (by request of Department of Corrections)

Restricting offenders' possession of firearms.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5825⁵ was substituted for Senate Bill No. 5825 and the substitute bill was placed on second reading and read the second time.

Senator Niemi moved that the following amendment by Senator Talmadge be adopted:

On page 2, at the beginning of line 2, strike "disposal as provided in RCW 9.41.098" and insert "destruction"

Debate ensued.

POINT OF INQUIRY

Senator McCaslin: "Senator Nelson, as chairman of the Governmental Operations Committee, I am always curious about local government--county and city. Are they, at the present time, obeying the statutes and the law as written?"

Senator Nelson: "Thank you for asking the question, Senator McCaslin. No, they are not. We have one prominent city, the largest city in this state, who has chosen to defy the law and not even follow what is in 9.41 today. They have not held one of these private auctions to register firearm dealers since the law was enacted and there is no creditable record keeping on the destruction that is mandatory on all illegal firearms. Now, I would submit to this Legislature, the amendment now specifically states--"

POINT OF ORDER

Senator Talmadge: "A point of order, Mr. President. It is clearly a speech, rather than a response to a question on the floor. I would suggest that there is a violation of the three minute rule involved."

REPLY BY THE PRESIDENT

President Pritchard: "Well, it isn't the three minute rule. I think that everybody knows if we are going to follow these rules with one person speaking on an amendment and the mover speaking twice, I would hope that

the members would follow. Senator McCaslin, you asked the question. Has your question been answered?"

Senator McCaslin: "No, I'm still waiting."

President Pritchard: "Well, sometimes, you can wait a long time. I would hope, Senator Nelson, that we don't get clever, because then the Chair is going to have to start cutting down a little bit here."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 2, beginning on line 2, to Substitute Senate Bill No. 5825.

The motion by Senator Niemi failed and the amendment by Senator Talmadge was not adopted.

MOTION

Senator Barr moved that the following amendment by Senators Barr, Nelson and Hansen be adopted:

On page 14, line 2, after "service," strike "community placement, or legal financial obligations" and insert "or community placement"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Barr, Nelson and Hansen on page 14, line 2, to Substitute Senate Bill No. 5825.

The motion by Senator Barr carried and the amendment was adopted.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 5825 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5825.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5825 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Owen, A. Smith, Snyder - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5825, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5552, by Senators Barr, Madsen and Williams (by request of Department of Health)

Requiring certification of water systems operators.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 5552 was substituted for Senate Bill No. 5552 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the following amendment by Senators Roach and Barr was adopted:

On page 3, line 2, after "system" insert ", other than a system serving fewer than fifteen single-family residences."

On motion of Senator Madsen, the following amendments by Senators Madsen and Barr were considered simultaneously and adopted:

On page 3, line 26, after "single-family residence" insert "and a system with four or fewer connections all of which serve residences on the same farm"

On page 5, line 20, after "such systems" insert ", to assure the protection of the public health and conservation and protection of the state's water resources as required under RCW 70.119.010, and to implement the provisions of the state safe drinking water act in chapter 70.119A RCW. In categorizing all public water systems for the purpose of implementing these provisions of state law, the secretary shall take into consideration economic impacts as well as the degree and nature of any public health risk"

MOTION

On motion of Barr, the rules were suspended, Engrossed Substitute Senate Bill No. 5552 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5552.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5552 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kridler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar,

Skratek, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Owen, A. Smith, Snyder - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5552, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5845, by Senators McDonald, Gaspard, Hayner, Wojahn, Oke, Vognild, Metcalf, Thorsness, L. Smith, A. Smith and Bauer

Taxing adult entertainment materials and services and dedicating the revenues to crime victims compensation.

The bill was read the second time.

MOTION

On motion of Senator Amondson, the rules were suspended, Senate Bill No. 5845 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Vognild, and there being no objection, his name will be removed as a sponsor of Senate Bill No. 5845.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5845.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5845 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 10; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, Metcalf, Murray, Nelson, Newhouse, Oke, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Stratton, Sutherland, Thorsness, von Reichbauer, West, Wojahn - 36.

Voting nay: Senators L. Kreidler, McMullen, Moore, Niemi, Pelz, Rinehart, Skratek, Talmadge, Vognild, Williams - 10.

Excused: Senators Owen, A. Smith, Snyder - 3.

SENATE BILL NO. 5845, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:59 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:28 a.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 5364, by Senators Roach, McCaslin and Stratton

Authorizing the state board of education to review public school siting decisions.

The bill was read the second time.

MOTION

Senator Rinehart moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 11, after "appealed" insert "by the school district board of directors"

On page 2, line 8, after "appealed" insert "by the school district board of directors"

On page 2, line 19, after "appealed" insert "by the school district board of directors"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Rinehart on page 1, line 11, page 2, lines 8 and 19, to Senate Bill No. 5364.

The motion by Senator Rinehart carried and the amendments were adopted.

MOTION

Senator Rinehart moved that the following amendments be considered simultaneously and be adopted:

Beginning on page 1, line 12 after "education." insert "The school district board of directors may appeal the decision, within sixty days after all municipal administrative procedures have been exhausted, only if the board by majority vote adopts a resolution to appeal the decision and submits a statement that all municipal administrative procedures have been exhausted."

On page 2, line 9, after "education." insert "The school district board of directors may appeal the decision, within sixty days after all municipal administrative procedures have been exhausted, only if the board by majority vote adopts a resolution to appeal the decision and submits a statement that all municipal administrative procedures have been exhausted."

On page 2, line 20, after "education." insert "The school district board of directors may appeal the decision, within sixty days after all county or regional administrative procedures have been exhausted, only if the board by majority vote

adopts a resolution to appeal the decision and submits a statement that all county or regional administrative procedures have been exhausted."

POINT OF INQUIRY

Senator Roach: "Senator Rinehart, does the failure of a municipal, county or regional jurisdiction to consider a school siting proposal constitute an exhaustion of all available administrators procedures?"

Senator Rinehart: "Senator Roach, if the school board has made a request and there is evidence of that request, that would constitute exhausting remedies. In the situation that I believe you are referring to, if they made a request for a hearing and they were denied that hearing, then they would have done their part to exhaust the procedures."

Senator Roach: "Does available administrative procedure constitute anything other than review by local elected city, municipal or county authorities?"

Senator Rinehart: "Senator Roach, that would, I think, depend on the jurisdiction. The intention is that in each jurisdiction whatever local ordinances are available--whatever local procedures exist--that a school board would be obliged to go through those normal processes. It does not anticipate any extraordinary procedures or any requirement outside simple normal--"

Senator Roach: "Would you consider that the court system would be outside the normal? I would; I am hoping that you would agree."

Senator Rinehart: "A municipal administrative procedure would not include court action."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Rinehart on page 1, line 12, page 2, lines 9, and 20, to Senate Bill No. 5364.

The motion by Senator Rinehart carried and the amendments were adopted.

MOTION

Senator Rinehart moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 12, after "determines" insert "under section 3 of this act"

On page 2, line 9, after "determines" insert "under section 3 of this act"

On page 2, line 20, after "determines" insert "under section 3 of this act"

On page 3, line 5, after "ordinances." insert "In making a decision under sections 1, 2, or 3 of this act, the state board of education shall consider whether the location is best suited to meet the educational needs of students and is situated in a manner that will help provide students with safe walking conditions between school and home. The state board of education may also consider the availability of other sites and the concerns of the municipal, county or regional authority in refusing to permit the school to be located on a specific site."

The state board may adopt rules to carry out its duties under this section."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Rinehart, isn't this a new approach? Haven't the local school boards always determined where the site was, assisted by the local planning commission?"

Senator Rinehart: "Yes, this is an unusual--"

Senator Rasmussen: "Now, you are proposing to change that?"

Senator Rinehart: "Senator Roach proposes to change that."

Senator Rasmussen: "Part of an appeal?"

Senator Rinehart: "Yes."

Senator Rasmussen: "I don't know; I think you better leave it with the local board."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Rinehart on page 1, line 12, page 2, lines 9 and 20, and page 3, line 5, to Senate Bill No. 5364.

The motion by Senator Rinehart failed and the amendments were not adopted.

MOTION

Senator Rinehart moved that the following amendment be adopted:

On page 3, line 5, after "ordinances." insert "Before issuing a decision, the state board of education shall consult with experts on land use planning."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rinehart on page 3, line 5, to Senate Bill No. 5364.

The motion by Senator Rinehart failed and the amendment was not adopted.

MOTION

Senator Rinehart moved that the following amendment be adopted:

On page 3, line 5, after "ordinances." insert "Before issuing a decision, the state board of education shall hold a public hearing. The hearing shall include but not be limited to testimony from applicable local land-use planners and persons involved with making or implementing local land use decisions."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rinehart on page 3, line 5, to Senate Bill No. 5364.

The motion by Senator Rinehart failed and the amendment was not adopted.

MOTION

Senator Rinehart moved that the following amendment be adopted:

On page 3, after line 5 insert:

NEW SECTION. Sec. 5. If specific funding for the purposes of this act is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rinehart on page 3, after line 5, to Senate Bill No. 5364.

The motion by Senator Rinehart failed and the amendment was not adopted.

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Senate Bill No. 5364 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Pelz: "Senator Roach, you stated that currently elected school boards have been making the decision on where to site schools and this is being overridden by non-elected people. Are we not talking about locally elected city and county officials making zoning decisions that are disagreeing with the school boards as to where to site these schools?"

Senator Roach: "Well, Senator Pelz, I appreciate your question and the opportunity to respond. The local school board directors are elected by those individuals who are most affected by those decisions. In the case that I might quote you, and there are several of them, let me just say that the overriding authority--yes, they are elected officials--take the King County Council, for example, but only one of nine actually represent the individuals in the given school district. Clearly, by keeping the decision on a local level--local school board level--those five to seven or eight individuals, however many, those people will be able to be closer to the people and closer to the decision-making process."

Further debate ensued.

MOTION

At 11:59 a.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:11 p.m. by President Pritchard.

PERSONAL PRIVILEGE

Senator Erwin: "A point of personal privilege, Mr. President. I made my maiden floor speech the other day and in spite of Larry's threshing, I made my way through it. As a token for tradition, I present you with this gift of sockeye salmon. The salmon came from Distinctively Yours in the Country Village Store in my home district. The proprietor's name there is Davie Schonwald. The package designer is Russ Lamb, a local person and part owner of the Kasilof Fish Company and won the 1990 national award for the best design of food packaging. Now, this guy doesn't live in my district anymore. You might notice that it says 'Marysville.'"

POINT OF ORDER

Senator Vognild: "A point of order, Mr. President. Senator Erwin made his maiden speech and we appreciate very much what he has done. However, somebody has failed to tell him that one of the rules of the Senate is that we do not allow commercials on the Senate floor. Having started into a commercial, I think we should simply warn him that if goes much further, it might cost him even more."

Senator Erwin: "Thank you, Senator Vognild. Anyway, I just wanted to present you with this. It does come from the district, even though the packaging says it does not. Thank you."

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

MOTION

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

SENATE RESOLUTION 1991-8620

By Senators Patterson and Rasmussen

WHEREAS, Participation in academic competition provides opportunities for the development and enhancement of the participant's mental alertness, independence, personal goal setting, and the ability to cooperate and work with others in a common cause; and

WHEREAS, The Washington State Legislature wishes to encourage student participation in academic competition; and

WHEREAS, The "Future Problem Solving Program" is an international program for academic competition sponsored by Centrum, a nonprofit education organization located at Fort Worden State Park, Port Townsend, Washington; and

WHEREAS, Three thousand two hundred seventy-eight elementary and secondary school students from the state of Washington participated in the Future Problem Solving Program in 1990; and

WHEREAS, The Colfax High School team, comprised of Susan Adams, Matt Carpenter, Heather Hochstatter, Joe Poshusta, and teacher/coach Tenny Brannan, placed first in the state-wide Future Problem Solving Program's academic competition in 1990; and

WHEREAS, In the June 1990 international competition held in St. Louis, Missouri, the Colfax High School team placed first among the three hundred teams representing fifty states and various foreign countries including teams from as far away as New Zealand; and

WHEREAS, The families, teachers, and school administrators have nurtured and supported the interest and talents of these students;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the Colfax High School Future Problem Solving Program team for its unparalleled intellectual and creative achievement and for the honor that the team has bestowed upon their school, their community, and the state of Washington; and

BE IT FURTHER RESOLVED, That the Senate commend the families, teachers, school administrators, Centrum, and the State Superintendent of Public Instruction for their encouragement and support of every student that participated in this program; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to each member of the Colfax High School team.

Senator Patterson spoke to Senate Resolution 1991-8620.

INTRODUCTION OF SPECIAL GUESTS

Senator Patterson introduced the members of the Colfax High School Future Problem Solving Program team seated in the gallery.

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Matson, Gubernatorial Appointment No. 9045, Janice H. Wigen, as a member of the Lottery Commission, was confirmed.

MOTIONS

On motion of Senator Anderson, Senator Saling was excused.

On motion of Senator Murray, Senator Niemi was excused.

APPOINTMENT OF JANICE H. WIGEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Skratek, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Absent: Senators Barr, Bauer, Sellar - 3.

Excused: Senators Niemi, Saling, A. Smith - 3.

SECOND READING

SENATE BILL NO. 5928, by Senators Sellar, Anderson, Amondson, McDonald, Craswell, Oke, Bailey, Nelson, Hayner, L. Smith, Saling, Patterson, McCaslin and Johnson

Prohibiting interest and penalties on delinquent 1991 taxes on personal residences owned by military personnel.

MOTIONS

On motion of Senator McDonald, Substitute Senate Bill No. 5928 was substituted for Senate Bill No. 5928 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDonald, the rules were suspended, Substitute Senate Bill No. 5928 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Vognild: "Senator McDonald, I am supporting this bill, but I did have one concern. If, in fact, a cease fire is signed and non-regular military personnel stay over there for a longer period of time. Would they still be covered under this bill? Is that your intent?"

Senator McDonald: "You may want to ask Senator Sellar. My reading of the bill is that it would include people--because it said 'subsequent operations' that it would include those people."

Senator Vognild: "Thank you. Senator Sellar, you agree?"

Senator Sellar: "Yes."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5928.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5928 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Niemi, Saling, A. Smith - 3.

SUBSTITUTE SENATE BILL NO. 5928, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5501, by Senators Owen, Sutherland, L. Smith, Vognild, Amondson and Bauer

Restricting the transfer of commercial salmon fishing licenses.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5501 was substituted for Senate Bill No. 5501 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 5501 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5501.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5501 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 14; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Roach, L. Smith, Stratton, Sutherland, Talmadge, Thorsness - 31.

Voting nay: Senators Anderson, Craswell, Erwin, McMullen, Moore, Rasmussen, Sellar, Skratek, Snyder, Vognild, von Reichbauer, West, Williams, Wojahn - 14.

Absent: Senator Rinehart - 1.

Excused: Senators Niemi, Saling, A. Smith - 3.

SUBSTITUTE SENATE BILL NO. 5501, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Craswell assumed the Chair.

SECOND READING

SENATE BILL NO. 5474, by Senators Rinehart, Bailey, Murray, West and Bauer

Planning a data collection and reporting system on children.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5474 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5474.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5474 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senator Craswell - 1.

Excused: Senators Niemi, Saling, A. Smith - 3.

SENATE BILL NO. 5474, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5812, by Senators Williams and Wojahn

Deferring interest and penalties on certain delinquent property taxes.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 5812 was substituted for Senate Bill No. 5812 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Williams, the following amendments by Senators Williams and Newhouse were considered simultaneously and were adopted:

On page 2, after line 2, insert: "This section does not apply to 1991 taxes attributable to increases in value due to new construction, improvements to property, or the subdivision of land."

On page 2, after line 8, insert: "This section does not apply to 1991 taxes attributable to increases in value due to new construction, improvements to property, or the subdivision of land."

MOTION

On motion of Senator Williams, the rules were suspended, Engrossed Substitute Senate Bill No. 5812 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5812.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5812 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Niemi, Saling, A. Smith - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5812, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5494, by Senators von Reichbauer, Pelz, Johnson, Owen, Thorsness, Vognild, Sellar and Moore

Changing remedies for collection of debts.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 5494 was substituted for Senate Bill No. 5494 and the substitute bill was placed on second reading and read the second time.

Senator Pelz moved that the following amendments by Senators Pelz and von Reichbauer be considered simultaneously and be adopted:

On page 2, line 10, after "presentment." insert "No financial institution may release any information pursuant to this authorization unless a letter of agency referred to in this section is provided such institution in advance of the release."

On page 2, line 21, after "62A.3-522." insert "No agent of a law enforcement agency may release or disclose the information except to its principal, nor retain a copy in whole or in part of the information received from the financial institution."

POINT OF INQUIRY

Senator Talmadge: "Senator Pelz, the question I have is whether this information can be used by the law enforcement agency in a criminal investigation to prosecute someone for passing the bad check. My concern is that normally the fourth amendment would require and the state's counterpart to the fourth amendment would require a search warrant or a subpoena to obtain these records that the person might have with a financial institution. If you permit access to these records by this notice procedure, without complying with the normal protections of the search warrant or a subpoena and the law enforcement agency uses the records in a criminal prosecution, wouldn't that evidence be inadmissible?"

Senator Pelz: "Senator Talmadge, my understanding is that the language in this bill merely clarifies a current practice, which is underway by which the law enforcement agencies are getting information from the financial institution and that the main intent of this language is to indemnify the financial institution from liability."

Senator Talmadge: "I don't have any trouble with that, Senator. I have no trouble with the idea of this being used in a civil kind of proceeding where someone is using this for purposes of collecting on a civil judgment because the check was dishonored. My concern is if this is used as a device to circumvent the normal kinds of search warrant and subpoena requirements in a criminal prosecution and I envision that it could be."

Senator Pelz: "This legislation grew out of difficulties that merchants were having in actually convincing the prosecutors to launch a criminal procedure. The legislation clarifies the ability of the holder of the bad check--the merchant--to, shall we say 'prod' the prosecutor into launching a criminal investigation against the issuer of the bad check. I'm not sure that answers your question or not."

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Pelz and von Reichbauer on page 2, lines 10 and 21, to Substitute Senate Bill No. 5494.

The motion by Senator Pelz carried and the amendments were adopted.

MOTION

On motion of Senator von Reichbauer, the rules were suspended, Engrossed Substitute Senate Bill No. 5494 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

MOTION

On motion of Senator Murray, Senator Vognild was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5494.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5494 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, L. Smith, Snyder, Stratton, Sutherland, Thorsness, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senator Talmadge - 1.

Excused: Senators Niemi, Saling, A. Smith, Vognild - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5494, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5110, by Senators Bluechel, Bauer, McDonald, McMullen, Cantu, Gaspard, Bailey, Craswell, Wojahn, Sutherland, Vognild, Rasmussen, Johnson, Conner, Snyder, A. Smith, Talmadge, L. Smith, Madsen, Stratton, Murray, Rinehart, Pelz, Oke, Erwin, McCaslin and Skratek

Expanding real property tax exemptions for senior citizens and certain retired persons.

MOTIONS

On motion of Senator Bluechel, Substitute Senate Bill No. 5110 was substituted for Senate Bill No. 5110 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bluechel, the rules were suspended, Substitute Senate Bill No. 5110 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5110.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5110 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Niemi, Saling, A. Smith, Vognild - 4.

SUBSTITUTE SENATE BILL NO. 5110, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Bluechel assumed the Chair.

SECOND READING

SENATE BILL NO. 5727, by Senators Amondson, Vognild, Owen, Stratton, McCaslin, West and Johnson

Altering interim zoning by permit-granting agencies.

MOTIONS

On motion of Senator Amondson, Substitute Senate Bill No. 5727 was substituted for Senate Bill No. 5727 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Amondson, further consideration of Substitute Senate Bill No. 5727 was deferred.

SECOND READING

SENATE BILL NO. 5583, by Senators Anderson, McMullen, Moore, L. Smith and Oke (by request of Department of Trade and Economic Development)

Pertaining to the child care facility fund.

MOTIONS

On motion of Senator Anderson, Substitute Senate Bill No. 5583 was substituted for Senate Bill No. 5583 and the substitute bill was placed on second reading and read the second time.

Senator Moore moved that the following amendment by Senators Niemi and Moore be adopted:

On page 2, line 11 after "dollars." insert "Grants and loans shall be awarded only to nonprofit child care facilities which have as one of their primary purposes the provision of care to children in poor, needy, and low-income families. A majority of the children served by such facilities must fall within the categories established by RCW 43.31.512(2)."

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Niemi and Moore to Substitute Senate Bill No. 5583.

The motion by Senator Moore failed and the amendment by Senators Niemi and Moore was not adopted.

MOTION

On motion of Senator Anderson, the rules were suspended, Substitute Senate Bill No. 5583 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5583.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5583 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, L. Smith, Snyder, Stratton, Sutherland, Thorsness, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senator Talmadge - 1.

Excused: Senators Niemi, Saling, A. Smith, Vognild - 4.

SUBSTITUTE SENATE BILL NO. 5583, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5359, by Senators Craswell, Conner, Rinehart, Gaspard, Murray, Bailey and Bauer

Allowing the transfer of certain retirement credits from out-of-state teacher retirement plans.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 5359 was substituted for Senate Bill No. 5359 and the substitute bill was placed on second reading and read the second time.

Senator Sutherland moved that the following amendment be adopted:

On page 2, after line 7, insert the following:

NEW SECTION. Sec. 3. A member of plan I of the Washington public employees' retirement system under chapter 41.40 RCW who retired out-of-service under the age of sixty-five between January 1, 1979, and June 30, 1979, after twenty or more years of service and who received a disability benefit under the federal social security act is entitled to have his or her retirement allowance recalculated, upon request, using the survivor option chosen in 1979 but without actuarial reduction from age sixty-five. The request for such recalculation shall be made to the director of retirement systems before July 1, 1991.

Re-number the remaining section consecutively.

POINT OF ORDER

Senator Craswell: "A point of order, Mr. President. I believe that the amendment is beyond the scope and object of the bill."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5359 was deferred.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5727, deferred on second reading earlier today.

MOTIONS

On motion of Senator Snyder, the following amendments by Senator Rinehart were considered simultaneously and were adopted:

On page 9, after line 28, insert the following:

NEW SECTION. Sec. 9. The provisions of any moratorium or interim zoning ordinance enacted by initiative or referendum are exempt from this act.

Re-number the remaining sections and correct internal references accordingly.

On page 13, after line 28, insert the following:

NEW SECTION. Sec. 13. The provisions of any moratorium or interim zoning ordinance enacted by initiative or referendum are exempt from this act.

Re-number the remaining sections and correct internal references accordingly.

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute Senate Bill No. 5727 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Skratek: "Senator McCaslin, I hope you can help me. I am struggling through this. In King County, and particularly in my district, we have experienced a number of moratoriums just because of the amount of growth that we have been seeing. Does this bill prohibit the placement of moratoriums? What does it do? Does it make it more restrictive?"

Senator McCaslin: "It doesn't prohibit, but once the moratorium or restriction occurs, there is an opportunity for more input and that, during that period, they can meet and make mitigated findings so that things can continue. You know, when you have--Spokane Valley, for instance--they talked about a moratorium on building on anything less than an acre. It would have shut down the entire valley and I don't think anyone wants to do that, so that these groups can work together and come together and find a solution. I don't think it is going to shut down anyone. The cities and counties objected to this initially. I don't know if they are really a hundred percent in favor of it with the substitute bill, but I think the substitute bill is much better than the original bill."

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5727.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5727 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Sutherland, Thorsness, von Reichbauer, West - 37.

Voting nay: Senators L. Kreidler, Moore, Murray, Pelz, Rinehart, Skratek, Talmadge, Williams, Wojahn - 9.

Excused: Senators Niemi, A. Smith, Vognild - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5727, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Craswell assumed the Chair.

SECOND READING

SENATE BILL NO. 5526, by Senators Bauer, Newhouse, Moore, Nelson and Johnson

Governing employee noncompetition clauses.

MOTIONS

On motion of Senator Anderson, Substitute Senate Bill No. 5526 was substituted for Senate Bill No. 5526 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Anderson, the rules were suspended, Substitute Senate Bill No. 5526 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5526.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5526 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Niemi, A. Smith - 2.

SUBSTITUTE SENATE BILL NO. 5526, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Bauer moved to reconsider the vote by which Substitute Senate Bill No. 5526 passed the Senate.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Bauer to reconsider the vote by which Substitute Senate Bill No. 5526 passed the Senate.

The motion by Senator Bauer carried and the Senate will reconsider Substitute Senate Bill No. 5526.

MOTIONS

On motion of Senator Bauer, the rules were suspended Substitute Senate Bill No. 5526, on reconsideration, was returned to second reading and read the second time.

Senator Bauer moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature declares that it is a policy of the state of Washington that workers receive consideration for entering into employee noncompetition agreements that affect their future working and business activities.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply to sections 1 through 3 of this act.

(1) "Employee" has the meaning of "worker" as defined in RCW 51.08.180, and also includes businesses and professionals regulated in Title 18 RCW, except as provided under RCW 51.08.180.

(2) "Employer" has the meaning in RCW 51.08.070.

(3) "Employee noncompetition agreement" means a reasonable agreement, written or oral, express or implied, between an employer and employee under which the employee agrees not to compete, either alone or as an employee of another, with the employer in providing products, processes, or services after termination of employment.

NEW SECTION. Sec. 3. (1) Employee noncompetition agreements entered into in the state of Washington after December 31, 1991, are void and unenforceable by any court of this state unless:

(a)(i) The agreement is entered into on initial employment of the employee by the employer; or

(ii) Additional consideration is provided by the employer to the employee for entering into the agreement; and

(b) The agreement is fair and reasonable under prior decisions of the courts of this state.

(2) Continued employment by itself shall not be considered additional consideration for the purposes of subsection (1)(a)(ii) of this section.

(3) Subsection (1) of this section applies only to employee noncompetition agreements made in the context of an employment relationship or contract.

NEW SECTION. Sec. 4. Nothing in sections 1 through 3 of this act restricts the right of a person to protect trade secrets or other proprietary information by lawful means in equity or under applicable law.

NEW SECTION. Sec. 5. The enactment of sections 1 through 3 of this act does not have the effect of terminating, or in any way modifying, any liability that is already in existence on the effective date of this act.

NEW SECTION. Sec. 6. Unless there is a specific conflict with sections 1 through 3 of this act, the principles of law and equity shall be supplementary to these provisions.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act are each added to chapter 49.44 RCW.

POINT OF INQUIRY

Senator Talmadge: "Senator Bauer, could you perhaps explain to us why this legislation is even needed in light of the fact that the courts of the state of Washington have been fairly clear about when employee noncompete agreements are or are not enforceable?"

Senator Bauer: "People came to me with a problem after they had been an employee for some time and they never asked to sign a noncompete agreement. If they wanted to continue their job, they either signed or lost their job. Had they had the opportunity to sign that noncompete agreement at the beginning of employment or maybe not even take the employment under those conditions, it would have saved the problem of having to go to court or any other problems between employee and employer."

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Bauer to Substitute Senate Bill No. 5526.

The motion by Senator Bauer carried and striking amendment was adopted.

MOTIONS

On motion of Senator Anderson, the following title amendment was adopted:

On page 1, line 1 of the title, after "agreements;" strike the remainder of the title and insert "and adding new sections to chapter 49.44 RCW."

On motion of Senator Anderson, the rules were suspended, Engrossed Substitute Senate Bill No. 5526 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5526.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5526 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Niemi, A. Smith - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5526, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5558, by Senators Sellar, Owen, Matson and Wojahn

Providing for the adoption and enforcement of child labor regulations.

The bill was read the second time.

MOTION

On motion of Senator Anderson, the rules were suspended, Senate Bill No. 5558 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5558.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5558 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Niemi, A. Smith - 2.

SENATE BILL NO. 5558, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Engrossed Senate Bill No. 5364, which was deferred on third reading earlier today.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5364.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5364 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Cantu, Erwin, Hayner, Johnson, Madsen, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Stratton, Thorsness, von Reichbauer, West - 25.

Voting nay: Senators Bauer, Bluechel, Conner, Craswell, Gaspard, Hansen, Jesernig, L. Kreidler, McMullen, Moore, Murray, Owen, Pelz, Rasmussen, Rinehart, Skratek, Snyder, Sutherland, Talmadge, Vognild, Williams, Wojahn - 22.

Excused: Senators Niemi, A. Smith - 2.

ENGROSSED SENATE BILL NO. 5364, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ST. PATRICK'S DAY SINGING

Staff member, Patrick Wood, entertained the Senate by singing 'My Wild Irish Rose,' in honor of St. Patrick's Day.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 5929, by Senators Cantu and McDonald

Providing tax exemptions for nonprofit organizations serving meals for fundraising purposes.

MOTIONS

On motion of Senator Cantu, Substitute Senate Bill No. 5929 was substituted for Senate Bill No. 5929 and the substitute bill was placed on second reading and read the second time.

Senator Hansen moved that the following amendment by Senators Hansen and Nelson be adopted:

On page 2, line 8, after "(3)" insert "This chapter does not apply to amounts derived from the sale of food products by a nonprofit organization operating an area, district, county, or community fair, or an agricultural fair or exhibition as defined in chapters 15.76 and 36.37 RCW.

(4)"

POINT OF ORDER

Senator McDonald: "Madam President, I would raise the question of scope and object of this amendment. This amendment deals with sales tax on food products for nonprofit organizations, dealing with county fairs, community fairs and agricultural fairs, whereas the bill is entitled an act relating to exemption for retail sales tax and business and occupational tax--B&O tax--for meals served no more frequently than once a week by a nonprofit organization for a fund raising purpose. If you look at the gist of the bill and read through it, you will find that it is isolated to things along that line and this amendment certainly wouldn't fit within the scope and object."

Further debate ensued.

There being no objection, the President Pro Tempore deferred further consideration of the amendment by Senators Hansen and Nelson on page 2, line 8, to Substitute Senate Bill No. 5929.

MOTION

Senator Cantu moved that the following amendment by Senators Cantu, McDonald, von Reichbauer and West be adopted:

On page 3, after line 7, strike the remainder of the bill and insert the following: NEW SECTION. Sec. 4. A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to amounts derived by a nonprofit organization as a result of conducting or participating in a fundraising auction.

(2) For purposes of this section, "nonprofit organization" means an organization that meets all of the following criteria:

(a) The members, stockholders, officers, directors, or trustees of the organization do not receive any part of the organization's gross income, except as payment for services rendered;

(b) The compensation received by any person for services rendered to the organization does not exceed an amount reasonable under the circumstances; and

(c) The activities of the organization do not include a substantial amount of political activity, including but not limited to influencing legislation and participation in any campaign on behalf of any candidate for political office.

NEW SECTION. Sec. 5. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to fundraising auction sales conducted or participated in by nonprofit organizations.

(2) For purposes of this section, "nonprofit organization" means an organization that meets all of the following criteria:

(a) The members, stockholders, officers, directors, or trustees of the organization do not receive any part of the organization's gross income, except as payment for services rendered;

(b) The compensation received by any person for services rendered to the organization does not exceed an amount reasonable under the circumstances; and

(c) The activities of the organization do not include a substantial amount of political activity, including but not limited to influencing legislation and participation in any campaign on behalf of any candidate for political office.

NEW SECTION. Sec. 6. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter shall not apply in respect to the use of tangible personal property that has been purchased from a nonprofit organization at a fundraising auction sale that was conducted by the nonprofit organization or in which the nonprofit organization participated.

(2) For purposes of this section, "nonprofit organization" means an organization that meets all of the following criteria:

(a) The members, stockholders, officers, directors, or trustees of the organization do not receive any part of the organization's gross income, except as payment for services rendered;

(b) The compensation received by any person for services rendered to the organization does not exceed an amount reasonable under the circumstances; and

(c) The activities of the organization do not include a substantial amount of political activity, including but not limited to influencing legislation and participation in any campaign on behalf of any candidate for political office.

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

POINT OF ORDER

Senator Talmadge: "A point of order, Madam President. I raise the point of order that the amendment that is before us expands the scope and object of the bill. My belief is that if the Chair's ruling is that the amendment offered by Senator Hansen expands the scope and object, then certainly the amendment that is before us would do so as well insofar as it relates to an entirely different type of activity that may or may not be within the title of the bill that is before us. My suspicion is that if one fails, the other would do so as well. I think the bill that is before us deals with meals, does not specify in the title of the bill nor the original purpose of the bill that it pertains to auctions as well."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5929 was deferred.

MOTION

On motion of Senator Anderson, Senator Matson was excused.

SECOND READING

SENATE BILL NO. 5639, by Senators Cantu, Snyder, Anderson, Bluechel, Madsen, Barr, Sutherland, Johnson, Bauer, Bailey, Roach, A. Smith, Thorsness and Conner

Creating the Pacific Northwest export assistance project.

MOTIONS

On motion of Senator Anderson, Substitute Senate Bill No. 5639 was substituted for Senate Bill No. 5639 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Anderson, the rules were suspended, Substitute Senate Bill No. 5639 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5639.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5639 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vogniuld, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Matson, Niemi, A. Smith - 3.

SUBSTITUTE SENATE BILL NO. 5639, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5010, by Senators Moore, West and Conner

Including occupational therapy coverage in the department of social and health services limited casualty program.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5010 was substituted for Senate Bill No. 5010 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5010 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5010.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5010 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Matson, Niemi, A. Smith - 3.

SUBSTITUTE SENATE BILL NO. 5010, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

SECOND READING

SENATE BILL NO. 5864, by Senators L. Smith, Hayner, Thorsness, Roach, Metcalf, Saling, West, von Reichbauer, Oke, Sellar, Matson, Amondson, McCaslin, Cantu, Johnson, Erwin, Rasmussen, Anderson, Craswell, Nelson, Patterson, Barr and McDonald

Regulating political contributions and advertising.

MOTIONS

On motion of Senator Linda Smith, Substitute Senate Bill No. 5864 was substituted for Senate Bill No. 5864 and the substitute bill was placed on second reading and read the second time.

Senator Skratek moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. INTENT. The legislature finds and declares that:

(1) The integrity of the electoral process is essential to the preservation of a free and democratic society. The central element of this process is the unfettered exchange of ideas between citizens and candidates for public office.

(2) In recent years, the cost of conducting a campaign for state office has become alarmingly and unacceptably high.

(3) The pressure on candidates to raise and spend large sums of money has created a political climate where the financial strength of an individual or special interest group may permit it to exercise a potentially corrupting influence on the electoral process.

(4) The public perception of such corruption and the potential for actual corruption undermines the credibility and integrity of our public officials and candidates for public office, and thus undermines the public's faith that they are being fairly and honestly represented.

(5) It is incumbent upon the legislature to address the increasing role of money in political campaigns and to ensure the preservation of an electoral process where each vote carries equal weight and every candidate can be heard.

For these reasons, the legislature enacts this law to govern the financing of election campaigns for state office.

"CAMPAIGN EXPENDITURE LIMITATIONS AND MATCHING FUNDS"

NEW SECTION. Sec. 2. DEFINITIONS. The definitions under RCW 42.17.020 apply to sections 2 through 27 and 42 of this act except as modified by this section. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 2 through 27 and 42 of this act:

(1) "Authorized committee" means the political committee authorized by a candidate, or by the state official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or state official.

(2) "Board" or "election board" means the state election board created by this chapter.

(3) "Bona fide political party" means an organization which has filed a valid certificate of nomination with the secretary of state under chapter 29.24 RCW or the governing body of the state organization of a major political party, as defined in RCW 29.01.090, which shall be the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party.

(4) "Candidate" means an individual seeking nomination for election or seeking election to a state office. Such an individual shall be deemed to be seeking nomination for election or seeking election when the individual first:

(a) Announces publicly or files for the office;

(b) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for the office; or

(c) Gives his or her consent to another person to take on behalf of the individual any of the actions in (b) of this subsection.

(5) "Caucus of the state legislature" means the caucus of the members of a major political party in the state house of representatives or in the state senate.

(6) "Election cycle" means the period beginning on the first day of December following the date of the last previous general election for the office which the candidate seeks and ending on November thirtieth following the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on November thirtieth following the special election.

(7) "Eligible candidate" means a candidate for a state office who is eligible under sections 3 and 7 of this act to receive payments under this chapter.

(8) "General election" means the election which directly results in the election of a person to a state office. It does not include a primary.

(9) "Immediate family" means a candidate's spouse, and any child, stepchild, grandchild, parent, stepparent, grandparent, brother, half-brother, sister, or half-sister of the candidate and the spouse of any such person and any child, stepchild, grandchild, parent, stepparent, grandparent, brother, half-brother, sister, or half-sister of the candidate's spouse and the spouse of any such person.

(10) "Independent expenditure" means an "expenditure" as defined in RCW 42.17.020 which has each of the following elements:

(a) It is made in support of or in opposition to a candidate for office by a person who is not (i) a candidate for that office, (ii) an authorized committee of a candidate for that office, (iii) a person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for any political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office, or (iv) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for any political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(b) The expenditure pays in whole or in part for any political advertising which either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies such candidate without using the candidate's name; and

(c) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of five hundred dollars or more. A sequence of expenditures each of which is under five hundred dollars shall constitute one independent expenditure as of the time that the last expenditure brings the total value of the sequence to five hundred dollars or more, and no expenditure in the sequence which has been reported to the board under section 13 of this act shall be considered as part of any future independent expenditure.

(11) "Major party" means a major political party as defined in RCW 29.01.090.

(12) "Minor party" means a minor political party as defined in RCW 29.01.100.

(13) "Multicandidate political committee" means a political committee which, during a period of three calendar years: Receives contributions of twenty-five dollars or more from each of twenty-five or more persons; and makes contributions of at least twenty-five dollars to each of five or more candidates or to the authorized committees of five or more candidates.

(14) "Primary" means the procedure for nominating a candidate to state office under chapter 29.18 or 29.21 RCW or any other primary for an election which uses, in large measure, the procedures established in chapter 29.18 or 29.21 RCW.

(15) "Recall campaign" means the period of time beginning on the date of the filing of recall charges pursuant to RCW 29.82.015 and ending thirty days after the recall election.

(16) "State campaign account" or "account" means the state election campaign account established in section 17 of this act.

(17) "State legislative office" means the office of a member of the state house of representatives and the office of a member of the state senate.

(18) "State office" means the office of a member of the state legislature or of any elective state executive officer.

(19) "State official" means a person who holds a state office.

NEW SECTION. Sec. 3. ELIGIBILITY FOR PAYMENTS--EXPENDITURE LIMIT AGREEMENT--THRESHOLD AMOUNTS--USE OF LOGO.

(1) To be eligible to receive payments under this chapter a candidate shall:

(a) Identify the office sought by the candidate; and

(b) Agree in writing that the candidate and the authorized committee of the candidate:

(i) Will fully comply with the fair campaign practices code adopted by the public disclosure commission as it now exists or is hereafter amended;

(ii) Have not made and will not make expenditures during the election cycle which exceed any expenditure limitation applicable to the candidate under section 4 of this act for the office sought by the candidate;

(iii) Will deposit all payments received under section 10 of this act in a separate checking account which shall contain only funds so received, and will make no expenditures of funds received under this section except by checks drawn on that account. The account shall be in a financial institution located in this state whose deposits are insured by the federal deposit insurance corporation, federal savings and loan insurance corporation, or national credit union administration;

(iv) Will furnish to the election board campaign records, evidence of contributions, and other appropriate information as may be required by the board; and

(v) Will cooperate in the case of any audit and examination by or for the board under section 18 of this act.

(2) The agreement required by subsection (1) of this section must be filed with the election board by the third business day after the candidate has first received during the election cycle contributions, less loan repayments, in an aggregate amount of:

(a) For a candidate for the office of governor, twenty-five thousand dollars;

(b) For a candidate for state executive office other than the office of governor, seven thousand five hundred dollars;

(c) For a candidate for the state senate, five thousand dollars; and

(d) For a candidate for the state house of representatives, two thousand five hundred dollars.

Such aggregate contributions include both those which satisfy and those which do not satisfy the provisions of section 11 of this act.

(3) The provisions of this section shall not be construed as preventing a candidate from filing a statement of intent with the board at any time. Such a statement shall include a promise signed by the candidate that the candidate has not and will not exceed the expenditure limitation applicable to the candidate under section 4 of this act.

(4) Nothing in this chapter requires any candidate to apply for or accept public funding under section 10 or 12 of this act.

(5) A candidate for state office who enters and abides by an agreement under subsection (1) of this section is entitled to display a good campaign practices seal in the political advertising and communications of the candidate during the election cycle to which the agreement applies. The board shall design the good campaign practices seal.

NEW SECTION. Sec. 4. EXPENDITURE LIMITS FOR CANDIDATES UNDER AGREEMENT.

(1) Except as provided in subsection (4) of this section, the expenditure limit for the election cycle for a candidate for state office who agrees to the limitations established in this chapter is the greater of: (a) The base amount established for the office sought under subsection (2) of this section; or (b) the base amount plus the

amount applicable to the candidate under subsection (3) of this section regarding independent expenditures.

(2) The base amount referred to in subsection (1) of this section is:

- (a) For the office of governor, two million two hundred thousand dollars;
- (b) For state executive office other than the office of governor, eight hundred thousand dollars;
- (c) For the office of a member of the state senate, ninety-five thousand dollars; and
- (d) For the office of a member of the state house of representatives, fifty-five thousand dollars.

(3) If, during the twelve months preceding the election in which the candidate is seeking office, independent expenditures by any person or persons are made in opposition to the candidate or for any other candidate for the office sought by the candidate, the expenditure limitation applicable to the candidate (not the other candidate) during the election cycle shall be increased by an amount equal to the amount of the independent expenditures under the following circumstances:

- (a) The candidate is a candidate for state executive office and the aggregate of such independent expenditures exceeds an amount equal to five percent of the base amount established in subsection (2) of this section for the office sought; or
- (b) The candidate is a candidate for state legislative office and the aggregate of such independent expenditures exceeds an amount equal to ten percent of the base amount established in subsection (2) of this section for the office sought.

(4) A candidate for an office is not subject to an expenditure limitation under this chapter, if during the election cycle another candidate for that office:

- (a) Enters an expenditure limitation and eligibility agreement under section 3 of this act for an election cycle but expends during the election cycle more than the expenditure limit applicable to that other candidate; or
- (b)(i) Receives contributions, less any loan repayments, aggregating more than the amount listed in section 3(2) of this act for that office; and
- (ii) Has not filed with the board the expenditure limitation and eligibility agreement under section 3 of this act within three business days of receiving that aggregate amount in contributions.

NEW SECTION. Sec. 5. RULES FOR COUNTING CONTRIBUTIONS AND EXPENDITURES. For the purposes of this chapter:

(1) The expenditures made by and the contributions received by a candidate and the expenditures made by and the contributions received by the authorized committee of the candidate are considered to be expenditures made by and contributions received by the candidate.

(2) Payments made by a candidate to repay loans made to the candidate shall be reported but shall not be counted when determining the total expenditures made by the candidate and the candidate's authorized committee with regard to any of the expenditure limitations provided by this chapter.

(3) A contribution received within the twelve-month period following a general election for a state office shall be considered to be a contribution during the election cycle for the state office ending with that election. This subsection only applies to the extent the contribution is used to pay any debt or obligation incurred to influence the outcome of that election or the primary conducted for that election.

NEW SECTION. Sec. 6. ADDITIONAL RULES FOR COUNTING EXPENDITURES--CHAPTER APPLIES TO ELECTIONS TO FILL VACANCIES.

(1) The expenditure limitations imposed by this chapter are limitations on a candidate's expenditures for the candidate's own campaign for state office.

(2) The provisions of this chapter apply to a special election conducted to fill a vacancy in a state office. However, the contributions received by a candidate and the expenditures made by a candidate for a primary or special election conducted to fill

such a vacancy shall not be counted toward any of the limitations which apply to the candidate under this chapter for the election cycle for any other election.

(3) This chapter does not apply to the recall of a state official. The contributions received by a state official against whom recall charges have been filed under chapter 29.82 RCW and the expenditures made by the official, which contributions and expenditures are made with regard to the recall and during the recall campaign, shall not be counted toward any of the limitations which apply under this chapter to the official as a candidate for the election cycle for any other election.

(4) An expenditure shall be considered to be an expenditure of the candidate if it is made by (a) the candidate or an authorized committee of the candidate; (b) a person who has received, expressly or impliedly, the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for any political advertising supporting the candidate or promoting the defeat of any other candidate or candidates for that office; or (c) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for any political advertising supporting the candidate or promoting the defeat of any other candidate or candidates for that office.

(5) A contribution, donation, or gift voluntarily made by a candidate or the candidate's authorized committee to the state election board for deposit in the state election campaign account shall not be considered to be an expenditure by the candidate for the purposes of this chapter.

NEW SECTION. Sec. 7. LIMITATIONS ON EXPENDITURES FROM PERSONAL OR FAMILY FUNDS.

(1) A candidate who enters an expenditure limitation and eligibility agreement under section 3 of this act for an election cycle shall not make, during the election cycle, expenditures from the personal funds of the candidate, or the funds contributed by any member of the immediate family of the candidate, aggregating in excess of the following:

- (a) For a candidate for the office of governor, thirty thousand dollars;
- (b) For a candidate for state executive office other than the office of governor, ten thousand dollars;
- (c) For a candidate for the office of a member of the state senate, six thousand dollars; and
- (d) For a candidate for the office of a member of the state house of representatives, three thousand dollars.

For the purposes of this subsection, a loan by a candidate or a member of the immediate family of the candidate to the campaign of the candidate shall be considered to be a campaign expenditure by the candidate.

(2) A candidate who enters an expenditure limitation and eligibility agreement under section 3 of this act for an election cycle and the authorized committee of the candidate shall not make expenditures during the election cycle which in the aggregate exceed any expenditure limit applicable to the candidate under section 4 of this act.

NEW SECTION. Sec. 8. LIMITATIONS ON EMPLOYERS OR LABOR ORGANIZATIONS.

(1) No employer or labor organization may increase the salary of an officer or employee, or give an emolument to an officer, employee, or other person or entity, with the intention that the increase in salary, or the emolument, or a part of it, be contributed or spent to support or oppose any candidate, ballot proposition, political party, or political committee.

(2) No employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment: For (a) the failure to contribute to, (b) the failure in any way to support or oppose, or (c) in any way supporting or opposing a candidate, ballot proposition, political party, or political committee.

(3) No employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries may withhold or divert any portion of an employee's wages or salaries for contributions to political committees except upon the written request of the employee. The request must be made on a form prescribed by the commission informing the employee of the prohibition against employer and labor organization discrimination described in subsection (2) of this section. The request shall be valid for no more than twelve months from the date it is made by the employee.

(4) Each person or entity who withholds contributions under subsection (3) of this section shall maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts that shall include a copy of each employee's request, the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee. Copies of such information shall be delivered to the commission upon request.

NEW SECTION. Sec. 9. VARIOUS CONTRIBUTION AND EXPENDITURE AMOUNTS ADJUSTED FOR INFLATION.

The threshold amounts established in section 3(2) of this act, the base amounts established in section 4(2) of this act, the amounts in section 7(1) of this act, and the campaign contribution limitations established in section 22 of this act shall be increased or decreased by the board by rule at the beginning of each odd-numbered year based on changes in economic conditions as reflected in the inflationary index used by the public disclosure commission under RCW 42.17.370. The base year to be used for revisions made under this section is 1991.

The board may also adjust the base amounts in section 7(1) of this act applicable to a particular legislative office if the board finds that, as a result of changes in population since the latest decennial census, the population in the legislative district for that office differs significantly from the average population of a legislative district in the state. In such a case, the board may adjust the base amount applicable to that office to reflect that difference in populations.

NEW SECTION. Sec. 10. AMOUNT OF STATE FINANCIAL ASSISTANCE--NO ASSISTANCE IF OPPOSITION IS PARTY TO EXPENDITURE LIMIT AGREEMENT.

(1) Except as provided in subsections (3) and (4) of this section, an eligible candidate is entitled to payments from the state campaign account equal to:

(a) Four dollars for each qualifying dollar received by the candidate as a contribution for the campaign of the candidate; and

(b) The aggregate total amount of independent expenditures made or obligated to be made during the twelve months preceding the election by any person or persons in opposition to the candidate or for any other candidate for the office sought by the candidate if:

(i) The candidate is a candidate for state executive office and the aggregate of such independent expenditures exceeds an amount equal to five percent of the base amount established in section 4(2) of this act for the office sought; or

(ii) The candidate is a candidate for state legislative office and the aggregate of such independent expenditures exceeds an amount equal to ten percent of the base amount established in section 4(2) of this act for the office sought.

A qualifying dollar is one which satisfies all of the provisions of section 11 of this act regarding contributions.

(2) Payments received by a candidate under this section shall be deposited as required in section 3(1)(b)(iii) of this act and shall be used to pay for goods and services furnished during the election cycle for which the payments were received. Such payments shall not be used:

(a) To make any payments, directly or indirectly, to the candidate or to any member of the immediate family of the candidate;

(b) To make any expenditure other than expenditures to further the nomination or election of the candidate; or

(c) To repay any loan to any person except to the extent the proceeds of such loan were used to further the nomination or election of the candidate.

(3) A candidate shall not be eligible to receive payments from the state campaign account for a primary or election for an office unless:

(a) At least one other candidate for the office sought by the candidate: (i) Enters an expenditure limitation and eligibility agreement under section 3 of this act for an election cycle but expends during the election cycle more than the expenditure limit applicable to that other candidate; or (ii)(A) has not filed an expenditure limitation and eligibility agreement under section 3 of this act with the board in a timely manner; and (B) has received during the election cycle contributions, less loan repayments, which, in the aggregate, exceed twice the amount listed in section 3(2) of this act for the office sought. For the purposes of (a)(ii)(B) of this subsection, "contribution" does not include a contribution made by a candidate for state office; and

(b) The candidate and the authorized committee of the candidate have received contributions, less loan repayments, in an aggregate threshold amount of at least the amount listed in section 3(2) (a), (b), or (c) of this act for the office sought and all of the contributions received for this purpose satisfy the provisions of section 11 of this act.

(4)(a) Except as provided in (b) of this subsection, the sum of all payments from the state campaign account to a candidate for an election cycle may not exceed the following amounts for the office sought:

(i) For the office of governor, two hundred twenty thousand dollars;

(ii) For state executive office other than the office of governor, eighty thousand dollars;

(iii) For the office of a member of the state senate, fifty thousand dollars; and

(iv) For the office of a member of the state house of representatives, twenty-five thousand dollars.

(b) If the expenditure limitation applicable to the candidate is increased under section 4(3) of this act as a result of independent expenditures, the amount listed for the office sought by the candidate in (a) of this subsection, as it applies to the candidate, shall be increased by an amount equal to those independent expenditures.

NEW SECTION. Sec. 11. RULES FOR DETERMINING WHETHER CONTRIBUTIONS WILL COUNT FOR DETERMINING THRESHOLD AMOUNT AND FOR STATE MATCHING FUNDS.

For a contribution received by a candidate or the candidate's authorized committee to qualify as being one which satisfies the requirements of section 10(3)(b) of this act for raising a threshold amount of contributions or to qualify to be matched by public moneys from the state campaign account under section 10 of this act, the contribution must satisfy each of the following requirements:

(1) The contribution shall be a gift of money made by a written instrument which identifies the individual making the contribution;

(2) The contribution shall be made directly to the candidate or the candidate's authorized committee. Contributions made through any other person shall not qualify. The provisions of this subsection do not disqualify money received through bona fide joint fund-raising efforts conducted solely for the purpose of sponsorship of a fund-raising reception, dinner, or other event, under rules prescribed by the board, by: (a) Two or more candidates, or (b) one or more candidates and one or more national, state, or local committees of a political party acting on their own behalf;

(3) The contribution shall have come from an individual. However, the contribution shall not have come from a candidate for any office;

(4)(a) Of the total amount of all contributions made by a person to the candidate and the authorized committee of the candidate or for the benefit of the candidate, not

more than the amount listed in (b) of this subsection for the office sought may be counted toward the threshold amount or be matched by moneys from the state campaign account. The provisions of this subsection shall not be construed as limiting the total amount of contributions that may be made by a person to or for the benefit of a candidate or that may be accepted by the candidate or the candidate's authorized committee from the person;

(b) The amount referred to in (a) of this subsection is: (i) For the office of governor, one thousand dollars; (ii) for state executive office other than the office of governor, five hundred dollars; (iii) for the state senate, four hundred dollars; and (iv) for the state house of representatives, two hundred dollars;

(c) For the purposes of this subsection (4), all contributions by one person who is controlled by any other person shall be considered to have been made by such other person. The provisions of this subsection (c) shall not be construed as applying to the relationship between an individual and the spouse of the individual;

(d) The provisions of section 24 (2) and (3) of this act apply in determining whether a person is controlled by any other person for the purposes of (c) of this subsection; and

(5) The contribution shall be received during the election cycle.

NEW SECTION. **Sec. 12. PROCEDURES FOR REQUESTING PAYMENT UNDER EXPENDITURE LIMIT AGREEMENT.**

A candidate desiring payments from the state campaign account shall file a request with the board which shall contain:

(1) Such information and be made in accordance with such procedures as the board may provide by rule; and

(2) A verification signed by the candidate and the treasurer of the authorized committee of the candidate stating that the information furnished in support of the request, to the best of the knowledge of each, is correct and fully satisfies the requirements of this chapter.

No later than two business days after an eligible candidate files a request with the board to receive payments under this section, the board shall determine whether the candidate is eligible to receive payments from the state campaign account and, if the candidate is eligible to receive such payments, disburse to the candidate from the account the full amount to which the candidate is entitled.

A candidate is not limited to filing only one request for payments under this section during each election cycle. After filing an original request, a candidate may file one or more supplemental requests to receive the payments to which the candidate is entitled.

The board may permit its executive director to approve requests submitted under this section and make the disbursements authorized by this chapter on behalf of the board and within guidelines adopted by the board by rule.

NEW SECTION. **Sec. 13. DISCLOSURE OF INDEPENDENT EXPENDITURES.**

Within two days after the date of entering into a contract to make or otherwise making an independent expenditure, the person making the expenditure shall file with the board a report, on a form prescribed by the board, providing the date and amount of the expenditure; what the expenditure purchased; the name of the candidate supported or opposed; the office sought by that candidate; and any other information which the board believes will assist it in carrying out its responsibilities under this chapter. The person entering into a contract to make or otherwise making the independent expenditure shall also mail, within two days of entering into the contract or otherwise making the expenditure, a copy of the report to each candidate for the office or offices for which the expenditure is made.

NEW SECTION. **Sec. 14. ELECTION BOARD CREATED.**

There is hereby created the state election board, which shall be composed of six members appointed by the governor. Each member shall be appointed to a permanently assigned position number on the board.

Initially, the legislative leader of each of the two largest political parties in each house of the state legislature shall submit a list of three nominees for appointment to the board. The governor shall appoint one member of the board from each of the four lists submitted by the four legislative leaders. These shall be positions one through four. Appointment of a successor for a full term for any one of these four positions or for filling a vacancy in any one of these four positions shall be made from a list of three persons nominated by the legislative leader of the same political party in the legislature which nominated the person first appointed to the position.

Positions five and six shall be appointed by the governor to represent the public interest generally. Any person or organization may submit recommendations to the governor, which may be considered by the governor in making the appointments to these two positions. A person appointed to position five or six shall not also be an elected public official nor may the person have held the office of an elected public official in any of the six years prior to his or her appointment.

The term of office of each member of the board is four years, except that the term of office of one of the initial members shall be one year, the term of two initial members shall be two years, and the term of one other initial member shall be three years as designated by the governor. The board shall notify the governor and any appropriate nominating legislative leader regarding a vacancy created on the board or the impending conclusion of a member's full term of office. The governor shall make appointments to fill vacancies within thirty days of their being created and shall make appointments to fill full terms within thirty days of the expiration of a member's term.

Four members constitute a quorum for conducting the business of the board.

The board is a class four group under the provisions of RCW 43.03.250 and members shall be compensated accordingly. In addition, the members shall be reimbursed for travel expenses incurred while engaged in the business of the board as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 15. ELECTION BOARD DUTIES. The state election board shall:

(1) Administer this chapter and adopt such rules and make such orders as it finds appropriate for such administration;

(2) Enforce the provisions of this chapter and the rules adopted by the board under this chapter, and administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence and require the production of any books, papers, correspondence, memorandums, or other records relevant or material for the purpose of any investigation under this chapter;

(3) Develop and provide forms for the applications and reports filed with the board under this chapter;

(4) Prepare and publish, jointly with the public disclosure commission, a manual setting forth uniform methods of bookkeeping by candidates who have accepted public funding;

(5) Compile and maintain a current list of all filed reports and statements filed under this chapter;

(6) Upon complaint or upon its own motion, investigate possible violations of this chapter and of rules adopted under this chapter;

(7) Employ staff, including an executive director who shall perform such duties and have such powers as the board may prescribe. However, the board may not delegate its authority to adopt, amend, or rescind rules or to determine whether a violation of this chapter has occurred or to assess penalties for such violation; and

(8) Prepare and publish such reports and technical studies as in its judgment will tend to promote the purposes of this chapter.

The board may accept contributions, donations, or gifts from any person or entity on behalf of the state election campaign account. The money value of any such contribution, donation, or gift received by the board shall be promptly deposited in the account.

NEW SECTION. Sec. 16. ELECTION BOARD PROVIDES CAMPAIGN FINANCING PAYMENTS--APPEAL FROM ADVERSE BOARD DECISION.

(1) The board shall decide all applications for payment from the state campaign account. Each application shall be decided in accordance with rules adopted by the board, and the board's decision on the application shall be final unless appealed as provided in subsection (2) of this section. The board's review of applications, and all actions taken by the board on applications, shall be exempt from chapter 34.05 RCW.

(2) Any person adversely affected by the board's decision and who believes the decision to be unlawful may appeal to the superior court of Thurston county by petition setting forth his or her reasons why the decision is unlawful. A copy of the petition on appeal together with a notice that an appeal has been taken shall be served upon the board, upon the attorney general, and upon each candidate for the office sought by the applicant. The decision of the superior court shall be final. Such appeal shall be heard without costs to either party.

NEW SECTION. Sec. 17. CREATION OF STATE ELECTION CAMPAIGN ACCOUNT. The state election campaign account is hereby created in the custody of the state treasurer. All moneys appropriated to the board for deposit in the account, all moneys received under RCW 29.15.050 or 29.18.050, and all earnings of investments of balances in the account shall be credited to the account. Moneys may be disbursed from the account only in the form of payments to eligible candidates as authorized by this chapter. Only the board, or the board's executive director if permitted to do so by rules adopted by the board, may authorize disbursements from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for disbursements.

NEW SECTION. Sec. 18. EXAMINATION AND AUDITS--RETURN OF UNSPENT MATCHING FUNDS.

(1) The public disclosure commission and the board shall jointly develop and approve a program for auditing the campaign accounts of candidates who accept public funding under this chapter.

(2) After each general election, the public disclosure commission shall conduct, on behalf of the board, such examinations and audits of the campaign accounts of eligible candidates and of authorized committees as are sufficient to determine, among other things, whether candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this chapter.

(3) The board shall review the examinations and audits conducted by the commission on its behalf and may conduct any additional investigations it believes to be warranted. The board shall require candidates to return to the board any unexpended funds received by the candidates under this chapter. The board may adopt exceptions to this requirement for instances where debts are in dispute.

(4) Examinations and audits shall not be made by the commission under this section with respect to an election cycle more than three years after the cycle.

NEW SECTION. Sec. 19. VIOLATIONS.

(1) It is a violation of this chapter for any candidate to accept public payments under this chapter which are in excess of the aggregate payments to which the candidate is entitled.

(2) It is a violation of this chapter for any candidate or for any officer, member, employee, or agent of a political committee for the candidate:

(a) To use or transfer funds for any purpose prohibited by section 10(2) of this act;

(b) To make expenditures which he or she knows exceed any expenditure limitation applicable under section 4 of this act;

(c) To provide false information under section 3(1) or (2) of this act; or

(d) To violate the agreement under section 3(1)(b) of this act.

(3) It is a violation of this chapter for any person:

(a) To furnish to the board or to the public disclosure commission under this chapter any evidence, books, or information (including any certification, verification, notice, or report), which is false, fictitious, or fraudulent, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a payment by the board or an examination or audit by the board or the commission under this chapter; or

(b) To fail to furnish to the board or the commission any records, books, or information requested by it for purposes of this chapter.

(4) It is a violation of this chapter for any person to accept any payment if the person knows, or has reason to know, that the payment is in violation of section 10(2) of this act.

NEW SECTION. Sec. 20. BOARD TO REPORT TO GOVERNOR AND LEGISLATURE--RULE-MAKING POWERS.

(1) The board shall, as soon as practicable after each election, submit a full report to the governor and the legislature setting forth:

(a) The expenditures shown in such detail as the board determines appropriate made by each eligible candidate and the authorized committee of each candidate;

(b) The amounts paid by the board under section 12 of this act to each eligible candidate;

(c) The amount of any payments returned under section 18 of this act; and

(d) The balance in the state campaign account.

(2) The board is authorized to prescribe such rules in accordance with chapter 34.05 RCW, to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this chapter.

"CAMPAIGN CONTRIBUTION LIMITATIONS"

NEW SECTION. Sec. 21. DEFINITIONS--CAMPAIGN CONTRIBUTION LIMITATIONS.

Unless the context clearly requires otherwise, the definitions in section 2 of this act apply to this subchapter. Unless the context clearly requires otherwise, the definitions in RCW 42.17.020 also apply to this subchapter except as they are modified by the definitions in section 2 of this act.

For the purposes of sections 21 through 25 of this act, "contribution" does not include a loan, gift, payment, pledge, or transfer of anything of value owned by the candidate which is made by the candidate to the candidate's own authorized political committee.

NEW SECTION. Sec. 22. CAMPAIGN CONTRIBUTION LIMITS.

(1) No person, other than a multicandidate political committee or a bona fide political party or a caucus of the state legislature, may make contributions during an election cycle which in the aggregate exceed: (a) Two thousand dollars to any candidate for the state senate; (b) one thousand dollars to any candidate for the state house of representatives; or (c) five thousand dollars to any candidate for any state executive office. No candidate and no authorized committee of a candidate may accept contributions from a person which exceed the contribution limitations provided by this subsection for that person.

(2) No person, other than a multicandidate political committee or a bona fide political party or a caucus of the state legislature, may make contributions during a recall campaign which in the aggregate exceed: (a) One thousand dollars to any state legislator against whom recall charges have been filed or to any political committee having the expectation of making expenditures in support of the recall of any state legislator; or (b) five thousand dollars to any state executive officer against whom recall charges have been filed or to any political committee having the expectation of making expenditures in support of the recall of such a state executive officer. No state official against whom recall charges have been filed, no authorized committee of such an official, and no political committee having the expectation of making expenditures in support of the recall of any state official may accept contributions from a person which exceed the contribution limitation provided by this subsection for that person.

(3) No multicandidate political committee may make contributions during an election cycle which in the aggregate exceed: (a) Six thousand dollars to any candidate for the state senate; (b) three thousand dollars to any candidate for the state house of representatives; or (c) seven thousand five hundred dollars to any candidate for any state executive office. No candidate and no authorized committee of a candidate may accept contributions from a multicandidate political committee which exceed the contribution limitation provided by this subsection for that multicandidate political committee.

(4) No multicandidate political committee may make contributions during a recall campaign which in the aggregate exceed: (a) Three thousand dollars to any state legislator against whom recall charges have been filed or to any political committee having the expectation of making expenditures in support of the recall of any state legislator; or (b) seven thousand five hundred dollars to any state executive officer against whom recall charges have been filed or to any political committee having the expectation of making expenditures in support of the recall of such a state executive officer. No state official against whom recall charges have been filed, no authorized committee of such an official, and no political committee having the expectation of making expenditures in support of the recall of any state official may accept contributions from a multicandidate political committee which exceed the contribution limitation provided by this subsection for that multicandidate political committee.

(5) No bona fide political party and no caucus of the state legislature may make contributions during an election cycle which in the aggregate exceed: (a) Ten thousand dollars to any candidate for the state senate; (b) five thousand dollars to any candidate for the state house of representatives; or (c) ten thousand dollars to any candidate for any state executive office. No candidate and no authorized committee of a candidate may accept contributions from a bona fide political party or from a caucus of the state legislature which exceed the contribution limitation provided by this subsection for that party or caucus.

(6) No bona fide political party and no caucus of the state legislature may make contributions during a recall campaign which in the aggregate exceed: (a) Five thousand dollars to any state legislator against whom recall charges have been filed or to any political committee having the expectation of making expenditures in support of the recall of any state legislator; or (b) ten thousand dollars to any state executive officer against whom recall charges have been filed or to any political committee having the expectation of making expenditures in support of the recall of such a state executive officer. No state official against whom recall charges have been filed, no authorized committee of such an official, and no political committee having the expectation of making expenditures in support of the recall of any state official may accept contributions from a bona fide political party or from a caucus of the state legislature which exceed the contribution limitation provided by this subsection for that party or caucus.

(7) For the purposes of this subchapter, a contribution to the authorized political committee of a candidate, or of a state official against whom recall charges have been filed, shall be considered to be a contribution to the candidate or state official.

(8) Any contribution received within the twelve-month period following a general election for a state office or for a recall election concerning a state office shall be considered to be a contribution during the election cycle ending with that election or during that recall campaign if the contribution is used to pay any debt or obligation incurred to influence the outcome of that election or the primary conducted for that election or of that recall campaign.

(9)(a) The contributions allowed by subsection (2) of this section are in addition to those allowed by subsection (1) of this section, the contributions allowed by subsection (4) of this section are in addition to those allowed by subsection (3) of this section, and the contributions allowed by subsection (6) of this section are in addition to those allowed by subsection (5) of this section.

(b) The provisions of this subchapter apply to a special election conducted to fill a vacancy in a state office. However, the contributions made to a candidate or received by a candidate for a primary or special election conducted to fill such a vacancy shall not be counted toward any of the limitations which apply to the candidate or to contributions made to the candidate under this subchapter for any other primary or election.

(10) No state legislator, or authorized political committee for such legislator, may, during the course of a regular session of the legislature, accept a campaign contribution for a state legislative office from any person. The provisions of this subsection do not apply during a recall campaign to a state legislator against whom recall charges have been filed pursuant to RCW 29.82.015.

NEW SECTION. Sec. 23. CONTRIBUTIONS BY CHILDREN.

Children under eighteen years of age may make contributions to the extent authorized in section 22 of this act only if:

(1) The decision to contribute is made knowingly and voluntarily by the child;

(2) The funds, goods, or services contributed are owned or controlled exclusively by the child, such as income earned by the child, the proceeds of a trust for which the child is the beneficiary, or a savings account opened and maintained exclusively in the child's name; and

(3) The contribution is not made from the proceeds of a gift, the purpose of which was to provide funds to be contributed, or is not in any other way controlled by another individual.

NEW SECTION. Sec. 24. RULES FOR DETERMINING CONTRIBUTOR.

(1) For the purposes of the contribution limitations in section 22 of this act, all contributions by any person who is controlled by any other person shall be considered to have been made by such other person. The provisions of this section shall not be construed as applying to the relationship between an individual and the spouse of the individual or to the relationship between a bona fide political party and any district or county organization of that party or a caucus of the state legislature of the members of that party.

(2) Without in any manner limiting its scope and effect, the general rule under subsection (1) of this section or under section 11(4)(c) of this act means that:

(a) Any contribution by a subsidiary, branch, division, department, or local unit of any association shall be considered to have been made by the association; and

(b) Any contribution by a political committee controlled by any person shall be considered to be a contribution by that person.

(3) In determining whether a person is controlled by any other person for the purposes of subsection (1) of this section, the following shall, if applicable, be considered:

(a) Ownership of a controlling interest in voting shares or securities;

(b) Provisions of bylaws, articles of incorporation, charters, constitutions, or other documents by which one person has the authority, power, or ability to direct another;

(c) The authority, power, or ability to hire, appoint, discipline, discharge, demote, or remove or influence the decision of the officers or members of an entity;

(d) Similar patterns of contributions; and

(e) The extent of the transfer of funds between the persons.

NEW SECTION. Sec. 25. ADDITIONAL RULES FOR DETERMINING CONTRIBUTOR.

All contributions made by a person, either directly or indirectly, to a candidate, to a state official against whom recall charges have been filed, or to a political committee expecting to make expenditures in support of the recall of a state official shall be considered to be contributions from such person to the candidate, state official, or political committee, as shall contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to the candidate, state official, or political committee. For purposes of this section, "earmarked" means a designation, instruction, or encumbrance, whether direct or indirect, express or implied, or oral or written, which is intended to result in or which does result in all or any part of a contribution being made to a certain candidate or state official. If a conduit or intermediary exercises any direction or control over the choice of the recipient candidate or state official, the contribution shall be considered to be by both the original contributor and the conduit or intermediary.

NEW SECTION. Sec. 26. A new section is added to chapter 42.17 RCW to read as follows:

RETURNED CONTRIBUTIONS NOT COUNTED. A contribution received by a candidate or political committee which is returned to the contributor within five days of the date on which it is received by the candidate or committee is not a contribution for the purposes of this chapter.

NEW SECTION. Sec. 27. PENALTIES FOR VIOLATION OF EXPENDITURE LIMIT CHAPTER.

The board may impose a civil fine on any person who violates any provision of this chapter or any rule adopted under this chapter. The fine shall not exceed ten thousand dollars, except for the following violations for which the penalty shall be as follows:

(1) For violations of section 19(1) of this act, up to the greater of ten thousand dollars or the amount in excess of the aggregate payments to which the candidate is entitled;

(2) For violations of section 19(2)(a) of this act, up to the greater of ten thousand dollars or the amount used or transferred for a prohibited purpose;

(3) For violations of section 19(2)(b) of this act, up to the greater of ten thousand dollars or the amount of the expenditures in excess of the applicable expenditure limitation; and

(4) For violations of section 19(4) of this act, up to the greater of ten thousand dollars or the amount of the payment in violation of section 10(2) of this act.

Sec. 28. RCW 29.15.050 and 1990 c 59 s 85 are each amended to read as follows:

(1) A filing fee of one dollar shall accompany each declaration of candidacy for precinct committee officer; a filing fee of ten dollars shall accompany the declaration of candidacy for any office with a fixed annual salary of one thousand dollars or less; except as provided in subsection (2) of this section, a filing fee equal to one percent of the annual salary of the office at the time of filing shall accompany the declaration of candidacy for any office with a fixed annual salary of more than one thousand dollars per annum. No filing fee need accompany a declaration of candidacy for any office for which compensation is on a per diem or per meeting attended basis, nor for the filing of any declaration of candidacy by a write-in candidate.

(2) The filing fee for an office of the legislative or executive branch of state government is equal to one and one-half percent of the annual salary of the office at the time of filing and shall accompany the declaration of candidacy for the office. Of each such fee: A sum equal to one-half of one percent of the annual salary for the office shall be promptly transmitted to the state election board for deposit in the state election campaign account created in section 17 of this act; and a sum equal to one percent of the annual salary for the office shall be deposited as required under subsection (4) of this section.

(3) A candidate who lacks sufficient assets or income at the time of filing to pay the filing fee required by this section shall submit with his or her declaration of candidacy a nominating petition. The petition shall contain not less than a number of signatures of registered voters equal to the number of dollars of the filing fee. The signatures shall be of voters registered to vote within the jurisdiction of the office for which the candidate is filing.

(4) When the candidacy is for:

~~((1))~~ (a) A legislative or judicial office that includes territory from more than one county, the fee shall be paid to the secretary of state for equal division between the treasuries of the counties comprising the district.

~~((2))~~ (b) A city or town office, the fee shall be paid to the county auditor who shall transmit it to the city or town clerk for deposit in the city or town treasury.

Sec. 29. RCW 29.18.050 and 1987 c 295 s 2 are each amended to read as follows:

(1) A filing fee of one dollar shall accompany each declaration of candidacy for precinct committee officer; a filing fee of ten dollars shall accompany the declaration of candidacy for any office with an annual salary of one thousand dollars or less; except as provided in subsection (2) of this section, a filing fee equal to one percent of the annual salary shall accompany the declaration of candidacy for any office with an annual salary of more than one thousand dollars per annum.

(2) The filing fee for an office of the legislative or executive branch of state government is equal to one and one-half percent of the annual salary of the office at the time of filing and shall accompany the declaration of candidacy for the office. Of each such fee: A sum equal to one-half of one percent of the annual salary for the office shall be promptly transmitted to the state election board for deposit in the state election campaign account created in section 17 of this act; and a sum equal to one percent of the annual salary for the office shall be deposited as required under subsection (4) of this section.

(3) A candidate who lacks sufficient assets or income at the time of filing to pay the filing fee required by this section shall submit with his or her declaration of candidacy a nominating petition. The petition shall contain not less than a number of signatures of registered voters equal to the number of dollars of the filing fee. The signatures shall be of voters registered to vote within the jurisdiction of the office for which the candidate is filing.

(4) When the candidacy is for:

~~((1))~~ (a) A federal or state-wide office, the fee shall be paid to the secretary of state for deposit in the state treasury.

~~((2))~~ (b) A legislative or judicial office that includes territory from more than one county, the fee shall be paid to the secretary of state for equal division between the treasuries of the counties comprising the district.

~~((3))~~ (c) A county office or a legislative, judicial, or district office that includes territory from a single county, the fee shall be paid to the county auditor for deposit in the county treasury.

~~((4))~~ (d) A city or town office, the fee shall be paid to the county auditor who shall transmit it to the city or town clerk for deposit in the city or town treasury.

NEW SECTION. Sec. 30. A new section is added to chapter 42.17 RCW to read as follows:

MAILING EXPENSES. The house of representatives and senate shall specifically limit expenditures per member for the total cost of mailings, including but not limited to production costs, printing costs, and postage.

Sec. 31. RCW 42.17.095 and 1982 c 147 s 8 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the surplus funds of a candidate, or of a political committee supporting or opposing a candidate, may only be disposed of in any one or more of the following ways:

~~((1))~~ (a) Return the surplus to a contributor in an amount not to exceed that contributor's original contribution;

~~((2))~~ (b) Transfer the surplus to the candidate's personal account as reimbursement for lost earnings incurred as a result of that candidate's election campaign. Such lost earnings shall be verifiable as unpaid salary or, when the candidate is not salaried, as an amount not to exceed income received by the candidate for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the candidate or the candidate's political committee. The committee shall include a copy of such record when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090;

~~((3))~~ (c) Transfer the surplus to ~~((one or more candidates or to))~~ a political ~~((committee of))~~ party;

~~((4))~~ (d) Donate the surplus to a charitable organization registered in accordance with chapter 19.09 RCW;

~~((5))~~ (e) Transmit the surplus to the state treasurer for deposit in the general fund; or

~~((6))~~ (f) Hold the surplus in the ~~((campaign))~~ depository or depositories designated in accordance with RCW 42.17.050 for possible use in a future election campaign ~~((, for political activity, for community activity, or for nonreimbursed public office related expenses))~~ for the same office last sought by the candidate and report any such disposition in accordance with RCW 42.17.090: PROVIDED, That if the candidate subsequently announces or publicly files for office, information as appropriate is reported to the commission in accordance with RCW 42.17.040 through 42.17.090. If a subsequent office is not sought the surplus held shall be disposed of in accordance with the requirements of this section.

(g) No candidate or authorized committee may transfer funds to any other candidate or political committee.

(2) Campaign funds and surplus funds may be voluntarily contributed or donated to the state election board for deposit in the state election campaign account.

Sec. 32. RCW 42.17.390 and 1973 c 1 s 39 are each amended to read as follows:

PENALTIES FOR VIOLATION OF CONTRIBUTION LIMITS. (1) One or more of the following civil remedies and sanctions may be imposed by court order in addition to any other remedies provided by law:

(a) If the court finds that the violation of any provision of this chapter by any candidate or political committee probably affected the outcome of any election, the result of said election may be held void and a special election held within sixty days of such finding. Any action to void an election shall be commenced within one year of the date of the election in question. It is intended that this remedy be imposed freely in all appropriate cases to protect the right of the electorate to an informed and knowledgeable vote.

(b) If any lobbyist or sponsor of any grass roots lobbying campaign violates any of the provisions of this chapter, his or her registration may be revoked or suspended

and he or she may be enjoined from receiving compensation or making expenditures for lobbying. PROVIDED, HOWEVER, That imposition of such sanction shall not excuse said lobbyist from filing statements and reports required by this chapter.

(c) Any person who violates any of the provisions of this chapter may be subject to a civil penalty of not more than ten thousand dollars for each such violation. However, for violations of section 22 of this act, the penalty shall be up to the greater of ten thousand dollars or the amount of the contribution illegally made or accepted.

(d) Any person who fails to file a properly completed statement or report within the time required by this chapter may be subject to a civil penalty of ten dollars per day for each day each such delinquency continues.

(e) Any person who fails to report a contribution or expenditure may be subject to a civil penalty equivalent to the amount he or she failed to report.

(f) The court may enjoin any person to prevent the doing of any act herein prohibited, or to compel the performance of any act required herein.

NEW SECTION. Sec. 33. A new section is added to chapter 42.17 RCW to read as follows:

COMMISSION TO ADOPT FEE SCHEDULE.

(1) The commission is authorized to adopt a fee schedule for the filing of reports, statements, and registrations with the commission. The schedule shall be adequate to offset a portion of the commission's appropriation as such portion is designated in the legislature's operating budget for the commission. The commission is vested with broad authority to set fees and to adopt rules that facilitate their payment. The commission shall not impose any fee on the filing of reports of contribution deposits required under RCW 42.17.080(3).

(2) A report shall not be accepted by the commission or be considered filed under this chapter unless the required fee is included along with the report. However, the commission may authorize persons filing multiple reports to pay an amount or amounts which will cover a number of reports or to maintain an account with the commission which will be used to pay the required fees.

(3) The commission shall deposit the fee amounts collected under this section into the state election campaign account created in section 17 of this act.

NEW SECTION. Sec. 34. A new section is added to chapter 42.17 RCW to read as follows:

COMMISSION TO ASSIST BOARD.

The commission shall conduct audits and examinations as required by the state election board under chapter 42. ... RCW (sections 2 through 20, 27, and 42 of this act). The commission shall also prepare and publish, jointly with the election board, a manual setting forth uniform methods of bookkeeping by candidates who have accepted public funding under chapter 42.--- RCW (sections 2 through 20, 27, and 42 of this act).

Sec. 35. RCW 43.03.028 and 1988 c 167 s 9 are each amended to read as follows:

SALARY OF EXECUTIVE DIRECTOR OF STATE ELECTION BOARD.

(1) There is hereby created a state committee on agency officials' salaries to consist of seven members, or their designees, as follows: The president of the University of Puget Sound; the chairperson of the council of presidents of the state's four-year institutions of higher education; the chairperson of the State Personnel Board; the president of the Association of Washington Business; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association; and the president of the Washington State Labor Council. If any of the titles or positions mentioned in this subsection are changed or abolished, any person occupying an equivalent or like position shall be qualified for appointment by the governor to membership upon the committee.

(2) The committee shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government, who are subject to appointment by the governor or whose salaries are fixed by the governor, and of the chief executive officers of the following agencies of state government:

The arts commission; the human rights commission; the board of accountancy; the board of pharmacy; the capitol historical association and museum; the eastern Washington historical society; the Washington state historical society; the interagency committee for outdoor recreation; the criminal justice training commission; the department of personnel; the state election board; the state finance committee; the state library; the traffic safety commission; the horse racing commission; the advisory council on vocational education; the public disclosure commission; the hospital commission; the state conservation commission; the commission on Hispanic affairs; the commission on Asian-American affairs; the state board for volunteer ~~((firemen))~~ fire fighters; the transportation improvement board; the public ~~((employees))~~ employment relations commission; the forest practices appeals board; and the energy facilities site evaluation council.

The committee shall report to the governor or the chairperson of the appropriate salary fixing authority at least once in each fiscal biennium on such date as the governor may designate, but not later than seventy-five days prior to the convening of each regular session of the legislature during an odd-numbered year, its recommendations for the salaries to be fixed for each position.

(3) Committee members shall be reimbursed by the department of personnel for travel expenses under RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 36. A new section is added to chapter 42.17 RCW under the subchapter heading "political advertising" to read as follows:

NEWSPAPER, TELEVISION, AND RADIO ACCESS.

Local newspapers, television stations, and radio stations shall provide free and equal advertising to all candidates. The amount of advertisements under this section shall be determined by the state election board.

NEW SECTION. Sec. 37. A new section is added to chapter 49.44 RCW to read as follows:

It is unlawful for an employer to force an employee into an unpaid leave of absence solely because the employee is running for an elected office.

NEW SECTION. Sec. 38. CONTRIBUTIONS BEFORE EFFECTIVE DATE NOT SUBJECT TO CONTRIBUTION LIMITS. Contributions made and received before the effective date of this section shall not be considered to be contributions under the provisions of sections 21 through 26 of this act and the 1991 amendments to RCW 42.17.390 contained in section 32, chapter .., Laws of 1991 (section 32 of this act).

NEW SECTION. Sec. 39. CONTRIBUTIONS BEFORE EFFECTIVE DATE NOT SUBJECT TO CAMPAIGN FINANCING PROVISIONS.

Contributions received before the effective date of this section shall not be considered to be contributions under the provisions of chapter 42.--- RCW (sections 2 through 20, 27, and 42 of this act).

NEW SECTION. Sec. 40. A new section is added to chapter 34.05 RCW to read as follows:

ADMINISTRATIVE PROCEDURE ACT NOT APPLICABLE.

This chapter shall not apply to any action taken by the state election board under section 16 of this act on applications for payments from the state election campaign account.

NEW SECTION. Sec. 41. A new section is added to chapter 29.80 RCW to read as follows:

CANDIDATES' PAMPHLET NOTICE.

The secretary of state shall secure from the state election board a list of the names of candidates for state legislative and state executive offices who have agreed to limit their expenditures under section 3 of this act. The secretary shall add a notice in the candidates' pamphlet following the statement of each person on that list indicating that the candidate has so agreed. The secretary shall also prominently display the good campaign practices seal specified in section 3(5) of this act next to the statement of each person on that list. The secretary shall use the most current list available from the board on the last date on which the secretary will accept statements for publication.

NEW SECTION. **Sec. 42. BOARD TO ESTIMATE PUBLIC FUNDS NEEDED FOR MATCHING FUNDS.**

The state election board shall, on an annual basis, estimate the funding needed to provide public matching moneys for election campaigns under this chapter. Each annual estimate shall identify funding needs for each of the successive four years. The board shall transmit its estimate to the legislature on December 20th of each year.

NEW SECTION. **Sec. 43. SEVERABILITY CLAUSE.**

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

NEW SECTION. **Sec. 44. CODIFICATION DIRECTIONS.**

Sections 2 through 20, 27, and 42 of this act shall constitute a new chapter in Title 42 RCW.

NEW SECTION. **Sec. 45. CODIFICATION DIRECTIONS.**

Sections 21 through 25 of this act are each added to chapter 42.17 RCW as a subchapter and codified with the subchapter heading of "CAMPAIGN CONTRIBUTION LIMITATIONS."

NEW SECTION. **Sec. 46. SECTION HEADINGS.**

Section headings as used in this act do not constitute any part of the law.

NEW SECTION. **Sec. 47. Section 28 of this act shall take effect July 1, 1992.**

NEW SECTION. **Sec. 48. Section 29 of this act shall expire July 1, 1992.**

POINT OF ORDER

Senator Vognild: "A point of order, Mr. President. I understand that there are amendments to the substitute bill. I believe they should be presented prior to a striking amendment. Mr. President, there are amendments to the substitute bill."

REPLY BY THE PRESIDENT

President Pritchard: "We just got them. We will act accordingly."

There being no objection, the striking amendment by Senator Skratek to Substitute Senate Bill No. 5864 was deferred.

MOTION

Senator Murray moved that the following amendment be adopted:

On page 10, after line 9, insert the following:

"(6) Under no circumstances may a candidate receive in the aggregate more than:

(a) For a candidate for the office of governor, two million two hundred thousand dollars;

(b) For a candidate for state executive office other than the office of governor, eight hundred thousand dollars;

(c) For a candidate for the office of a member of the state senate, ninety-five thousand dollars; and

(d) For a candidate for the office of a member of the state house of representatives, fifty-five thousand dollars."

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

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Murray on page 10, after line 9, to Substitute Senate Bill No. 5864.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 25; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Owen, Pelz, Rasmussen, Rinehart, Skratek, Snyder, Sutherland, Talmadge, Vognild, Williams, Wojahn - 21.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Thorsness, von Reichbauer, West - 25.

Absent: Senator Stratton - 1.

Excused: Senators Niemi, A. Smith - 2.

MOTION

Senator Murray moved that the following amendment be adopted:

On page 24, after line 23, add the following:

"The house of representatives and senate shall specifically limit expenditures per member for the total cost of mailings, including but not limited to production costs, printing costs, and postage."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Murray on page 24, after line 23, to Substitute Senate Bill No. 5864.

The motion by Senator Murray carried and the amendment was adopted.

MOTION

Senator Vognild moved that the following amendment be adopted:

On page 24, line 24, strike all of section 27 and renumber the remaining sections and correct internal references.

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Vognild on page 24, line 24, to Substitute Senate Bill No. 5864.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; Nays, 24; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Owen, Pelz, Rasmussen, Rinehart, Skratek, Snyder, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Thorsness, West - 24.

Excused: Senators Niemi, A. Smith - 2.

MOTION

Senator Talmadge moved that the following amendment be adopted:
On page 29, after line 11, insert the following:

"PART VII
CAMPAIGN EXPENDITURE LIMITATIONS AND MATCHING FUNDS"

NEW SECTION. Sec. 29. DEFINITIONS.

The definitions under RCW 42.17.020 apply to sections 29 through 48 of this act except as modified by this section. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 29 through 48 of this act:

(1) "Authorized committee" means the political committee authorized by a candidate, or by the state official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or state official.

(2) "Board" or "election board" means the state election board created by this chapter.

(3) "Bona fide political party" means an organization which has filed a valid certificate of nomination with the secretary of state under chapter 29.24 RCW or the governing body of the state organization of a major political party, as defined in RCW 29.01.090, which shall be the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party.

(4) "Candidate" means an individual seeking nomination for election or seeking election to a state office. Such an individual shall be deemed to be seeking nomination for election or seeking election when the individual first:

(a) Announces publicly or files for the office;

(b) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for the office; or

(c) Gives his or her consent to another person to take on behalf of the individual any of the actions in (b) of this subsection.

(5) "Caucus of the state legislature" means the caucus of the members of a major political party in the state house of representatives or in the state senate.

(6) "Election cycle" means the period beginning on the first day of December following the date of the last previous general election for the office which the candidate seeks and ending on November thirtieth following the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on November thirtieth following the special election.

(7) "Eligible candidate" means a candidate for a state office who is eligible under sections 30 and 34 of this act to receive payments under this chapter.

(8) "General election" means the election which directly results in the election of a person to a state office. It does not include a primary.

(9) "Immediate family" means a candidate's spouse, and any child, stepchild, grandchild, parent, stepparent, grandparent, brother, half-brother, sister, or half-sister of the candidate and the spouse of any such person and any child, stepchild, grandchild, parent, stepparent, grandparent, brother, half-brother, sister, or half-sister of the candidate's spouse and the spouse of any such person.

(10) "Independent expenditure" means an "expenditure" as defined in RCW 42.17.020 which has each of the following elements:

(a) It is made in support of or in opposition to a candidate for office by a person who is not (i) a candidate for that office, (ii) an authorized committee of a candidate for that office, (iii) a person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for any political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office, or (iv) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for any political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(b) The expenditure pays in whole or in part for any political advertising which either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies such candidate without using the candidate's name; and

(c) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of five hundred dollars or more. A sequence of expenditures each of which is under five hundred dollars shall constitute one independent expenditure as of the time that the last expenditure brings the total value of the sequence to five hundred dollars or more.

(11) "Major party" means a major political party as defined in RCW 29.01.090.

(12) "Minor party" means a minor political party as defined in RCW 29.01.100.

(13) "Multicandidate political committee" means a political committee which, during a period of three calendar years: Receives contributions of twenty-five dollars or more from each of twenty-five or more persons; and makes contributions of at least twenty-five dollars to each of five or more candidates or to the authorized committees of five or more candidates.

(14) "Primary" means the procedure for nominating a candidate to state office under chapter 29.18 or 29.21 RCW or any other primary for an election which uses, in large measure, the procedures established in chapter 29.18 or 29.21 RCW.

(15) "Recall campaign" means the period of time beginning on the date of the filing of recall charges pursuant to RCW 29.82.015 and ending thirty days after the recall election.

(16) "State campaign account" or "account" means the state election campaign account established in section 43 of this act.

(17) "State legislative office" means the office of a member of the state house of representatives and the office of a member of the state senate.

(18) "State office" means the office of a member of the state legislature or of any elective state executive officer.

(19) "State official" means a person who holds a state office.

NEW SECTION. Sec. 30. ELIGIBILITY FOR PAYMENTS--EXPENDITURE LIMIT AGREEMENT--THRESHOLD AMOUNTS--USE OF LOGO.

(1) To be eligible to receive payments under this chapter a candidate shall:

(a) Identify the office sought by the candidate; and

(b) Agree in writing that the candidate and the authorized committee of the candidate:

(i) Will fully comply with the fair campaign practices code adopted by the public disclosure commission as it now exists or is hereafter amended;

(ii) Have not made and will not make expenditures during the election cycle which exceed any expenditure limitation applicable to the candidate under section 31 of this act for the office sought by the candidate;

(iii) Will deposit all payments received under section 37 of this act in a separate checking account which shall contain only funds so received, and will make no expenditures of funds received under this section except by checks drawn on that account. The account shall be in a financial institution located in this state whose deposits are insured by the federal deposit insurance corporation, federal savings and loan insurance corporation, or national credit union administration;

(iv) Will furnish to the election board campaign records, evidence of contributions, and other appropriate information as may be required by the board; and

(v) Will cooperate in the case of any audit and examination by or for the board under section 44 of this act.

(2) The agreement required by subsection (1) of this section must be filed with the election board by the third business day after the candidate has first received during the election cycle contributions, less loan repayments, in an aggregate amount of:

(a) For a candidate for the office of governor, twenty-five thousand dollars;

(b) For a candidate for state executive office other than the office of governor, seven thousand five hundred dollars;

(c) For a candidate for the state senate, five thousand dollars; and

(d) For a candidate for the state house of representatives, two thousand five hundred dollars.

Such aggregate contributions include both those which satisfy and those which do not satisfy the provisions of section 38 of this act.

(3) The provisions of this section shall not be construed as preventing a candidate from filing a statement of intent with the board at any time. Such a statement shall include a promise signed by the candidate that the candidate has not and will not exceed the expenditure limitation applicable to the candidate under section 31 of this act.

(4) Nothing in this chapter requires any candidate to apply for or accept public funding under section 37 or 39 of this act.

(5) A candidate for state office who enters and abides by an agreement under subsection (1) of this section is entitled to display a good campaign practices seal in the political advertising and communications of the candidate during the election cycle to which the agreement applies. The board shall design the good campaign practices seal.

NEW SECTION. Sec. 31. EXPENDITURE LIMITS FOR CANDIDATES UNDER AGREEMENT.

(1) Except as provided in subsection (4) of this section, the expenditure limit for the election cycle for a candidate for state office who agrees to the limitations established in this chapter is the greater of: (a) The base amount established for the office sought under subsection (2) of this section; or (b) the base amount plus the amount applicable to the candidate under subsection (3) of this section regarding independent expenditures.

(2) The base amount referred to in subsection (1) of this section is:

(a) For the office of governor, two million two hundred thousand dollars;

(b) For state executive office other than the office of governor, eight hundred thousand dollars;

(c) For the office of a member of the state senate, ninety-five thousand dollars; and

(d) For the office of a member of the state house of representatives, fifty-five thousand dollars.

(3) If, during the twelve months preceding the election in which the candidate is seeking office, independent expenditures by any person or persons are made in opposition to the candidate or for any other candidate for the office sought by the candidate, the expenditure limitation applicable to the candidate (not the other candidate) during the election cycle shall be increased by an amount equal to the amount of the independent expenditures under the following circumstances:

(a) The candidate is a candidate for state executive office and the aggregate of such independent expenditures exceeds an amount equal to five percent of the base amount established in subsection (2) of this section for the office sought; or

(b) The candidate is a candidate for state legislative office and the aggregate of such independent expenditures exceeds an amount equal to ten percent of the base amount established in subsection (2) of this section for the office sought.

(4) A candidate for an office is not subject to an expenditure limitation under this chapter, if during the election cycle another candidate for that office:

(a) Enters an expenditure limitation and eligibility agreement under section 30 of this act for an election cycle but expends during the election cycle more than the expenditure limit applicable to that other candidate; or

(b)(i) Receives contributions, less any loan repayments, aggregating more than the amount listed in section 30(2) of this act for that office; and

(ii) Has not filed with the board the expenditure limitation and eligibility agreement under section 30 of this act within three business days of receiving that aggregate amount in contributions.

NEW SECTION. Sec. 32. RULES FOR COUNTING CONTRIBUTIONS AND EXPENDITURES. For the purposes of this chapter:

(1) The expenditures made by and the contributions received by a candidate and the expenditures made by and the contributions received by the authorized committee of the candidate are considered to be expenditures made by and contributions received by the candidate.

(2) Payments made by a candidate to repay loans made to the candidate shall be reported but shall not be counted when determining the total expenditures made by the candidate and the candidate's authorized committee with regard to any of the expenditure limitations provided by this chapter.

(3) A contribution received within the twelve-month period following a general election for a state office shall be considered to be a contribution during the election cycle for the state office ending with that election. This subsection only applies to the extent the contribution is used to pay any debt or obligation incurred to influence the outcome of that election or the primary conducted for that election.

NEW SECTION. Sec. 33. ADDITIONAL RULES FOR COUNTING EXPENDITURES--CHAPTER APPLIES TO ELECTIONS TO FILL VACANCIES.

(1) The expenditure limitations imposed by this chapter are limitations on a candidate's expenditures for the candidate's own campaign for state office.

(2) The provisions of this chapter apply to a special election conducted to fill a vacancy in a state office. However, the contributions received by a candidate and the expenditures made by a candidate for a primary or special election conducted to fill such a vacancy shall not be counted toward any of the limitations which apply to the candidate under this chapter for the election cycle for any other election.

(3) This chapter does not apply to the recall of a state official. The contributions received by a state official against whom recall charges have been filed under chapter 29.82 RCW and the expenditures made by the official, which contributions and expenditures are made with regard to the recall and during the recall campaign, shall not be counted toward any of the limitations which apply under this chapter to the official as a candidate for the election cycle for any other election.

(4) An expenditure shall be considered to be an expenditure of the candidate if it is made by (a) the candidate or an authorized committee of the candidate; (b) a

person who has received, expressly or impliedly, the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for any political advertising supporting the candidate or promoting the defeat of any other candidate or candidates for that office; or (c) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for any political advertising supporting the candidate or promoting the defeat of any other candidate or candidates for that office.

(5) A contribution, donation, or gift voluntarily made by a candidate or the candidate's authorized committee to the state election board for deposit in the state election campaign account shall not be considered to be an expenditure by the candidate for the purposes of this chapter.

NEW SECTION. Sec. 34. LIMITATIONS ON EXPENDITURES FROM PERSONAL OR FAMILY FUNDS.

(1) A candidate who enters an expenditure limitation and eligibility agreement under section 30 of this act for an election cycle shall not make, during the election cycle, expenditures from the personal funds of the candidate, or the funds contributed by any member of the immediate family of the candidate, aggregating in excess of the following:

(a) For a candidate for the office of governor, thirty thousand dollars;

(b) For a candidate for state executive office other than the office of governor, ten thousand dollars;

(c) For a candidate for the office of a member of the state senate, six thousand dollars; and

(d) For a candidate for the office of a member of the state house of representatives, three thousand dollars.

For the purposes of this subsection, a loan by a candidate or a member of the immediate family of the candidate to the campaign of the candidate shall be considered to be a campaign expenditure by the candidate.

(2) A candidate who enters an expenditure limitation and eligibility agreement under section 30 of this act for an election cycle and the authorized committee of the candidate shall not make expenditures during the election cycle which in the aggregate exceed any expenditure limit applicable to the candidate under section 31 of this act.

NEW SECTION. Sec. 35. LIMITATIONS ON EMPLOYERS OR LABOR ORGANIZATIONS.

(1) No employer or labor organization may increase the salary of an officer or employee, or give an emolument to an officer, employee, or other person or entity, with the intention that the increase in salary, or the emolument, or a part of it, be contributed or spent to support or oppose any candidate, ballot proposition, political party, or political committee.

(2) No employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment: For (a) the failure to contribute to, (b) the failure in any way to support or oppose, or (c) in any way supporting or opposing a candidate, ballot proposition, political party, or political committee.

(3) No employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries may withhold or divert any portion of an employee's wages or salaries for contributions to political committees except upon the written request of the employee. The request must be made on a form prescribed by the commission informing the employee of the prohibition against employer and labor organization discrimination described in subsection (2) of this section. The request shall be valid for no more than twelve months from the date it is made by the employee.

(4) Each person or entity who withholds contributions under subsection (3) of this section shall maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts that shall

include a copy of each employee's request, the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee. Copies of such information shall be delivered to the commission upon request.

NEW SECTION. Sec. 36. VARIOUS CONTRIBUTION AND EXPENDITURE AMOUNTS ADJUSTED FOR INFLATION.

The threshold amounts established in section 30(2) of this act, the base amounts established in section 31(2) of this act, and the amounts in section 34(1) of this act shall be increased or decreased by the board by rule at the beginning of each odd-numbered year based on changes in economic conditions as reflected in the inflationary index used by the public disclosure commission under RCW 42.17.370. The base year to be used for revisions made under this section is 1991.

The board may also adjust the base amounts in section 34(1) of this act applicable to a particular legislative office if the board finds that, as a result of changes in population since the latest decennial census, the population in the legislative district for that office differs significantly from the average population of a legislative district in the state. In such a case, the board may adjust the base amount applicable to that office to reflect that difference in populations.

NEW SECTION. Sec. 37. AMOUNT OF STATE FINANCIAL ASSISTANCE--NO ASSISTANCE IF OPPOSITION IS PARTY TO EXPENDITURE LIMIT AGREEMENT.

(1) Except as provided in subsections (3) and (4) of this section, an eligible candidate is entitled to payments from the state campaign account equal to:

(a) Four dollars for each qualifying dollar received by the candidate as a contribution for the campaign of the candidate; and

(b) The aggregate total amount of independent expenditures made or obligated to be made during the twelve months preceding the election by any person or persons in opposition to the candidate or for any other candidate for the office sought by the candidate if:

(i) The candidate is a candidate for state executive office and the aggregate of such independent expenditures exceeds an amount equal to five percent of the base amount established in section 31(2) of this act for the office sought; or

(ii) The candidate is a candidate for state legislative office and the aggregate of such independent expenditures exceeds an amount equal to ten percent of the base amount established in section 31(2) of this act for the office sought.

A qualifying dollar is one which satisfies all of the provisions of section 38 of this act regarding contributions.

(2) Payments received by a candidate under this section shall be deposited as required in section 30(1)(b)(iii) of this act and shall be used to pay for goods and services furnished during the election cycle for which the payments were received. Such payments shall not be used:

(a) To make any payments, directly or indirectly, to the candidate or to any member of the immediate family of the candidate;

(b) To make any expenditure other than expenditures to further the nomination or election of the candidate; or

(c) To repay any loan to any person except to the extent the proceeds of such loan were used to further the nomination or election of the candidate.

(3) A candidate shall not be eligible to receive payments from the state campaign account for a primary or election for an office unless:

(a) At least one other candidate for the office sought by the candidate: (i) Enters an expenditure limitation and eligibility agreement under section 30 of this act for an election cycle but expends during the election cycle more than the expenditure limit applicable to that other candidate; or (ii)(A) has not filed an expenditure limitation and eligibility agreement under section 30 of this act with the board in a timely manner; and (B) has received during the election cycle contributions, less loan repayments,

which, in the aggregate, exceed twice the amount listed in section 30(2) of this act for the office sought. For the purposes of (a)(ii)(B) of this subsection, "contribution" does not include a contribution made by a candidate for state office; and

(b) The candidate and the authorized committee of the candidate have received contributions, less loan repayments, in an aggregate threshold amount of at least the amount listed in section 30(2) (a), (b), or (c) of this act for the office sought and all of the contributions received for this purpose satisfy the provisions of section 38 of this act.

(4)(a) Except as provided in (b) of this subsection, the sum of all payments from the state campaign account to a candidate for an election cycle may not exceed the following amounts for the office sought:

(i) For the office of governor, two hundred twenty thousand dollars;

(ii) For state executive office other than the office of governor, eighty thousand dollars;

(iii) For the office of a member of the state senate, fifty thousand dollars; and

(iv) For the office of a member of the state house of representatives, twenty-five thousand dollars.

(b) If the expenditure limitation applicable to the candidate is increased under section 31(3) of this act as a result of independent expenditures, the amount listed for the office sought by the candidate in (a) of this subsection, as it applies to the candidate, shall be increased by an amount equal to those independent expenditures.

NEW SECTION. Sec. 38. RULES FOR DETERMINING WHETHER CONTRIBUTIONS WILL COUNT FOR DETERMINING THRESHOLD AMOUNT AND FOR STATE MATCHING FUNDS.

For a contribution received by a candidate or the candidate's authorized committee to qualify as being one which satisfies the requirements of section 37(3)(b) of this act for raising a threshold amount of contributions or to qualify to be matched by public moneys from the state campaign account under section 37 of this act, the contribution must satisfy each of the following requirements:

(1) The contribution shall be a gift of money made by a written instrument which identifies the individual making the contribution;

(2) The contribution shall be made directly to the candidate or the candidate's authorized committee. Contributions made through any other person shall not qualify. The provisions of this subsection do not disqualify money received through bona fide joint fund-raising efforts conducted solely for the purpose of sponsorship of a fund-raising reception, dinner, or other event, under rules prescribed by the board, by: (a) Two or more candidates, or (b) one or more candidates and one or more national, state, or local committees of a political party acting on their own behalf;

(3) The contribution shall have come from an individual. However, the contribution shall not have come from a candidate for any office;

(4)(a) Of the total amount of all contributions made by a person to the candidate and the authorized committee of the candidate or for the benefit of the candidate, not more than the amount listed in (b) of this subsection for the office sought may be counted toward the threshold amount or be matched by moneys from the state campaign account. The provisions of this subsection shall not be construed as limiting the total amount of contributions that may be made by a person to or for the benefit of a candidate or that may be accepted by the candidate or the candidate's authorized committee from the person;

(b) The amount referred to in (a) of this subsection is: (i) For the office of governor, one thousand dollars; (ii) for state executive office other than the office of governor, five hundred dollars; (iii) for the state senate, four hundred dollars; and (iv) for the state house of representatives, two hundred dollars;

(c) For the purposes of this subsection (4), all contributions by one person who is controlled by any other person shall be considered to have been made by such other

person. The provisions of this subsection (c) shall not be construed as applying to the relationship between an individual and the spouse of the individual; and

(5) The contribution shall be received during the election cycle.

NEW SECTION. Sec. 39. PROCEDURES FOR REQUESTING PAYMENT UNDER EXPENDITURE LIMIT AGREEMENT.

A candidate desiring payments from the state campaign account shall file a request with the board which shall contain:

(1) Such information and be made in accordance with such procedures as the board may provide by rule; and

(2) A verification signed by the candidate and the treasurer of the authorized committee of the candidate stating that the information furnished in support of the request, to the best of the knowledge of each, is correct and fully satisfies the requirements of this chapter.

No later than two business days after an eligible candidate files a request with the board to receive payments under this section, the board shall determine whether the candidate is eligible to receive payments from the state campaign account and, if the candidate is eligible to receive such payments, disburse to the candidate from the account the full amount to which the candidate is entitled.

A candidate is not limited to filing only one request for payments under this section during each election cycle. After filing an original request, a candidate may file one or more supplemental requests to receive the payments to which the candidate is entitled.

The board may permit its executive director to approve requests submitted under this section and make the disbursements authorized by this chapter on behalf of the board and within guidelines adopted by the board by rule.

NEW SECTION. Sec. 40. ELECTION BOARD CREATED.

There is hereby created the state election board, which shall be composed of six members appointed by the governor. Each member shall be appointed to a permanently assigned position number on the board.

Initially, the legislative leader of each of the two largest political parties in each house of the state legislature shall submit a list of three nominees for appointment to the board. The governor shall appoint one member of the board from each of the four lists submitted by the four legislative leaders. These shall be positions one through four. Appointment of a successor for a full term for any one of these four positions or for filling a vacancy in any one of these four positions shall be made from a list of three persons nominated by the legislative leader of the same political party in the legislature which nominated the person first appointed to the position.

Positions five and six shall be appointed by the governor to represent the public interest generally. Any person or organization may submit recommendations to the governor, which may be considered by the governor in making the appointments to these two positions. A person appointed to position five or six shall not also be an elected public official nor may the person have held the office of an elected public official in any of the six years prior to his or her appointment.

The term of office of each member of the board is four years, except that the term of office of one of the initial members shall be one year, the term of two initial members shall be two years, and the term of one other initial member shall be three years as designated by the governor. The board shall notify the governor and any appropriate nominating legislative leader regarding a vacancy created on the board or the impending conclusion of a member's full term of office. The governor shall make appointments to fill vacancies within thirty days of their being created and shall make appointments to fill full terms within thirty days of the expiration of a member's term.

Four members constitute a quorum for conducting the business of the board.

The board is a class four group under the provisions of RCW 43.03.250 and members shall be compensated accordingly. In addition, the members shall be

reimbursed for travel expenses incurred while engaged in the business of the board as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 41. ELECTION BOARD DUTIES. The state election board shall:

(1) Administer this chapter and adopt such rules and make such orders as it finds appropriate for such administration;

(2) Enforce the provisions of this chapter and the rules adopted by the board under this chapter, and administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence and require the production of any books, papers, correspondence, memorandums, or other records relevant or material for the purpose of any investigation under this chapter;

(3) Develop and provide forms for the applications and reports filed with the board under this chapter;

(4) Prepare and publish, jointly with the public disclosure commission, a manual setting forth uniform methods of bookkeeping by candidates who have accepted public funding;

(5) Compile and maintain a current list of all filed reports and statements filed under this chapter;

(6) Upon complaint or upon its own motion, investigate possible violations of this chapter and of rules adopted under this chapter;

(7) Employ staff, including an executive director who shall perform such duties and have such powers as the board may prescribe. However, the board may not delegate its authority to adopt, amend, or rescind rules or to determine whether a violation of this chapter has occurred or to assess penalties for such violation; and

(8) Prepare and publish such reports and technical studies as in its judgment will tend to promote the purposes of this chapter.

The board may accept contributions, donations, or gifts from any person or entity on behalf of the state election campaign account. The money value of any such contribution, donation, or gift received by the board shall be promptly deposited in the account.

NEW SECTION. Sec. 42. ELECTION BOARD PROVIDES CAMPAIGN FINANCING PAYMENTS--APPEAL FROM ADVERSE BOARD DECISION.

(1) The board shall decide all applications for payment from the state campaign account. Each application shall be decided in accordance with rules adopted by the board, and the board's decision on the application shall be final unless appealed as provided in subsection (2) of this section. The board's review of applications, and all actions taken by the board on applications, shall be exempt from chapter 34.05 RCW.

(2) Any person adversely affected by the board's decision and who believes the decision to be unlawful may appeal to the superior court of Thurston county by petition setting forth his or her reasons why the decision is unlawful. A copy of the petition on appeal together with a notice that an appeal has been taken shall be served upon the board, upon the attorney general, and upon each candidate for the office sought by the applicant. The decision of the superior court shall be final. Such appeal shall be heard without costs to either party.

NEW SECTION. Sec. 43. CREATION OF STATE ELECTION CAMPAIGN ACCOUNT.

The state election campaign account is hereby created in the custody of the state treasurer. All moneys appropriated to the board for deposit in the account, all moneys received under RCW 29.15.050 or 29.18.050, and all earnings of investments of balances in the account shall be credited to the account. Moneys may be disbursed from the account only in the form of payments to eligible candidates as authorized by this chapter. Only the board, or the board's executive director if permitted to do so by rules adopted by the board, may authorize disbursements from the account. The

account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for disbursements.

NEW SECTION. Sec. 44. EXAMINATION AND AUDITS--RETURN OF UNSPENT MATCHING FUNDS.

(1) The public disclosure commission and the board shall jointly develop and approve a program for auditing the campaign accounts of candidates who accept public funding under this chapter.

(2) After each general election, the public disclosure commission shall conduct, on behalf of the board, such examinations and audits of the campaign accounts of eligible candidates and of authorized committees as are sufficient to determine, among other things, whether candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this chapter.

(3) The board shall review the examinations and audits conducted by the commission on its behalf and may conduct any additional investigations it believes to be warranted. The board shall require candidates to return to the board any unexpended funds received by the candidates under this chapter. The board may adopt exceptions to this requirement for instances where debts are in dispute.

(4) Examinations and audits shall not be made by the commission under this section with respect to an election cycle more than three years after the cycle.

NEW SECTION. Sec. 45. VIOLATIONS.

(1) It is a violation of this chapter for any candidate to accept public payments under this chapter which are in excess of the aggregate payments to which the candidate is entitled.

(2) It is a violation of this chapter for any candidate or for any officer, member, employee, or agent of a political committee for the candidate:

(a) To use or transfer funds for any purpose prohibited by section 37(2) of this act;

(b) To make expenditures which he or she knows exceed any expenditure limitation applicable under section 31 of this act;

(c) To provide false information under section 30(1) or (2) of this act; or

(d) To violate the agreement under section 30(1)(b) of this act.

(3) It is a violation of this chapter for any person:

(a) To furnish to the board or to the public disclosure commission under this chapter any evidence, books, or information (including any certification, verification, notice, or report), which is false, fictitious, or fraudulent, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a payment by the board or an examination or audit by the board or the commission under this chapter; or

(b) To fail to furnish to the board or the commission any records, books, or information requested by it for purposes of this chapter.

(4) It is a violation of this chapter for any person to accept any payment if the person knows, or has reason to know, that the payment is in violation of section 37(2) of this act.

NEW SECTION. Sec. 46. BOARD TO REPORT TO GOVERNOR AND LEGISLATURE--RULE-MAKING POWERS.

(1) The board shall, as soon as practicable after each election, submit a full report to the governor and the legislature setting forth:

(a) The expenditures shown in such detail as the board determines appropriate made by each eligible candidate and the authorized committee of each candidate;

(b) The amounts paid by the board under section 39 of this act to each eligible candidate;

(c) The amount of any payments returned under section 44 of this act; and

(d) The balance in the state campaign account.

(2) The board is authorized to prescribe such rules in accordance with chapter 34.05 RCW, to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this chapter.

NEW SECTION. Sec. 47. PENALTIES FOR VIOLATION OF EXPENDITURE LIMIT CHAPTER.

The board may impose a civil fine on any person who violates any provision of this chapter or any rule adopted under this chapter. The fine shall not exceed ten thousand dollars, except for the following violations for which the penalty shall be as follows:

(1) For violations of section 45(1) of this act, up to the greater of ten thousand dollars or the amount in excess of the aggregate payments to which the candidate is entitled;

(2) For violations of section 45(2)(a) of this act, up to the greater of ten thousand dollars or the amount used or transferred for a prohibited purpose;

(3) For violations of section 45(2)(b) of this act, up to the greater of ten thousand dollars or the amount of the expenditures in excess of the applicable expenditure limitation; and

(4) For violations of section 45(4) of this act, up to the greater of ten thousand dollars or the amount of the payment in violation of section 37(2) of this act.

NEW SECTION. Sec. 48. BOARD TO ESTIMATE PUBLIC FUNDS NEEDED FOR MATCHING FUNDS.

The state election board shall, on an annual basis, estimate the funding needed to provide public matching moneys for election campaigns under this chapter. Each annual estimate shall identify funding needs for each of the successive four years. The board shall transmit its estimate to the legislature on December 20th of each year.

NEW SECTION. Sec. 49. CODIFICATION DIRECTIONS.

Sections 29 through 48 of this act shall constitute a new chapter in Title 42 RCW.

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

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Talmadge on page 29, after line 11, to Substitute Senate Bill No. 5864.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Owen, Pelz, Rasmussen, Rinehart, Skratek, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 22.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Thorsness, von Reichbauer, West - 25.

Excused: Senators Niemi, A. Smith - 2.

MOTION

Senator Sutherland moved that the following amendments be considered simultaneously and be adopted:

On page 30, line 5, after "who" strike "knowingly"

On page 30, line 8, after "who" strike "knowingly"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Sutherland on page 30, line 5 and 8, to Substitute Senate Bill No. 5864.

The motion by Senator Sutherland carried and the amendments were adopted.

There being no objection, the Senate resumed consideration of the striking amendment by Senator Skratek, deferred earlier today.

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senator Skratek to Substitute Senate Bill No. 5864.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 25; Absent, 1; Excused, 2.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Owen, Pelz, Rasmussen, Rinehart, Skratek, Snyder, Sutherland, Talmadge, Vognild, Williams, Wojahn - 21.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Thorsness, von Reichbauer, West - 25.

Absent: Senator Stratton - 1.

Excused: Senators Niemi, A. Smith - 2.

MOTION

Senator Linda Smith moved that the following amendment be adopted: Strike everything after the enacting clause and insert the following:

"PART I
FINDINGS AND INTENT"

NEW SECTION. Sec. 1. FINDINGS. The legislature finds and declares that:

(1) Monetary contributions to political campaigns are a legitimate form of participation in the political process, but the financial strength of certain individuals or organizations should not permit them to exercise a disproportionate or controlling influence on the election of candidates.

(2) Rapidly increasing political campaign costs have led many candidates to raise larger percentages of money from organizational contributors with a specific financial stake in matters before state government. This has caused the public perception that

decisions of elected officials are being improperly influenced by monetary contributions. This perception undermines the credibility and integrity of the governmental process.

(3) Candidates are raising less money in small contributions from individuals and more money in organizational contributions. This has created the public perception that small contributions have an insignificant role to play in the political campaigns.

NEW SECTION. Sec. 2. INTENT. By limiting campaign contributions, the legislature intends to:

- (1) Ensure that individuals and interest groups have fair and equal opportunity to influence elective and governmental processes;
- (2) Reduce the influence of large organizational contributors; and
- (3) Help restore public trust in governmental institutions and the electoral process.

"PART II DEFINITIONS"

NEW SECTION. Sec. 3. DEFINITIONS. The definitions under RCW 42.17.020 apply to sections 4 through 20 of this act except as modified by this section. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 4 through 20 of this act.

(1) "Authorized committee" means the political committee authorized by a candidate, or by the state official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or state official.

(2) "Bona fide political party" means:

(a) An organization which has filed a valid certificate of nomination with the secretary of state under chapter 29.24 RCW; or

(b) The governing body of the state organization of a major political party, as defined in RCW 29.01.090, which is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

(c) The county central committee or legislative district committee of a major political party.

(3) "Candidate" means an individual seeking nomination for election or seeking election to a state office. An individual shall be deemed to be seeking nomination for election or seeking election when the individual first:

(a) Announces publicly or files for the office;

(b) Purchases commercial advertising space or broadcast time to promote his or her candidacy;

(c) Receives contributions or makes expenditures for facilities with intent to promote his or her candidacy for the office; or

(d) Gives his or her consent to another person to take on behalf of the individual any of the actions in (b) or (c) of this subsection.

(4) "Caucus of the state legislature" means the caucus of the members of a major political party in the state house of representatives or in the state senate.

(5)(a) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration.

(b) Subject to further definition by the commission, "contribution" shall not include the following:

(i) Interest on moneys deposited in a political committee's account;

(ii) Ordinary home hospitality;

(iii) A contribution received by a candidate or political committee that is returned to the contributor within five business days of the date on which it is received by the candidate or political committee;

(iv) An expenditure or contribution earmarked for voter registration, for absentee ballot information, for precinct caucuses, for get-out-the-vote campaigns, for precinct judges or inspectors, for sample ballots, or for ballot counting, all without promotion of or political advertising for individual candidates;

(v) Any news, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose primary business is that news medium, and that is not controlled by any candidate or political committee;

(vi) An expenditure by a political committee for its own internal organization or fund raising without direct association with individual candidates;

(vii) An internal political communication primarily limited to the contributors to a political party organization or political action committee, or the officers, management staff, and stockholders of a corporation or similar enterprise, or the members of a labor organization or other membership organization; or

(viii) The rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person and that are performed outside the individual's normal working hours.

(c) Contributions other than money or its equivalent shall be deemed to have a monetary value equivalent to the fair market value of the contribution.

(d) Sums paid for tickets to fund-raising events such as dinners and parties are contributions, except for the actual cost of the consumables furnished at the event.

(e) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political committee, or their agents, is considered to be a contribution to such candidate or political committee.

(f) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising prepared by a candidate, a political committee, or its authorized agent, is considered to be a contribution to the candidate or political committee.

(6) "Election cycle" means the period beginning on the first day of December following the date of the last previous general election for the office which the candidate seeks and ending on November thirtieth following the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on November thirtieth following the special election.

(7) "General election" means the election which results in the election of a person to a state office. It does not include a primary.

(8) "Immediate family" means a candidate's spouse, and any child, stepchild, grandchild, parent, stepparent, grandparent, brother, half-brother, sister, or half-sister of the candidate and the spouse of any such person and any child, stepchild, grandchild, parent, stepparent, grandparent, brother, half-brother, sister, or half-sister of the candidate's spouse and the spouse of any such person.

(9) "Independent expenditure" means an "expenditure" as defined in RCW 42.17.020 which has each of the following elements:

(a) It is made in support of or in opposition to a candidate for office by a person who is not (i) a candidate for that office, (ii) an authorized committee of that candidate for that office, (iii) a person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for any political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office, or (iv) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in

whole or in part for any political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(b) The expenditure pays in whole or in part for any political advertising which either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies such candidate without using the candidate's name; and

(c) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of five hundred dollars or more. A series of expenditures, each of which is under five hundred dollars, shall constitute one independent expenditure if their cumulative value is five hundred dollars or more.

(10)(a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family, or an association to which the individual belongs.

(b) A treasurer or a candidate is not an intermediary for purpose of the committee that the treasurer or candidate serves.

(c) A professional fund raiser is not an intermediary if the fund raiser is compensated for fund-raising services at the usual and customary rate.

(d) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

(11) "Person" includes:

(a) An individual;

(b) A partnership, limited partnership, public or private corporation, or joint venture;

(c) A nonprofit corporation, organization, or association, including but not limited to, any national, state, or local labor union or collective bargaining organization and any national, state, or local trade or professional association;

(d) A federal, state, or local governmental entity or agency, however constituted;

(e) A candidate, committee, political committee, bona fide political party, or executive committee thereof; and

(f) Any other organization or group of persons, however organized.

(12) "Primary" means the procedure for nominating a candidate to state office under chapter 29.18 or 29.21 RCW or any other primary for an election which uses, in large measure, the procedures established in chapter 29.18 or 29.21 RCW.

(13) "Recall campaign" means the period of time beginning on the date of the filing of recall charges pursuant to RCW 29.82.015 and ending thirty days after the recall election.

(14) "State legislative office" means the office of a member of the state house of representatives and the office of a member of the state senate.

(15) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

(16) "State official" means a person who holds a state office.

"PART III CONTRIBUTIONS"

NEW SECTION. Sec. 4. CAMPAIGN CONTRIBUTION LIMITS.

(1) No person, other than a bona fide political party or a caucus of the state legislature, may make contributions to any candidate during an election cycle which in the aggregate exceed five hundred dollars. No candidate and no authorized committee of a candidate may accept contributions from any person or entity which exceed the contribution limitation provided by this subsection.

(2) No person, other than a bona fide political party or a caucus of the state legislature, may make contributions to any state official against whom recall charges have been filed, or to any political committee having the expectation of making expenditures in support of the recall of any such state official, during a recall campaign which in the aggregate exceed five hundred dollars. No state official against whom recall charges have been filed, no authorized committee of such an official, and no political committee having the expectation of making expenditures in support of the recall of any state official, may accept contributions from a person which exceed the contribution limitation provided by this subsection.

(3) Notwithstanding subsection (1) of this section, no bona fide political party or caucus of the state legislature may make contributions to any candidate during an election cycle which in the aggregate exceeds fifty cents multiplied times the number of registered voters in the jurisdiction from which the candidate is elected. No candidate and no authorized committee of a candidate may accept contributions from a bona fide political party or from a caucus of the state legislature which exceed the contribution limitation provided by this subsection.

(4) Notwithstanding subsection (2) of this section, no bona fide political party or caucus of the state legislature may make contributions to any state official against whom recall charges have been filed, or to any political committee having the expectation of making expenditures in support of the recall of any such state official, during a recall campaign which in the aggregate exceeds fifty cents multiplied times the number of registered voters in the jurisdiction entitled to recall such state official. No state official against whom recall charges have been filed, no authorized committee of such an official, and no political committee having the expectation of making expenditures in support of the recall of any state official may accept contributions from a bona fide political party or from a caucus of the state legislature which exceed the contribution limitation provided by this subsection.

(5) Notwithstanding subsections (1) through (4) of this section, no person other than an individual, bona fide political party, or caucus of the state legislature may make contributions reportable under this chapter to any candidate, to any state official against whom recall charges have been filed, or to any political committee having the expectation of making expenditures in support of the recall of any such official. No entity prohibited by this subsection from making contributions to candidates may make contributions to a caucus of the state legislature that in the aggregate exceeds five hundred dollars in a calendar year or to a bona fide political party that in the aggregate exceeds one thousand dollars in a calendar year. This subsection does not apply to loans made in the ordinary course of business.

(6) For the purposes of sections 4 through 20 of this act, a contribution to the authorized political committee of a candidate, or of a state official against whom recall charges have been filed, shall be considered to be a contribution to the candidate or state official.

(7) Any contribution received within the twelve-month period following a general election for a state office or for a recall election concerning a state office shall be considered to be a contribution during the election cycle ending with that election or during that recall campaign if the contribution is used to pay any debt or obligation incurred to influence the outcome of that election or the primary conducted for that election or of that recall campaign.

(8)(a) The contributions allowed by subsection (2) of this section are in addition to those allowed by subsection (1) of this section, and the contributions allowed by subsection (4) of this section are in addition to those allowed by subsection (3) of this section.

(b) The provisions of sections 4 through 20 of this act apply to a special election conducted to fill a vacancy in a state office. However, the contributions made to a candidate or received by a candidate for a primary or special election conducted to fill

such a vacancy shall not be counted toward any of the limitations which apply to the candidate or to contributions made to the candidate for any other primary or election.

NEW SECTION. Sec. 5. ATTRIBUTION AND AGGREGATION OF FAMILY CONTRIBUTIONS.

(1) Contributions by a husband and wife are considered separate contributions.

(2) Contributions by unemancipated children under eighteen years of age are considered contributions by their parents and attributed proportionately to each parent. Fifty percent of the contributions are attributed to each parent or, in the case of a single custodial parent, the total amount is attributed to the parent.

NEW SECTION. Sec. 6. ATTRIBUTION OF CONTRIBUTIONS BY CONTROLLED ENTITIES.

(1) For purposes of this chapter, a contribution by a person or entity controlled by any other person or entity is a contribution by the controlling person or entity. A contribution to a person or entity controlled by another person or entity is a contribution to the controlling person or entity. This subsection does not apply to the relationship between an individual and the spouse of the individual or to the relationship between a bona fide political party and a district or county organization of that party or a caucus of the state legislature of the members of that party.

(2) Contributions governed by subsection (1) of this section include but are not limited to:

(a) A contribution by a subsidiary, branch, division, department, or local unit of an association, which is considered to have been made by the association; and

(b) A contribution by a political committee controlled by a person or entity, which is considered to be a contribution by that person or entity.

(3) In determining whether a person or entity is controlled by any other person or entity for the purposes of subsection (1) of this section, the following shall, if applicable, be considered:

(a) Ownership of a controlling interest in voting shares or securities;

(b) Provisions of bylaws, articles of incorporation, charters, constitutions, or other documents by which one person or entity has the authority, power, or ability to direct another;

(c) The authority, power, or ability to hire, appoint, discipline, discharge, demote, remove, or influence the decision of the officers or members of an entity;

(d) Similar patterns of contributions; and

(e) The extent of the transfer of funds between the person or entities.

(4) A candidate committee and a committee other than a candidate committee are treated as a single committee if the committees both have the candidate or a member of the candidate's immediate family as an officer.

NEW SECTION. Sec. 7. ATTRIBUTION OF CONTRIBUTIONS.

All contributions made by a person or entity, either directly or indirectly, to a candidate, to a state official against whom recall charges have been filed, or to a political committee, are considered to be contributions from that person or entity to the candidate, state official, or political committee, as are contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to the candidate, state official, or political committee. For the purposes of this section, "earmarked" means a designation, instruction, or encumbrance, whether direct or indirect, expressed or implied, or oral or written, that is intended to result in or that does result in all or any part of a contribution being made to a certain candidate or state official. If a conduit or intermediary exercises any direction or control over the choice of the recipient candidate or state official, the contribution is considered to be by both the original contributor and the conduit or intermediary.

NEW SECTION. Sec. 8. LIMITATIONS ON EMPLOYERS OR LABOR ORGANIZATIONS.

(1) No employer or labor organization may increase the salary of an officer or employee, or give an emolument to an officer, employee, or other person or entity, with the intention that the increase in salary, or the emolument, or a part of it, be contributed or spent to support or oppose any candidate, state official against whom recall charges have been filed, political party, or political committee.

(2) No employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment: For (a) the failure to contribute to, (b) the failure in any way to support or oppose, or (c) in any way supporting or opposing a candidate, ballot proposition, political party, or political committee.

(3) No employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries may withhold or divert any portion of an employee's wages or salaries for contributions to political committees except upon the written request of the employee. The request must be made on a form prescribed by the commission informing the employee of the prohibition against employer and labor organization discrimination described in subsection (2) of this section. The request shall be valid for no more than twelve months from the date it is made by the employee.

(4) Each person or entity who withholds contributions under subsection (3) of this section shall maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts that shall include a copy of each employee's request, the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee. Copies of such information shall be delivered to the commission upon request.

NEW SECTION. Sec. 9. CHANGING MONETARY LIMITS.

At the beginning of each even-numbered calendar year, the commission shall increase or decrease all dollar amounts in this chapter based on changes in economic conditions as reflected in the inflationary index used by the commission under RCW 42.17.370. The new dollar amounts established by the commission under this section shall be rounded off by the commission to amounts as judged most convenient for public understanding and so as to be within ten percent of the target amount equal to the base amount provided in this chapter multiplied by the increase in the inflationary index since the effective date of this act.

NEW SECTION. Sec. 10. CONTRIBUTIONS FROM BEFORE EFFECTIVE DATE OF ACT.

Contributions made and received before the effective date of this act are not considered to be contributions under the provisions of sections 4 through 20 of this act.

NEW SECTION. Sec. 11. TIME LIMIT FOR STATE OFFICIALS TO SOLICIT OR ACCEPT CONTRIBUTIONS.

During the period beginning on the thirtieth day before the date a regular legislative session convenes and continuing thirty days past the date of final adjournment, and during the period beginning on the date a special legislative session convenes and continuing through the date that session adjourns, no state official or any person employed by or acting on behalf of a state official or state legislator may solicit or accept contributions to a public office fund, to any candidate, or authorized committee, or to retire any campaign debt.

NEW SECTION. Sec. 12. RESTRICTION ON LOANS.

(1) A loan is considered a contribution from the maker and the guarantor of the loan and is subject to the contribution limitations of this chapter.

(2) A loan to a candidate or the candidate committee must be by written agreement.

(3) The proceeds of a loan made to a candidate:

(a) By a commercial lending institution;

(b) Made in the regular course of business;

(c) On the same terms ordinarily available to members of the public; and

(d) Which is secured or guaranteed;

are not subject to the contribution limits of this chapter.

NEW SECTION. Sec. 13. CONTRIBUTIONS ON BEHALF OF ANOTHER.

(1) A person, other than individual, may not be an intermediary or an agent for a contribution.

(2) An individual may not make a contribution on behalf of another person or entity, or while acting as the intermediary or agent of another person or entity, without disclosing to the recipient of the contribution both his or her full name, street address, occupation, name of employer, if any, or place of business if self-employed, and the same information for each contributor for whom the individual serves as intermediary or agent.

NEW SECTION. Sec. 14. CERTAIN CONTRIBUTIONS REQUIRED TO BE BY WRITTEN INSTRUMENT.

(1) An individual may not make a contribution of more than fifty dollars, other than an in-kind contribution, except by written instrument containing the name of the donor and the name of the payee.

(2) A committee may not make a contribution, other than in-kind, except by written instrument containing the name of the donor and the name of the payee.

NEW SECTION. Sec. 15. SOLICITATION OF CONTRIBUTIONS BY GOVERNMENT EMPLOYEES.

(1) No state official or state official's agent may knowingly solicit, directly or indirectly, a contribution from an employee in the state official's agency.

(2) No state official or state employee may provide an advantage or disadvantage to an employee or applicant for employment in the classified civil service concerning the applicant's or employee's:

(a) Employment;

(b) Conditions of employment; or

(c) Application for employment;

based on the employee or applicant's contribution or promise to contribute, failure to make a contribution or contribute to a political party or committee.

NEW SECTION. Sec. 16. AGENCY SHOP FEES AS CONTRIBUTIONS. A labor organization may not use agency shop fees paid by an individual who is not a member of the organization to make contributions or expenditures to influence an election or to operate a political committee, unless affirmatively authorized by the individual.

NEW SECTION. Sec. 17. SOLICITATION FOR ENDORSEMENT FEES.

A person or entity may not solicit from a candidate, committee, political party, or other person or entity money or other property as a condition or consideration for an endorsement, article, or other communication in the news media promoting or opposing a candidate, committee, or political party.

NEW SECTION. Sec. 18. REIMBURSEMENT FOR CONTRIBUTIONS.

A person or entity may not, directly or indirectly, reimburse another person or entity for a contribution to a candidate, committee, or political party.

NEW SECTION. Sec. 19. PROHIBITION ON USE OF CONTRIBUTIONS FOR A DIFFERENT OFFICE.

(1) Except as provided in subsection (2) of this section, a candidate committee may not use or permit the use of contributions solicited for or received by the candidate committee to further the candidacy of the individual for an office other than the office designated on the statement of organization. A contribution solicited for or received on behalf of the candidate is considered solicited or received for the candidacy for which the individual is then a candidate if the contribution is solicited or received before the general elections for which the candidate is a nominee or is unopposed.

(2) With the written approval of the contributor, a candidate committee may use or permit the use of contributions solicited for or received by the candidate committee from that contributor to further the candidacy of the individual for an office other than the office designated on the statement of organization.

NEW SECTION. Sec. 20. OUT-OF-STATE CONTRIBUTIONS PROHIBITED.

Notwithstanding section 4 of this act, no person residing or domiciled outside the state of Washington may contribute to a candidate or an authorized committee required to report under this chapter. No candidate or authorized committee may accept a contribution that is prohibited by this section.

Sec. 21. RCW 42.17.095 and 1982 c 147 s 8 are each amended to read as follows:

The surplus funds of a candidate, or of a political committee supporting or opposing a candidate, may only be disposed of in any one or more of the following ways:

(1) Return the surplus to a contributor in an amount not to exceed that contributor's original contribution;

(2) Transfer the surplus to the candidate's personal account as reimbursement for lost earnings incurred as a result of that candidate's election campaign. Such lost earnings shall be verifiable as unpaid salary or, when the candidate is not salaried, as an amount not to exceed income received by the candidate for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the candidate or the candidate's political committee. The committee shall include a copy of such record when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090;

(3) Transfer the surplus to ~~((one or more candidates or to))~~ a political ~~((committee or))~~ party;

(4) Donate the surplus to a charitable organization registered in accordance with chapter 19.09 RCW;

(5) Transmit the surplus to the state treasurer for deposit in the general fund; or

(6) Hold the surplus in the campaign depository or depositories designated in accordance with RCW 42.17.050 for possible use in a future election campaign ~~((for political activity, for community activity, or for nonreimbursed public office related expenses))~~ for the same office last sought by the candidate and report any such disposition in accordance with RCW 42.17.090: PROVIDED, That if the candidate subsequently announces or publicly files for office, information as appropriate is reported to the commission in accordance with RCW 42.17.040 through 42.17.090. If a subsequent office is not sought the surplus held shall be disposed of in accordance with the requirements of this section.

(7) No candidate or authorized committee may transfer funds to any other candidate or other political committee.

Sec. 22. RCW 42.17.105 and 1989 c 280 s 11 are each amended to read as follows:

(1) Campaign treasurers shall prepare and deliver to the commission a special report regarding any contribution which:

(a) Exceeds five hundred dollars;

(b) Is from a single person or entity;

(c) Is received before a primary or general election; and

(d) Is received: (i) After the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (ii) within twenty-one days preceding that general election.

(2) Any political committee making a contribution which exceeds five hundred dollars shall also prepare and deliver to the commission the special report if the contribution is made before a primary or general election and: (a) After the period

covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (b) within twenty-one days preceding that general election.

(3) Except as provided in subsection (4) of this section, the special report required by this section shall be delivered in written form, including but not limited to mailgram, telegram, or nightletter. The special report required by subsection (1) of this section shall be delivered to the commission within forty-eight hours of the time, or on the first working day after, the contribution is received by the candidate or campaign treasurer. The special report required by subsection (2) of this section and RCW 42.17.175 shall be delivered to the commission, and the candidate or political committee to whom the contribution is made, within twenty-four hours of the time, or on the first working day after, the contribution is made.

(4) The special report may be transmitted orally by telephone to the commission to satisfy the delivery period required by subsection (3) of this section if the written form of the report is also mailed to the commission and postmarked within the delivery period established in subsection (3) of this section.

(5) The special report shall include at least:

(a) The amount of the contribution;

(b) The date of receipt;

(c) The name and address of the donor;

(d) The name and address of the recipient; and

(e) Any other information the commission may by rule require.

(6) Contributions reported under this section shall also be reported as required by other provisions of this chapter.

(7) The commission shall publish daily a summary of the special reports made under this section and RCW 42.17.175.

~~(8) It is a violation of this chapter for ((any person to make, or for any candidate or political committee to accept from any one person, contributions reportable under RCW 42.17.090 in the aggregate exceeding fifty thousand dollars for any campaign for state wide office or exceeding five thousand dollars for any other campaign subject to the provisions of this chapter within twenty one days of a general election. This subsection does not apply to contributions made by, or accepted from, a major Washington state political party as defined in RCW 29.01.090))~~ a bona fide political party or caucus of the state legislature to make, or for a candidate for state-wide office to accept from a bona fide political party or caucus of the state legislature, contributions reportable under RCW 42.17.090 in the aggregate exceeding fifty thousand dollars within the twenty-one days preceding a general election.

(9) It is a violation of this chapter for a bona fide political party or caucus of the state legislature to make, or for any candidate for the state legislature to accept from a bona fide political party or a caucus of the state legislature, contributions reportable under RCW 42.17.090 in the aggregate exceeding five thousand dollars within twenty-one days of a general election.

(10) It is a violation of this chapter for any person to make, or for any candidate other than a candidate for state-wide office or for the state legislature to accept from any one person, contributions reportable under RCW 42.17.090 in the aggregate exceeding five thousand dollars within twenty-one days of a general election. This subsection does not apply to contributions made by, or accepted from, a major Washington state political party as defined in RCW 29.01.090.

Sec. 23. RCW 42.17.125 and 1989 c 280 s 12 are each amended to read as follows:

Contributions received and reported in accordance with RCW 42.17.060 through 42.17.090 may only be transferred to the personal account of a candidate, or of a treasurer or other individual or expended for such individual's personal use under the following circumstances:

(1) Reimbursement for or loans to cover lost earnings incurred as a result of campaigning or services performed for the committee. Such lost earnings shall be verifiable as unpaid salary, or when the individual is not salaried, as an amount not to exceed income received by the individual for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the individual or the individual's political committee. The committee shall include a copy of such record when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090.

(2) Reimbursement for direct out-of-pocket election campaign and postelection campaign related expenses made by the individual. To receive reimbursement from the political committee, the individual shall provide the committee with written documentation as to the amount, date, and description of each expense, and the committee shall include a copy of such information when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090.

(3) Repayment of loans made by the individual to political committees, which repayment shall be reported pursuant to RCW 42.17.090. However, contributions may not be used to reimburse a candidate for loans totalling more than three thousand dollars made by the candidate to the candidate's own authorized committee or campaign.

"PART IV INDEPENDENT EXPENDITURES"

Sec. 24. RCW 42.17.510 and 1984 c 216 s 1 are each amended to read as follows:

(1) All written political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name and address. All radio and television political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name. The use of an assumed name shall be unlawful. The party with which a candidate files shall be clearly identified in political advertising for partisan office.

(2) In addition to the materials required by subsection (1) of this section, all political advertising undertaken as an independent expenditure by a person or entity other than a party organization shall include the following statement on the communication "NOTICE TO VOTERS (Required by Law): This advertisement is not authorized or approved by any candidate. It is paid for by (name, address, city, state)."

If the advertisement is undertaken by a nonindividual, then the following notation shall also be included: "Top Five Contributors", followed by a listing of the names of the five persons or entities making the largest contributions reportable under this chapter during the twelve-month period before the date of the advertisement.

(3) The statements and listing of contributors required by subsections (1) and (2) of this section shall:

(a) Appear on each page or fold of the written communication in at least ten-point type, or in type at least ten percent of the largest size type used in a written communication directed at more than one voter, such as a billboard or poster, whichever is larger;

(b) Not be subject to the half-tone or screening process;

(c) Be in a printed or drawn box set apart from any other printed matter; and

(d) Be clearly spoken on any broadcast advertisement.

(4) Political yard signs are exempt from the requirement of subsections (1) and (2) of this section that the name and address of the sponsor of political advertising be listed on the advertising. In addition, the public disclosure commission shall, by rule, exempt from the identification requirements of subsections (1) and (2) of this section

forms of political advertising such as campaign buttons, balloons, pens, pencils, sky-writing, inscriptions, and other forms of advertising where identification is impractical.

((3)) (5) For the purposes of this section, "yard sign" means any outdoor sign with dimensions no greater than eight feet by four feet.

NEW SECTION. Sec. 25. INDEPENDENT EXPENDITURES.

A person or entity making an independent expenditure by mailing one thousand or more identical or nearly identical cumulative pieces of political advertising in a single calendar year shall, within one day after the time of the mailing, file an example of the mailed political advertising with the election officer of the county of residence for the candidate supported or opposed by the independent campaign expenditure or, in the case of an expenditure made in support of or in opposition to a ballot proposition, the county of residence for the person making the expenditure.

"PART V

USE OF PUBLIC FUNDS/OFFICE FOR POLITICAL PURPOSES"

NEW SECTION. Sec. 26. During the twelve-month period preceding the expiration of a state legislator's term in office, no incumbent to that office may mail to a constituent at public expense a letter, newsletter, brochure, or other piece of literature that is not in direct response to that constituent's request for a response or for information. However, one mailing mailed within thirty days after the start of a regular legislative session and one mailing mailed within sixty days after the end of a regular legislative session of identical newsletters to constituents are permitted. A violation of this section constitutes use of the facilities of a public office for the purpose of assisting a campaign under RCW 42.17.130.

Sec. 27. RCW 41.04.230 and 1988 c 107 s 19 are each amended to read as follows:

Any official of the state authorized to disburse funds in payment of salaries and wages of public officers or employees is authorized, upon written request of the officer or employee, to deduct from the salaries or wages of the officers or employees, the amount or amounts of subscription payments, premiums, contributions, or continuation thereof, for payment of the following:

(1) Credit union deductions: PROVIDED, That the credit union is organized solely for public employees: AND PROVIDED FURTHER, That twenty-five or more employees of a single state agency or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same credit union.

(2) Parking fee deductions: PROVIDED, That payment is made for parking facilities furnished by the agency or by the department of general administration.

(3) U.S. savings bond deductions: PROVIDED, That a person within the particular agency shall be appointed to act as trustee. The trustee will receive all contributions; purchase and deliver all bond certificates; and keep such records and furnish such bond or security as will render full accountability for all bond contributions.

(4) Board, lodging or uniform deductions when such board, lodging and uniforms are furnished by the state, or deductions for academic tuitions or fees or scholarship contributions payable to the employing institution.

(5) Dues and other fees deductions: PROVIDED, That the deduction is for payment of membership dues to any professional organization formed primarily for public employees or college and university professors: AND PROVIDED, FURTHER, That twenty-five or more employees of a single state agency, or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same professional organization.

(6) Labor or employee organization dues may be deducted in the event that a payroll deduction is not provided under a collective bargaining agreement under the provisions of RCW 41.06.150: PROVIDED, That twenty-five or more officers or employees of a single agency, or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to the same labor or employee organization: PROVIDED, FURTHER, That labor or employee organizations with five hundred or more members in state government may have payroll deduction for employee benefit programs.

~~(7) ((Voluntary deductions for political committees duly registered with the public disclosure commission and/or the federal election commission: PROVIDED, That twenty five or more officers or employees of a single agency or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to the same political committee.~~

(8)) Insurance contributions to the authority for payment of premiums under contracts authorized by the state health care authority.

Deductions from salaries and wages of public officers and employees other than those enumerated in this section or by other law, may be authorized by the director of financial management for purposes clearly related to state employment or goals and objectives of the agency and for plans authorized by the state health care authority.

The authority to make deductions from the salaries and wages of public officers and employees as provided for in this section shall be in addition to such other authority as may be provided by law: PROVIDED, That the state or any department, division, or separate agency of the state shall not be liable to any insurance carrier or contractor for the failure to make or transmit any such deduction.

"PART VI POLITICAL EXPENDITURE AND CONTRIBUTION REPORTING"

Sec. 28. RCW 42.17.180 and 1990 c 139 s 4 are each amended to read as follows:

(1) Every employer of a lobbyist registered under this chapter during the preceding calendar year and every person other than an individual that made contributions or independent expenditures reportable under this chapter that in the aggregate exceeded five hundred dollars during the preceding calendar year shall file with the commission on or before ~~((March 31st))~~ the last day of February of each year a statement disclosing for the preceding calendar year the following information:

(a) The name of each state elected official and the name of each candidate for state office who was elected to the office and any member of the immediate family of those persons to whom the ~~((employer))~~ person other than an individual reporting has paid any compensation in the amount of five hundred dollars or more during the preceding calendar year for personal employment or professional services, including professional services rendered by a corporation, partnership, joint venture, association, union, or other entity in which the person holds any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more, the value of the compensation in accordance with the reporting provisions set out in RCW 42.17.241(2), and the consideration given or performed in exchange for the compensation.

(b) The name of each state elected official, successful candidate for state office, or members of his immediate family to whom the ~~((lobbyist employer))~~ person other than an individual reporting made expenditures, directly or indirectly, either through a lobbyist or otherwise, the amount of the expenditures and the purpose for the expenditures. For the purposes of this subsection, the term expenditure shall not include any expenditure made by the employer in the ordinary course of business if the expenditure is not made for the purpose of influencing, honoring, or benefiting the

elected official, successful candidate, or member of his immediate family, as an elected official or candidate.

(c) The total expenditures made by the ~~((employer))~~ person other than an individual reporting for lobbying purposes, whether through or on behalf of a registered lobbyist or otherwise.

(d) All contributions made to a ~~((candidate for state office, to a))~~ political committee supporting or opposing a candidate for state office, or to a political committee supporting or opposing a state-wide ballot proposition. Such contributions shall be identified by the name and the address of the recipient and the aggregate amount contributed to each such recipient.

(e) The name and address of each registered lobbyist employed by the ~~((employer))~~ person other than an individual reporting and the total expenditures made by ~~((the employer))~~ each such person other than an individual for each such lobbyist for lobbying purposes.

(f) The names, offices sought, and party affiliations of candidates for state office supported or opposed by independent expenditures of the person other than an individual reporting and the amount of each such expenditure.

(g) The identifying proposition number and a brief description of any state-wide ballot proposition supported or opposed by expenditures not reported under (d) of this subsection and the amount of each such expenditure.

(h) Such other information as the commission prescribes by rule.

(2) (a) Except as provided in (b) of this subsection, an employer of a lobbyist registered under this chapter shall file a special report with the commission if the employer makes a contribution or contributions aggregating more than one hundred dollars in a calendar month to any one of the following: A candidate, elected official, officer or employee of an agency, or political committee. The report shall identify the date and amount of each such contribution and the name of the candidate, elected official, agency officer or employee, or political committee receiving the contribution or to be benefited by the contribution. The report shall be filed on a form prescribed by the commission and shall be filed within fifteen days after the last day of the calendar month during which the contribution was made.

(b) The provisions of (a) of this subsection do not apply to a contribution which is made through a registered lobbyist and reportable under RCW 42.17.170.

"PART VII PENALTIES"

Sec. 29. RCW 42.17.390 and 1973 c 1 s 39 are each amended to read as follows:

~~((1))~~ One or more of the following civil remedies and sanctions may be imposed by court order in addition to any other remedies provided by law:

~~((a))~~ (1) If the court finds that the violation of any provision of this chapter by any candidate or political committee probably affected the outcome of any election, the result of said election may be held void and a special election held within sixty days of such finding. Any action to void an election shall be commenced within one year of the date of the election in question. It is intended that this remedy be imposed freely in all appropriate cases to protect the right of the electorate to an informed and knowledgeable vote.

~~((b))~~ (2) If any lobbyist or sponsor of any grass roots lobbying campaign violates any of the provisions of this chapter, his registration may be revoked or suspended and he may be enjoined from receiving compensation or making expenditures for lobbying: PROVIDED, HOWEVER, That imposition of such sanction shall not excuse said lobbyist from filing statements and reports required by this chapter.

((e)) (3) Any person who knowingly violates any of the provisions of this chapter may be subject to a civil penalty of not more than ten thousand dollars for each such violation. However, a person or entity who knowingly violates section 4 of this act may be subject to a civil penalty of ten thousand dollars or three times the amount of the contribution illegally made or accepted, whichever is greater.

((d)) (4) Any person who fails to file a properly completed statement or report within the time required by this chapter may be subject to a civil penalty of ten dollars per day for each day each such delinquency continues.

((e)) (5) Any person who fails to report a contribution or expenditure may be subject to a civil penalty equivalent to the amount he failed to report.

((f)) (6) The court may enjoin any person to prevent the doing of any act herein prohibited, or to compel the performance of any act required herein.

"PART VIII PUBLIC DISCLOSURE COMMISSION"

NEW SECTION. Sec. 30. COMMISSION AUDITS.

The commission shall conduct a sufficient number of audits and field investigations so as to provide a statistically valid finding regarding the degree of compliance with the provisions of this chapter by all required filers.

"PART IX REFERENDUM"

NEW SECTION. Sec. 31. REFERENDUM.

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

"PART X MISCELLANEOUS"

NEW SECTION. Sec. 32. APPROPRIATION.

The sum of dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the general fund to the public disclosure commission for the purposes of this act.

NEW SECTION. Sec. 33. CODIFICATION DIRECTIONS.

(1) Sections 1 through 20 of this act are each added to chapter 42.17 RCW as a subchapter and codified with the subchapter heading of "CAMPAIGN CONTRIBUTION LIMITATIONS."

(2) Sections 25, 26, and 30 of this act are each added to chapter 42.17 RCW.

NEW SECTION. Sec. 34. REPEALER.

RCW 42.17.243 and 1977 ex.s. c 336 s 5 are each repealed.

NEW SECTION. Sec. 35. HEADINGS AND CAPTIONS.

Part headings and section captions as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 36. EFFECTIVE DATE.

This act shall take effect December 1, 1992.

NEW SECTION. Sec. 37. SEVERABILITY.

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

MOTION

Senator West moved that the following amendment to the striking amendment by Senator Linda Smith be adopted:

On page 24, line 5 of the striking amendment, after "26." insert the following:

"(1) During the twelve-month period preceding the expiration of any state elected official's or state legislator's term in office, no incumbent to that office may personally make a public service announcement for which public funds are paid. A violation of this section constitutes use of the facilities of a public office for the purpose of assisting a campaign under RCW 42.17.130.

(2) If, during the twelve-month period preceding the expiration of any state elected official's or state legislator's term in office, an incumbent to that office or a candidate for that office makes a public service announcement free of charge or for less than full consideration, the opportunity to make such less announcement shall be considered a "contribution" for the purposes of chapter 42.17 RCW to the extent that less than full consideration was paid.

For the purposes of this section, the term "public service announcement" means an announcement which promotes the programs, activities or services of federal, state or local governments or the programs, activities or services of nonprofit organizations or any other announcements regarded as serving community interests.

NEW SECTION. Sec. 27."

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

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator West on page 24, line 5, to the striking amendment by Senator Linda Smith to Substitute Senate Bill No. 5864.

The motion by Senator West failed and the amendment to the striking amendment was not adopted on a rising vote.

MOTIONS

On motion of Senator Murray, the following amendment to the striking amendment by Senator Linda Smith was adopted:

On page 24, after line 15, add the following:

"The house of representatives and senate shall specifically limit expenditures per member for the total cost of mailings, including but not limited to production costs, printing costs, and postage."

On motion of Senator Linda Smith, the following amendments by Senator Sutherland were considered simultaneously and were adopted:

On page 29, line 27, after "who" strike "knowingly"

On page 30, line 2, after "who" strike "knowingly"

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Linda Smith, as amended, to Substitute Senate Bill No. 5864.

The motion by Senator Linda Smith carried and the striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Linda Smith, the following title amendment was adopted:

On page 1, line 2 of the title, after "advertising," strike the remainder of the title and insert "amending RCW 42.17.095, 42.17.105, 42.17.125, 42.17.510, 41.04.230, 42.17.180, and 42.17.390; adding new sections to chapter 42.17 RCW; creating a new section; repealing RCW 42.17.243; prescribing penalties; making an appropriation; providing an effective date; and providing for submission of this act to a vote of the people."

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute Senate Bill No. 5864 was advanced to third reading, the second reading and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5864.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5864 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Thorsness, von Reichbauer, West - 25.

Voting nay: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Owen, Pelz, Rasmussen, Rinehart, Skratek, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 22.

Excused: Senators Niemi, A. Smith - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5864, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:41 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Monday, March 18, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

SIXTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 18, 1991

The Senate was called to order at 8:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Erwin, Matson, McDonald and Owen. On motion of Senator Linda Smith, Senators Anderson and Matson were excused. On motion of Senator Murray, Senator Owen was excused.

The Sergeant at Arms Color Guard, consisting of Pages Wade Ayers and Ashley Dumas, presented the Colors. Reverend Dewayne Lebow, pastor of the First Baptist Church of Tumwater, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 15, 1991

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1115,

HOUSE JOINT MEMORIAL NO. 4020, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 14, 1991

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1015,

HOUSE BILL NO. 1017,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1127,

SUBSTITUTE HOUSE BILL NO. 1194,

SUBSTITUTE HOUSE BILL NO. 1207,

SUBSTITUTE HOUSE BILL NO. 1209,

SUBSTITUTE HOUSE BILL NO. 1275,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1295,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1296,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1314,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1315,

SUBSTITUTE HOUSE BILL NO. 1316,
 SUBSTITUTE HOUSE BILL NO. 1336,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341,
 SUBSTITUTE HOUSE BILL NO. 1353,
 HOUSE BILL NO. 1354,
 HOUSE BILL NO. 1371,
 HOUSE BILL NO. 1372,
 HOUSE BILL NO. 1379,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1390,
 SUBSTITUTE HOUSE BILL NO. 1454,
 SUBSTITUTE HOUSE BILL NO. 1460,
 HOUSE BILL NO. 1482,
 HOUSE BILL NO. 1536,
 SUBSTITUTE HOUSE BILL NO. 1543,
 ENGROSSED HOUSE BILL NO. 1554,
 SUBSTITUTE HOUSE BILL NO. 1556,
 ENGROSSED HOUSE BILL NO. 1561,
 HOUSE BILL NO. 1562,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1569,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1599,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1608,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1609,
 ENGROSSED HOUSE BILL NO. 1647,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1714,
 SUBSTITUTE HOUSE BILL NO. 1747,
 SUBSTITUTE HOUSE BILL NO. 1858,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1870,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1877,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1901,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1913,
 ENGROSSED HOUSE JOINT MEMORIAL NO. 4008,
 HOUSE JOINT MEMORIAL NO. 4016, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1015 by House Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson, Roland, Horn, Zellinsky, Phillips, Winsley, Nealey, Nelson, Fraser and Rayburn)

Creating a procedure for local government service agreements.

Referred to Committee on Governmental Operations.

HB 1017 by Representatives Ferguson, Haugen, Horn, Roland, Cole, Wood, Zellinsky, D. Sommers, Nealey, Nelson, Mitchell, Fraser and May

Establishing a citizens' review process for altering local governments.

Referred to Committee on Governmental Operations.

ESHB 1127 by House Committee on Judiciary (originally sponsored by Representatives Sheldon, Hargrove, Appelwick, Forner, Paris, Vance, Scott, Wineberry, Jacobsen, Chandler, Wood, P. Johnson, Roland, R. Johnson, Haugen, Cantwell, Jones, May, Zellinsky, Brough, Basich, Lisk, Mitchell, Wynne, Miller, Moyer, Brekke and Sprengle)

Adding superior court judge positions.

Referred to Committee on Law and Justice.

SHB 1194 by House Committee on Local Government (Representatives Zellinsky, Wynne, Cooper, Rayburn, Roland, Wood, Edmondson, Mitchell, Nealey, Bray, Franklin and Haugen)

Revising and adding provisions on special districts.

Referred to Committee on Governmental Operations.

SHB 1207 by House Committee on Commerce and Labor (originally sponsored by Representatives Cole, Fuhrman, Jones, R. King and Winsley) (by request of Department of Labor and Industries)

Revising information requirements for contractor registration.

Referred to Committee on Commerce and Labor.

SHB 1209 by House Committee on State Government (originally sponsored by Representatives Sheldon and P. Johnson)

Concerning the requirements for filing for an elective office.

Referred to Committee on Governmental Operations.

SHB 1275 by House Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson and Cooper)

Adjusting provisions relating to local government.

Referred to Committee on Governmental Operations.

ESHB 1295 by House Committee on Higher Education (originally sponsored by Representatives Wood, Jacobsen, Ogden, Miller, Sheldon, Spanel, Dellwo, May, Fraser, Paris, Betzoff, Wineberry, R. Johnson, Brekke and Anderson)

Establishing a physical access committee at each institution of higher education.

Referred to Committee on Higher Education.

ESHB 1296 by House Committee on Higher Education (originally sponsored by Representatives Ogden, Wood, Spanel, Miller, Sheldon, Dellwo, May, Fraser, Paris, Ferguson, Betzoff, Mitchell, Wineberry, R. Johnson, Brekke, Basich and Anderson)

Improving access to higher education for students with disabilities.

Referred to Committee on Higher Education.

ESHB 1314 by House Committee on Trade and Economic Development (originally sponsored by Representatives Haugen, Spanel, Wilson, R. Johnson, Kremen, Braddock, H. Sommers, Morris, R. King, Sheldon, Hargrove, Belcher, Basich and Jacobsen)

Creating the natural resource worker project.

Referred to Committee on Commerce and Labor.

ESHB 1315 by House Committee on Trade and Economic Development (originally sponsored by Representatives Haugen, Spanel, Wilson, R. Johnson, Kremen, Braddock, H. Sommers, Morris, R. King, Sheldon, Hargrove, Belcher, Basich, Dorn, Jacobsen and Wineberry)

Creating a training program for displaced timber workers in Skagit county.

Referred to Committee on Commerce and Labor.

SHB 1316 by House Committee on Local Government (originally sponsored by Representatives Fraser, Brumsickle, Haugen, Basich, Wang, Ferguson, Edmondson, Sheldon, Cooper, Bowman, Nealey, Riley, Wood, Zellinsky, Mitchell, H. Myers, Jones and Paris)

Changing provisions relating to county treasurers.

Referred to Committee on Governmental Operations.

SHB 1336 by House Committee on Housing (originally sponsored by Representatives Leonard, Ogden, Anderson, Ballard, Nelson, Winsley, Wineberry, Franklin, Mitchell, Paris and Brekke)

Regulating the screening of prospective residential tenants.

Referred to Committee on Law and Justice.

ESHB 1341 by House Committee on Trade and Economic Development (originally sponsored by Representatives Sheldon, Hargrove, Jones, Inslee, Riley, Rayburn, P. Johnson, Bowman, Haugen, Paris, Brumsickle, Wynne, Beck, Fuhrman, Ferguson, Basich, Morton, Padden, Roland, Heavey, H. Myers, Peery, Ebersole, May, Lisk, Zellinsky, Nealey, Edmondson, Cooper, Berozoff, Miller, Mitchell, Jacobsen, R. King, Wineberry, Franklin and R. Johnson)

Promoting economic development.

Referred to Committee on Commerce and Labor.

SHB 1353 by House Committee on Commerce and Labor (originally sponsored by Representatives R. King, Jones and Cole) (by request of Department of Labor and Industries)

Revising provisions for industrial insurance coverage.

Referred to Committee on Commerce and Labor.

HB 1354 by Representatives Franklin, Jones and Cole (by request of Department of Labor and Industries)

Changing notice and withhold requirements when industrial insurance taxes are in arrears.

Referred to Committee on Commerce and Labor.

HB 1371 by Representatives Hargrove, Winsley, Prentice, Morris, Tate, Riley, Leonard, H. Myers, D. Sommers, Wynne, Moyer, Miller and May (by request of Department of Corrections)

Modifying probation assessment provisions.

Referred to Committee on Law and Justice.

HB 1372 by Representatives Hargrove, Winsley, Prentice, Morris, Tate, Riley, Leonard and H. Myers (by request of Department of Corrections)

Repealing the interstate parole and probation hearing procedures act.

Referred to Committee on Law and Justice.

HB 1379 by Representatives Cooper, Wood, Haugen and Zellinsky

Prohibiting connection of a sewer without approval of sewer district.

Referred to Committee on Governmental Operations.

ESHB 1390 by House Committee on Human Services (originally sponsored by Representatives Hine, Leonard, Winsley, Belcher, Holland, Prentice, Jones, Sprenkle, Fraser, Brekke, H. Myers, Anderson, Riley, Heavey, Inslee, R. Meyers, Dorn, Cooper, G. Fisher, Basich, Pruitt, Bray, Franklin, Phillips, Valle, Roland, Rasmussen, Scott, Dellwo, Sheldon, O'Brien, Jacobsen, Wang and Rayburn)

Creating a community mobilization program for teens.

Referred to Committee on Children and Family Services.

SHB 1454 by House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Horn, Betrozoff and Nealey) (by request of Department of Ecology)

Pertaining to the applicability of the uniform fire code to underground storage tank laws.

Referred to Committee on Environment and Natural Resources.

SHB 1460 by House Committee on Local Government (originally sponsored by Representatives Franklin, Haugen, Ferguson and Ebersole)

Providing an alternative to drainage districts.

Referred to Committee on Governmental Operations.

HB 1482 by Representatives Prentice, Moyer, Braddock, Morris, Heavey, Winsley, Orr, Wineberry and Anderson (by request of Department of Health)

Modifying funding requirements of the AIDS service networks.

Referred to Committee on Health and Long-Term Care.

HB 1536 by Representatives Anderson, Moyer, Sprenkle, Paris, Wynne, Jacobsen and Winsley

Continuing hospice services an additional two years for medical assistance recipients.

Referred to Committee on Health and Long-Term Care.

SHB 1543 by House Committee on Human Services (originally sponsored by Representatives Fraser, Belcher, Winsley, Leonard, Beck, Hine, Ebersole, Brekke, Jones, Pruitt, Holland, Jacobsen and Heavey)

Providing family support for schools with at-risk students.

Referred to Committee on Education.

EHB 1554 by Representatives Anderson, McLean, Miller, Tate, R. Fisher, Paris and Jacobsen

Facilitating voter registration address verification.

Referred to Committee on Governmental Operations.

SHB 1556 by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Prentice, Dellwo, Ludwig, Edmondson, Mielke, D. Sommers, Paris, Moyer, Sprenkle, Braddock, Holland, Winsley, Wynne, Vance, Brough, Tate, Silver, Mitchell, Hochstatter, Nealey, Betzoff, Morton, Wood and Horn)

Limiting the strict liability of pharmacists.

Referred to Committee on Law and Justice.

EHB 1561 by Representatives Anderson, McLean, Belcher and Bowman (by request of Department of General Administration)

Creating the tort claims revolving fund.

Referred to Committee on Governmental Operations.

HB 1562 by Representatives Anderson, McLean, Belcher and Bowman (by request of Department of General Administration)

Modifying the department of general administration's duties regarding excess receipts from building rent.

Referred to Committee on Governmental Operations.

ESHB 1569 by House Committee on Health Care (originally sponsored by Representatives Braddock, Prentice, Franklin, Locke, Morris, Sprenkle, Anderson, Nelson, Jacobsen, Belcher, Rasmussen, Wineberry, Brekke, Cole, Peery, R. Fisher, Spanel, Cantwell, Valle, Riley, Phillips and Paris)

Providing for community-based long-term care and support services for functionally disabled persons.

Referred to Committee on Health and Long-Term Care.

ESHB 1599 by House Committee on Commerce and Labor (originally sponsored by Representatives Basich, Hargrove, Jones, Sheldon, Riley, P. Johnson, Bowman, Belcher, Cole, Brumsickle, Kremen, R. Johnson, Heavey, Morris, H. Myers, Peery, Rayburn, Jacobsen, R. King, Inslee, G. Fisher, Roland, Phillips, Orr, Cooper, Rasmussen and Spanel)

Providing additional unemployment insurance benefits and training for certain lumber and wood products workers.

Referred to Committee on Commerce and Labor.

ESHB 1608 by House Committee on Human Services (originally sponsored by Representatives Leonard, Winsley, Rasmussen, Beck, Anderson, Hargrove, Brekke, Bowman, Dorn, Hine, Rust, Riley, Spanel, H. Myers, Dellwo, Phillips, Haugen, Jacobsen, Jones, R. King, Pruitt, Basich, R. Johnson, Van Luven, Holland, Valle, Paris, Belcher, Sheldon and O'Brien)

Improving services for children.

Referred to Committee on Health and Long-Term Care.

ESHB 1609 by House Committee on Human Services (originally sponsored by Representatives Leonard, Winsley, Riley, Brekke, R. King, Anderson, Phillips, Dellwo, Spanel, Haugen, Hine, Jones, Pruitt, Basich, R. Johnson, Van Luven, Wang, Vallè, Inslee, Belcher, Sheldon and O'Brien)

Developing additional mental health services for children.

Referred to Committee on Health and Long-Term Care.

EHB 1647 by Representatives Locke, Jones, Rasmussen, Bowman and Wynne (by request of Department of Community Development and Office of Financial Management)

Authorizing public works loans to local governments in timber impact areas.

Referred to Committee on Commerce and Labor.

ESHB 1714 by House Committee on Human Services (originally sponsored by Representatives Riley, Beck, Leonard, Winsley, Anderson, R.

King, Hargrove, H. Myers, Jacobsen, Franklin, Roland, Zellinsky, Phillips, Jones, Rasmussen, Paris, Orr, Inslee, Basich, Sheldon, Morris and Wineberry)

Providing support for families in timber communities.

Referred to Committee on Children and Family Services.

SHB 1747 by House Committee on Appropriations (originally sponsored by Representatives Jones, Bowman, Basich, Hargrove, Sheldon, Holland, Riley, Nelson, Valle and Wineberry)

Creating the homelessness prevention program.

Referred to Committee on Commerce and Labor.

SHB 1858 by House Committee on Local Government (originally sponsored by Representatives Bray, Roland and Haugen)

Authorizing cities and towns to cash employee checks, drafts, and warrants.

Referred to Committee on Governmental Operations.

ESHB 1870 by House Committee on Higher Education (originally sponsored by Representatives Jones, Basich, Hargrove, Jacobsen, Riley, Fuhrman, R. Johnson, Wilson, Wineberry, Morris, Miller, Wynne, Wood, D. Sommers, Roland, Brumsickle, Rasmussen, Sprengle and Orr)

Providing higher education opportunities for people in economically depressed timber regions.

Referred to Committee on Higher Education.

ESHB 1877 by House Committee on Natural Resources and Parks (originally sponsored by Representatives Hargrove, Belcher, Jones, Phillips, Jacobsen, Sheldon, Basich and Rasmussen)

Creating the Olympic natural resources center.

Referred to Committee on Environment and Natural Resources.

ESHB 1901 by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Tate, Ludwig, R. Meyers, Riley, Forner, Inslee, Paris, H. Myers, Vance, Broback, D. Sommers, Holland, Rasmussen, Brough, Dorn, Wang, Winsley, Wynne, McLean, Wood, Moyer and Rayburn)

Amending the juvenile justice act.

Referred to Committee on Law and Justice.

ESHB 1913 by House Committee on Human Services (originally sponsored by Representatives Hargrove, Grant and Neher)

Revising collective bargaining provisions for certain employees of the division of prisons of the department of corrections.

Referred to Committee on Commerce and Labor.

EHJM 4008 by Representatives R. King, Hochstatter, Cole, Orr, Haugen, Basich, Wilson, Spanel, Fuhrman, Padden, Winsley, D. Sommers, Bowman, Paris, May, Miller, Riley, Brough, Silver, Nealey, Forner, Wynne, Sheldon, Fraser, Phillips, Jones, Brumsickle, Nelson, Neher, Horn, Casada, H. Myers, Leonard, Moyer, Sprenkle, Brekke and Anderson

Requesting Congress and the President to ban driftnets.

Referred to Committee on Environment and Natural Resources.

HJM 4016 by Representatives Ludwig, May, Bray, Moyer, Rayburn, Grant, Lisk, Neher, Edmondson, Orr, Jacobsen, Nealey, Paris, Chandler, Betzoff and Miller

Requesting that Hanford be acknowledged as a national research and development center.

Referred to Committee on Energy and Utilities.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9089, Kevin Kelly, as a member of the Eastern State Hospital Advisory Board, was confirmed.

APPOINTMENT OF KEVIN KELLY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder,

Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senators Erwin, McDonald - 2.

Excused: Senators Anderson, Matson, Owen - 3.

MOTION

On motion of Senator Linda Smith, Senators Erwin and McDonald were excused.

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9091, Ira S. Klein, as a member of the Western State Hospital Advisory Board, was confirmed.

APPOINTMENT OF IRA S. KLEIN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Anderson, Erwin, Matson, McDonald, Owen - 5.

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9094, Pam Lucas, as a member of the Eastern State Hospital Advisory Board, was confirmed.

APPOINTMENT OF PAM LUCAS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Anderson, Erwin, Matson, McDonald, Owen - 5.

SECOND READING

SENATE BILL NO. 5667, by Senators Niemi, West, Vognild, Bailey, Stratton, Saling, McMullen, L. Smith, Skratek and Sutherland

Assuring access to local evaluation and treatment facilities.

MOTIONS

On motion of Senator Newhouse, Second Substitute Senate Bill No. 5667 was substituted for Senate Bill No. 5667 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Second Substitute Senate Bill No. 5667 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5667.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5667 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Anderson, Owen - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5667, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:03 a.m. on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:23 a.m. by President Pritchard.

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

MOTION

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

SENATE RESOLUTION 1991-8631

By Senators Owen, Craswell and Oke

WHEREAS, The New York-based Money magazine last fall recognized Bremerton as the most liveable community in the United States of America, a fact that many of us already knew; and

WHEREAS, Money magazine refers to Bremerton as "a medium-size, safe, environmentally clean place, with a rebounding economy, located an hour or less from a large, vibrant U.S. City"; and

WHEREAS, Bremerton is well-known for its natural beauty, clean air, blue water, and ready access to the Olympic Mountains, making it an ideal location for boaters, cyclists, clam diggers, campers, hikers, swimmers, joggers, and sporting enthusiasts; and

WHEREAS, Bremerton is proud of its rich heritage of support for the United States Navy. Home of the Puget Sound Naval Shipyard for one hundred years, Bremerton is host to a high tech shipyard capable of servicing all manner of naval vessels including the largest nuclear aircraft carriers; and

WHEREAS, The downtown Bremerton waterfront is fast becoming a major tourist attraction. The public fishing and recreational pier is already in place, while a two-block boardwalk along the water edge, the Puget Sound Naval Shipyard Centennial Plaza, a fifty-slip moorage, and public tours of the retired naval destroyer U.S.S. Turner Joy are just around the corner; and

WHEREAS, Bremerton is proud of its strong school system, including the Bremerton School District, which recently opened a new, modern high school with a one thousand two hundred seat performing arts center, and Olympic College, which provides a wide array of vocational and traditional courses for six thousand five hundred students, and a strong apprentice school at Puget Sound Naval Shipyard; and

WHEREAS, There are many cultural offerings available for Bremerton residents, including the Bremerton Symphony, the Bremerton Community Theater, Central Stage Presentations, and the Bremerton Performing Arts Center. Furthermore, a three million two hundred thousand dollar renovation of the Admiral Theater, a World War II-era movie house, is underway; and

WHEREAS, Bremerton residents celebrate their great community, especially during the Armed Forces Festival, culminating with the Armed Forces Parade on May 18, 1991, and the Bremerton Blackberry Festival on Labor Day weekend, providing fun and entertainment for the whole family;

NOW, THEREFORE, BE IT RESOLVED, That the Legislature recognize that Bremerton is indeed the number one city in our great nation, and deems it appropriate that the residents of Bremerton be so honored accordingly; and

BE IT FURTHER RESOLVED, That the Legislature offer its congratulations and transmit copies of this resolution to the Honorable Louis Mentor, Mayor of Bremerton, and the Honorable Bremerton City Council Members Al Colvin, Morrie Dawkins, Hank Waibel, Lon Overson, Wayne

Estes, Lynn Horton, C.R. "Tiny" Collins, Spencer Horning, and Russ Johnson; and

BE IT FURTHER RESOLVED, That residents of the eastern shore of the Puget Sound who are interested in a new place to live will find affordable housing and business sites, beautiful surroundings, and a warm welcome in Bremerton.

Senators Owen and Craswell spoke to Senate Resolution 1991-8631.

INTRODUCTION OF SPECIAL GUEST

The President introduced the Mayor of Bremerton, the Honorable Louis Mentor, who was seated in the gallery.

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

SECOND READING

SENATE BILL NO. 5768, by Senators Hayner, Barr, Newhouse and Anderson

Requiring certain procedures when dealing with railroad rights of way.

MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 5768 was substituted for Senate Bill No. 5768 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hayner, the following amendments by Senators Hayner, Hansen and Barr were considered simultaneously and were adopted:

On page 2, line 14, after "improvements" and before the period insert "owned by the occupant"

On page 2, line 17, after "improvements" and before the period insert "owned by the occupant"

On page 2, line 22, after "any" delete "successor in interest, its"

MOTIONS

On motion of Senator Hayner, the following amendment by Senators Hayner, Hansen and Barr was adopted:

On page 5, line 7, after "appeal." insert "The fair market rental value established by the board of equalization shall be applied from the date of the notice of intent to appeal and any balance due resulting from the determination shall be paid in full within thirty days of that determination."

On motion of Senator Hayner, the rules were suspended, Engrossed Substitute Senate Bill No. 5768 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Gaspard: "Senator Hayner, my understanding is that Substitute Senate Bill No. 5768 is written to deal only with lands adjacent to abandoned railroad lines that are under lease or that have leasehold improvements on them. Further, there is no intent for this legislation to affect or apply, in any way, to land that constitutes the former right-of-way upon which a railroad tract was located."

Senator Hayner: "That is correct, Senator Gaspard. This bill, in no way, requires the sale of abandoned railroad corridors."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5768.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5768 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wójahn - 45.

Voting nay: Senators Matson, Moore, Nelson, Vognild - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5768, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1115,

HOUSE JOINT MEMORIAL NO. 4020.

SECOND READING

SENATE BILL NO. 5581, by Senators Anderson, Murray, Pelz, McCaslin, McMullen, Moore, Craswell, Bailey, L. Smith and A. Smith

Creating the community partnership program.

MOTIONS

On motion of Senator Amondson, Substitute Senate Bill No. 5581 was substituted for Senate Bill No. 5581 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Amondson, the rules were suspended, Substitute Senate Bill No. 5581 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5581.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5581 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, von Reichbauer, West - 41.

Voting nay: Senators Conner, L. Kreidler, Niemi, Rinehart, Talmadge, Vognild, Williams, Wojahn - 8.

SUBSTITUTE SENATE BILL NO. 5581, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5359 and the pending amendment by Senator Sutherland on page 2, after line 7, deferred March 15, 1991.

MOTION

On motion of Senator Sutherland, and there being no objection, the amendment on page 2, after line 7, to Substitute Senate Bill No. 5359 was withdrawn.

MOTION

On motion of Senator Amondson, the rules were suspended, Substitute Senate Bill No. 5359 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5359.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5359 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson,

Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 5359, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5585, by Senators West, Stratton, McCaslin and Saling

Establishing a license to sell liquor in motels.

The bill was read the second time.

MOTION

On motion of Senator Matson, the rules were suspended, Senate Bill No. 5585 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5585.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5585 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Bluechel, Erwin, Gaspard, Hayner, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Niemi, Owen, Pelz, Rinehart, Saling, Sellar, Skratek, Snyder, Stratton, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 28.

Voting nay: Senators Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Hansen, Jesernig, Johnson, L. Kreidler, Metcalf, Newhouse, Oke, Patterson, Rasmussen, Roach, A. Smith, L. Smith, Sutherland, Talmadge - 21.

SENATE BILL NO. 5585, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:00 noon, on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:09 p.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 5147, by Senators Nelson, A. Smith and Newhouse

Protecting alternative dispute resolution processes and mediators and arbitrators from legal action.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5147 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5147.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5147 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senators Conner, Matson - 2.

SENATE BILL NO. 5147, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5940, by Senators Hayner, Bailey, Roach, Craswell, Oke, Erwin, Johnson, Bluechel, Barr, Cantu and Metcalf

Requiring legislative approval for lottery or electronic gambling devices.

The bill was read the second time.

MOTION

Senator Owen moved that the following amendment by Senators Owen, Snyder and Conner be adopted:

On page 3, following line 20, strike the remainder of the bill

Debate ensued.

POINT OF INQUIRY

Senator Wojahn: "Senator Bauer, have you ever been to a Reno Night put on by a charitable group and seen a lot of people there?"

Senator Bauer: "Yes."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Owen, Snyder and Conner on page 3, following line 20, to Senate Bill No. 5940.

The motion by Senator Owen failed and the amendment was not adopted on a rising vote.

MOTIONS

On motion of Senator Hayner, the following amendment by Senators Hayner, Newhouse and McDonald was adopted:

On page 4, after line 2, insert the following:

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Re-number the remaining section consecutively.

On motion of Senator McDonald, the following title amendment was adopted:

Beginning on line 2 of the title, strike "and", and after ".0233" insert "; and declaring an emergency"

MOTION

On motion of Senator McDonald, the rules were suspended, Engrossed Senate Bill No. 5940 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Anderson, Senator Amondson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5940.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5940 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McDonald, Metcalf, Newhouse, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, L. Smith, Thorsness, West, Wojahn - 27.

Voting nay: Senators Bauer, Conner, Hansen, Matson, McCaslin, McMullen, Moore, Murray, Nelson, Niemi, Owen, Sellar, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Williams - 21.

Excused: Senator Amondson - 1.

ENGROSSED SENATE BILL NO. 5940, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5724, by Senators Sutherland, Hayner and Owen

Requiring the department of ecology to study impacts of regulating paper mill waste.

MOTIONS

On motion of Senator Metcalf, Second Substitute Senate Bill No. 5724 was substituted for Senate Bill No. 5724 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Sutherland, the following amendment was adopted:

On page 2, line 5, strike "a pulp mill" and insert "pulp mills and paper mills"

MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5724 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5724.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5724 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, Skratek, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 41.

Voting nay: Senators L. Kreidler, Moore, Murray, Niemi, Pelz, Rinehart, A. Smith, Talmadge - 8.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5724, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5670, by Senators Niemi and West

Changing provisions relating to children's mental health.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5670 was substituted for Senate Bill No. 5670 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5670 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5670.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5670 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 5670, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5653, by Senators Roach, Bailey, Stratton, Murray, Talmadge, Vognild, McMullen, Gaspard, Snyder, Wojahn, Johnson, Jesernig, Thorsness and Pelz

Authorizing specialized child care and respite care for children of homeless parents.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5653 was substituted for Senate Bill No. 5653 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5653 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5653.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5653 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 5653, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5457, by Senators L. Smith, Rasmussen, West, Stratton, Johnson, Owen, Saling, McCaslin, Bailey, Metcalf, Craswell, Amondson, Hayner, Thorsness and Cantu

Prohibiting certain public contact and requiring notification of employers by persons infected with HIV.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5457 was substituted for Senate Bill No. 5457 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5457 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5457.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5457 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson,

McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, von Reichbauer, West - 40.

Voting nay: Senators L. Kreidler, Moore, Niemi, Pelz, Rinehart, Talmadge, Vognild, Williams, Wojahn - 9.

SUBSTITUTE SENATE BILL NO. 5457, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5860, by Senators Hayner, McMullen, Matson and Gaspard (by request of Gambling Commission)

Creating a legislative committee to review proposed Indian gaming compacts.

The bill was read the second time.

MOTION

On motion of Senator Matson, the rules were suspended, Senate Bill No. 5860 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Vognild: "Senator Hayner, I read this bill and I did not see anything on advise and consent, either by the Senate or the entire Legislature. Is it your intent that the Legislature would, at some time, ratify a compact?"

Senator Hayner: "This bill does not say that, but in the event that that was what we decided should happen, we could still do that. It is my feeling, however, that we are very well represented by the Deputy Director, Frank Miller, of the Gambling Commission, and this would be more in the nature of an oversight committee."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5860.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5860 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SENATE BILL NO. 5860, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5143, by Senators Metcalf, Murray and Conner

Increasing the procurement of recycled products.

MOTIONS

On motion of Senator Metcalf, Second Substitute Senate Bill No. 5143 was substituted for Senate Bill No. 5143 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Second Substitute Senate Bill No. 5143 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5143.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5143 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SECOND SUBSTITUTE SENATE BILL NO. 5143, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5721, by Senators McDonald, Vognild and Patterson (by request of Department of Transportation and Department of General Administration)

Limiting the liability of state and local governments.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5721 was substituted for Senate Bill No. 5721 and the substitute bill was placed on second reading and read the second time.

Senator Murray moved that the following amendment be adopted:

On page 2, line 25, after "facilities" insert ": PROVIDED, That a public facility shall not include a common school, public hospital, or public housing for military veterans"

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, I was listening intently to what you were saying and you were saying that the people should not be responsible for something that was built prior to. My question is, are not most of these cases decided in the court and the jury would say, 'you know or you should have known that it was dangerous?'"

Senator McDonald: "Let's take, for example, Senator Rasmussen, that you have a facility that was totally in conformance with the codes as they were written when it was built. A day after new codes are adopted, then presumably, you could come in and sue, because now somebody was injured because it isn't in conformance with the present codes. I think that is wrong. What Senator Murray's amendment would do is take us back to the days when government became the deep pocket and came to be treated differently than virtually everybody else. I think that is a bad idea and I don't think this amendment should be adopted."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Murray on page 2, line 25, to Substitute Senate Bill No. 5721.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Conner, Gaspard, Hayner, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Williams, Wojahn - 21.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hansen, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Roach, Saling, Sellar, L. Smith, Stratton, Thorsness, Vognild, von Reichbauer, West - 28.

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 2, line 25, after "facilities" insert ": PROVIDED, That public use facilities shall not include real property leased or rented by the state or its political subdivisions"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 2, line 25, to Substitute Senate Bill No. 5721.

The motion by Senator Talmadge failed and the amendment was not adopted.

MOTION

Senator McMullen moved that the following amendment be adopted:

On page 2, after line 25 insert the following:

NEW SECTION. Sec. 5. The provisions of sections 1 through 3 of this bill shall not apply to public facilities which are in competition with, or provide essentially identical services as, facilities owned by nonpublic persons.

POINT OF INQUIRY

Senator McDonald: "Senator McMullen, the way I understand this is that if you adopted this amendment, then you would be saying that any facility that was providing a service to the state that could be construed to be in competition with the state would then fall under the joint and several liability such that if they built something that was conforming with the codes as it was when they built it, they would be able to be sued even if it didn't conform now--ten years later. Is that the gist?"

Senator McMullen: "The underlying bill itself goes to the codes at the time of construction. All I am talking about in this amendment, and we used public and private hospitals for example, is that public hospitals will be immune from the lawsuit when they construct the hospital. Therefore, when they go to buy their insurance, the public hospitals need not purchase insurance to cover this type of liability, but the private hospitals will still have to maintain liability insurance for this type of an injury. If there is a code change and a private hospital doesn't keep up with the code change and the patient is injured, they may be liable, depending on the facts of the case, and they are going to have to carry insurance for that liability. This is an increased cost that private hospitals have to bear."

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5721 was deferred.

SECOND READING

SENATE BILL NO. 5612, by Senators Bluechel, Snyder, Metcalf and Stratton (by request of Department of Natural Resources)

Changing provisions relating to natural resources conservation areas.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5612 was substituted for Senate Bill No. 5612 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5612 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5612.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5612 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Absent: Senator Barr - 1.

SUBSTITUTE SENATE BILL NO. 5612, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5510, by Senators Rasmussen, Moore, Nelson, Bauer, Saling and L. Smith

Allowing for restoration of withdrawn contributions in annual installments to the Washington Public employees' retirement system.

The bill was read the second time.

MOTION

Senator Sutherland moved that the following amendment be adopted:

On page 4, after line 14, insert the following:

NEW SECTION. Sec. 2. A member of plan I of the Washington public employees' retirement system under chapter 41.40 RCW who retired out-of-service under the age of sixty-five between January 1, 1979, and June 30, 1979, after twenty or more years of service and who received a disability benefit under the federal social security act is entitled to have his or her retirement allowance recalculated, upon request, using the survivor option chosen in 1979 but without actuarial reduction from age sixty-five. The request for such recalculation shall be made to the director of retirement systems before July 1, 1991.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sutherland on page 4, after line 14, to Senate Bill No. 5510.

The motion by Senator Sutherland failed and the amendment was not adopted.

MOTION

On motion of Senator McDonald, the rules were suspended, Senate Bill No. 5510 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5510.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5510 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SENATE BILL NO. 5510, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5776, by Senator McMullen

Regulating alcoholic beverages.

MOTIONS

On motion of Senator Matson, Substitute Senate Bill No. 5776 was substituted for Senate Bill No. 5776 and the substitute bill was placed on second reading and read the second time.

Senator McMullen moved that the following amendments by Senators McMullen and McDonald be considered simultaneously and be adopted:

On page 5, line 15, after "state." strike all material through "only" and insert the following: "Sale" and "sell" shall not include: (a) the giving, at no charge, of a reasonable amount of liquor by a person not licensed by the board to a person not licensed by the board, for personal use only; or (b) a raffle authorized under RCW 9.46.0315: PROVIDED, That the nonprofit organization conducting the raffle has obtained the appropriate permit from the board"

On page 9, after line 29, insert the following:

Sec. 4. RCW 9.46.0351 and 1987 c 4 s 7 are each amended to read as follows:

Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of raffles, are hereby authorized to conduct raffles without obtaining a license to do so from the commission when such raffles are held in accordance with all other requirements of this chapter, other applicable laws, and rules of the commission; when gross revenues from all such raffles held by the organization during the calendar year do not exceed five thousand dollars; and when tickets to such raffles are sold only to, and winners are determined only from among, the regular members of the organization conducting the raffle. The organization may provide unopened containers of beverages containing alcohol as raffle prizes if the appropriate permit has been obtained from the liquor control board: PROVIDED, That the term members for this purpose shall mean only those persons who have become members prior to the commencement of the raffle and whose qualification for membership was not dependent upon, or in any way related to, the purchase of a ticket, or tickets, for such raffles."

POINT OF ORDER

Senator Metcalf: "Mr. President, I raise the question of scope and object on both amendments and I would like to speak to that. The original bill mentioned nothing about raffles and this extends specifically to raffles, so it clearly expands the scope and object of the bill without any question."

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5776 was deferred.

SECOND READING

SENATE BILL NO. 5830, by Senators Stratton, Erwin, Rasmussen, Williams, Talmadge, Wojahn, Vognild, Pelz, Snyder and Owen

Creating gang risk intervention pilot programs.

MOTIONS

On motion of Senator Amondson, Second Substitute Senate Bill No. 5830 was substituted for Senate Bill No. 5830 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Amondson, the rules were suspended, Second Substitute Senate Bill No. 5830 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5830.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5830 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SECOND SUBSTITUTE SENATE BILL NO. 5830, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5591, by Senators Metcalf, Amondson, A. Smith and Roach

Adopting comprehensive recycling programs.

MOTIONS

On motion of Senator Metcalf, Second Substitute Senate Bill No. 5591 was substituted for Senate Bill No. 5591 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Second Substitute Senate Bill No. 5591 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5591.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5591 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SECOND SUBSTITUTE SENATE BILL NO. 5591, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5167, by Senators Nelson, Rasmussen, Newhouse, Stratton, Roach, Niemi and Talmadge

Amending the juvenile justice act.

MOTIONS

On motion of Senator Nelson, Second Substitute Senate Bill No. 5167 was substituted for Senate Bill No. 5167 and the second substitute bill was placed on second reading and read the second time.

Senator Talmadge moved that the following amendment be adopted:

On page 1, following the enacting clause strike everything and insert the following:

NEW SECTION. Sec. 1.

(1) There is hereby created the joint select committee on juvenile justice.

(2) The president of the senate shall appoint six members of the senate to the committee, not more than four from the same political party. The speaker of the house of representatives shall appoint six members of the house to the committee, not more than four from the same political party.

(3) The mission of the committee shall be to identify, analyze, and recommend improvements to any component of the juvenile justice system which is in need of revision. In doing so, the committee shall consider the need for improvements in treatment, incarceration, public safety, and rehabilitation. The committee shall interpret its mission broadly and not be limited in its approach to the subject area.

(4) The committee is directed to seek the broadest possible public input in its work. The committee is authorized to appoint advisory and technical groups concerned with, and knowledgeable of, the juvenile justice system to assist it in its work. The committee shall hold its meeting throughout the state and publicize its work to achieve maximum public participation.

(5) The committee shall examine any statute and practice relating to its mission including, but not limited to, the 1977 juvenile justice act, the family reconciliation act, at-risk youth legislation, and the adequacy of all facilities used for purposes of juvenile incarceration or rehabilitation.

(6) The committee shall recommend to the 1992 legislature those policy, statutory, and administrative changes it has identified as a way of improving the juvenile justice system. The recommendations shall be submitted not later than December 15, 1991.

(7) The committee shall select its own officers. The legislature shall provide the appropriate staff support to the committee. The committee shall cease to exist April 1, 1992, unless extended by law.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 1, following the enacting clause to Second Substitute Senate Bill No. 5167.

The motion by Senator Talmadge failed and the amendment was not adopted on a rising vote.

MOTION

On motion of Senator Nelson, the rules were suspended, Second Substitute Senate Bill No. 5167 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5167.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5167 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 48.

Absent: Senator Vognild - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5167, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5534, by Senators Metcalf and Matson

Modifying conditions regarding water discharge permit fees.

MOTIONS

On motion of Senator Metcalf, Second Substitute Senate Bill No. 5534 was substituted for Senate Bill No. 5534 and the second substitute bill was placed on second reading and read the second time.

Senator Hansen moved that the following amendment be adopted:

On page 3, line 29, after "department" and before the period insert "nor are such expenses recoverable by the department for permits issued to indirect dischargers using a permitted industrial waste treatment facility that is a food processing waste treatment facility owned and operated by a municipality"

MOTIONS

On motion of Senator Metcalf, further consideration of the amendment by Senator Hansen on page 3, line 29, to Second Substitute Senate Bill No. 5534 was deferred.

Senator Barr moved that the following amendments by Senators Barr, Owen, Anderson, Sutherland and Snyder be considered simultaneously and be adopted:

On page 4, line 4, after "adjustments." insert "The department shall consider the economic impact of fees on municipalities with populations less than five thousand and shall provide appropriate adjustments."

On page 4, line 24, insert the following subsection and renumber remaining subsections accordingly.

"(11) The department shall not increase the permit fees for a municipality with a population less than five thousand by more than six percent for any two-year period commencing July 1, 1991."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Barr, Owen, Anderson, Sutherland and Snyder on page 4, lines 4 and 24, to Second Substitute Senate Bill No. 5534.

The motion by Senator Barr carried and the amendments were adopted.

MOTION

Senator Hansen moved that the following amendment be adopted:

On page 4, after line 26, insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 90.03 RCW to read as follows:

Any fee for a permit established by the department of ecology pursuant to this chapter shall not be increased to an amount that would exceed six percent per year based upon the fee in effect as of January 1, 1990.

NEW SECTION. Sec. 3. A new section is added to chapter 90.44 RCW to read as follows:

Any fee for a permit established by the department of ecology pursuant to this chapter shall not be increased to an amount that would exceed six percent per year based upon the fee in effect as of January 1, 1990.

NEW SECTION. Sec. 4. A new section is added to chapter 90.48 RCW to read as follows:

Any fee for a permit established by the department of ecology pursuant to this chapter shall not be increased to an amount that would exceed six percent per year based upon the fee in effect as of January 1, 1990.

NEW SECTION. Sec. 5. A new section is added to chapter 70.94 RCW to read as follows:

Any fee for a permit established by the department of ecology pursuant to this chapter shall not be increased to an amount that would exceed six percent per year based upon the fee in effect as of January 1, 1990.

Renumber the remaining sections consecutively.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hansen on page 4, after line 26, to Second Substitute Senate Bill No. 5534.

The motion by Senator Hansen carried and the amendment was adopted.

There being no objection, the Senate resumed consideration of the amendment by Senator Hansen on page 3, line 29, to Second Substitute Senate Bill No. 5534, deferred earlier today.

Debate ensued.

POINT OF INQUIRY

Senator Newhouse: "Senator Hansen, is the intent of this amendment that if a food processor or other facility dumps their waste water into a municipal system that then the company is not billed double--once for discharge from the municipal system and once for discharge into the municipal system?"

Senator Hansen: "Yes, the essence of this amendment is the city of Quincy built a municipal system to handle this waste water and the biodegradables that are in the processing plant. They brought two big plants in there to dump into their municipal plant. Now, the Department of Ecology is coming out and saying that not only the city of Quincy pays this fee, but each one of them that dumps into the municipal plant that is already being paid for by Quincy are also liable for a full fee on each one of them, so this is just a triple charge that they have come up with and I think one charge is enough."

The President declared the question before the Senate to be the adoption of the amendment by Senator Hansen on page 3, line 29, to Second Substitute Senate Bill No. 5534.

The motion by Senator Hansen carried and the amendment was adopted.

MOTIONS

On motion of Senator Hansen, the following title amendment was adopted:

On page 1, line 2, after ".465;" insert "adding a new section to chapter 90.03 RCW; adding a new section to chapter 90.44 RCW; adding a new section to chapter 90.48 RCW; and adding a new section to chapter 70.94 RCW."

On motion of Senator Metcalf, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5534 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5534.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5534 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Nelson, Newhouse, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Thorsness, Vognild, von Reichbauer, West, Wojahn - 35.

Voting nay: Senators Gaspard, L. Kreidler, Metcalf, Moore, Murray, Niemi, Oke, Pelz, Rinehart, Skratek, A. Smith, Sutherland, Talmadge, Williams - 14.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5534, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Craswell assumed the Chair.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5929 and the pending amendment by Senators Hansen and Nelson on page 2, line 8, and the pending amendment by Senators Cantu, McDonald, von Reichbauer and West on page 3, after line 7, deferred March 15, 1991.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Craswell: "In ruling on the point of order raised by Senator McDonald, the President finds that Substitute Senate Bill No. 5929 is a measure which exempts some nonprofit organizations from certain taxes related to the sale of food.

"The amendment proposed by Senators Hansen and Nelson would exempt nonprofit organizations which serve food in fairs and agricultural exhibitions.

"The President, therefore, finds the amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senators Hansen and Nelson on page 2, line 8, to Substitute Senate Bill No. 5929 was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hansen and Nelson on page 2, line 8, to Substitute Senate Bill No. 5929.

Debate ensued.

The motion by Senator Hansen carried and the amendment by Senators Hansen and Nelson was adopted.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Craswell: "In ruling on the point of order raised by Senator Talmadge, the President finds that Substitute Senate Bill No. 5929 is a measure which exempts some nonprofit organizations from certain taxes related to the sale of food.

"The amendment proposed by Senators Cantu, McDonald, von Reichbauer and West would exempt auction sales held by nonprofit organizations and the use of tangible personal property purchased at such auction sales.

"The President, therefore, finds the amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Cantu, McDonald, von Reichbauer and West on page 3, after line 7, to Substitute Senate Bill No. 5929 was ruled out of order.

MOTIONS

On motion of Senator Cantu, the following amendment was adopted:

On page 3, line 11, after "effect" strike the remainder of the section, and insert "immediately."

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, beginning on line 5 of the title, strike "providing an effective date;"

MOTION

On motion of Senator McDonald, the rules were suspended, Engrossed Substitute Senate Bill No. 5929 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Linda Smith, Senator Anderson was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5929.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5929 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 47.

Voting nay: Senator Vognild - 1.

Excused: Senator Anderson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5929, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5497, by Senators McMullen, Matson, Rasmussen, Sellar, McCaslin, Murray and Stratton

Revising the right to a construction lien.

MOTIONS

On motion of Senator Matson, Substitute Senate Bill No. 5497 was substituted for Senate Bill No. 5497 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Matson, the rules were suspended, Substitute Senate Bill No. 5497 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5497.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5497 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Anderson - 1.

SUBSTITUTE SENATE BILL NO. 5497, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5358, by Senators Barr and Madsen (by request of Joint Select Committee on Water Resource Policy)

Providing for exchanges of water through interties.

MOTIONS

On motion of Senator Barr, Second Substitute Senate Bill No. 5358 was substituted for Senate Bill No. 5358 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, the rules were suspended, Second Substitute Senate Bill No. 5358 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5358.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5358 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Anderson - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5358, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5341, by Senators L. Kreidler, Bailey, Murray, Talmadge, Stratton and Bauer

Providing liability insurance for foster parents.

MOTIONS

On motion of Senator von Reichbauer, Second Substitute Senate Bill No. 5341 was substituted for Senate Bill No. 5341 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Lela Kreidler, the rules were suspended, Second Substitute Senate Bill No. 5341 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5341.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5341 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Anderson - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5341, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

SECOND READING

SENATE BILL NO. 5796, by Senator Niemi

Making major changes to nursing assistant licensure.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5796 was substituted for Senate Bill No. 5796 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5796 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5796.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5796 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Anderson - 1.

SUBSTITUTE SENATE BILL NO. 5796, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5776 and the pending amendments by Senators McMullen and McDonald on page 5, line 15, and page 9, after line 29, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling on the point of order raised by Senator Metcalf, the President finds that Substitute Senate Bill No. 5776 is a measure which permits one unlicensed individual to give liquor to another unlicensed person, and makes various changes in the definitions and shipping conditions for wine.

"The amendments proposed by Senators McMullen and McDonald would allow a nonprofit organization to offer unopened liquor containers as raffle prizes if a board permit has been obtained.

"The President, therefore, finds the proposed amendments do change the scope and object of the bill and the point of order is well taken."

The amendments by Senators McMullen and McDonald on page 5, line 15 and page 9, after line 29, to Substitute Senate Bill No. 5776 were ruled out of order.

MOTION

On motion of Senator Matson, the rules were suspended, Substitute Senate Bill No. 5776 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5776.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5776 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kroidler, Madsen, Matson, McCaslin, McDonald, McMullen, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senators Craswell, Metcalf, Moore, Patterson - 4.

Excused: Senator Anderson - 1.

SUBSTITUTE SENATE BILL NO. 5776, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5721 and the pending amendment by Senator McMullen on page 2, after line 25, deferred earlier today.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator McMullen on page 2, after line 25, to Substitute Senate Bill No. 5721.

The motion by Senator McMullen failed and the amendment was not adopted.

MOTION

On motion of Senator McDonald, the rules were suspended, Substitute Senate Bill No. 5721 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, I'm trying to understand your approach. At the time that draw-bridge section suddenly popped up in front of the poor lady that got killed and there were several that got injured over there in Seattle on the bridge crossing, that was constructed a number of years ago. You're telling us that the state shouldn't be liable for that because it was constructed several years ago and they had been testing it for years in the same fashion and all of a sudden, it pops up. The poor woman who got killed--there is no consideration then for her and the fact that it was caused by construction years ago?"

Senator McDonald: "Senator Rasmussen, I think in that case, and I am not a lawyer, as you know, but I know that it was the result of maintenance and of a maintenance contract. Therefore, I think that this would not apply and it would be very much still a liability of the state."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5721.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5721 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bailey, Barr, Bluechel, Conner, Craswell, Erwin, Hansen, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Roach, Saling, Sellar, L. Smith, Stratton, Thorsness, Vognild, West - 27.

Voting nay: Senators Bauer, Cantu, Gaspard, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Sutherland, Talmadge, von Reichbauer, Williams, Wojahn - 21.

Excused: Senator Anderson - 1.

SUBSTITUTE SENATE BILL NO. 5721, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5042, by Senators Cantu, Madsen, Hayner, Sutherland, Thorsness, von Reichbauer, Rasmussen, Pelz, Craswell, Conner, Bluechel, L. Smith, Roach, Johnson, Saling, Bailey, Bauer, Snyder, Anderson and Gaspard (by request of Governor Gardner)

Extending the commission for efficiency and accountability an additional four years.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5042 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5042.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5042 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senator Owen - 1.

Excused: Senator Anderson - 1.

SENATE BILL NO. 5042, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5458, by Senators L. Smith, Jesernig, Bauer and Newhouse

Establishing regional service centers for the deaf.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5458 was substituted for Senate Bill No. 5458 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5458 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5458.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5458 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Anderson - 1.

SUBSTITUTE SENATE BILL NO. 5458, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5753, by Senators Oke, Bauer, Owen, Craswell, Metcalf, Roach, Nelson, L. Smith, Amondson and Thorsness

Establishing an advisory council and other programs to enhance upland game bird population.

MOTION

On motion of Senator Oke, Second Substitute Senate Bill No. 5753 was substituted for Senate Bill No. 5753 and the second substitute bill was placed on second reading and read the second time.

Debate ensued.

There being no objection, the President deferred further consideration of Second Substitute Senate Bill No. 5753.

SECOND READING

SENATE BILL NO. 5226, by Senators Thorsness, Saling, Amondson and Metcalf

Limiting terms of state offices to twelve years.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 6, after "section" strike "before Wednesday after the second Monday in January 1993"

On page 2, line 7, after "shall" strike "not"

On page 2, line 20, after "representative" strike "before the second Monday in January 1993"

On page 2, line 21, after "shall" strike "not"

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained. Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Talmadge on page 2, lines 6, 7, 20 and 21, to Senate Bill No. 5226.

ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Patterson, Pelz, Rasmussen, Rinehart, Sellar, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 26.

Voting nay: Senators Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Roach, Saling, L. Smith, Thorsness, von Reichbauer, West - 22.

Excused: Senator Anderson - 1.

MOTION

Senator Madsen moved that the following amendment be adopted:

On page 2, after line 22, add a new section as follows:

NEW SECTION. Sec. 3. No person may hold any office subject to RCW 42.17.240 or any combination of such offices for more than twelve years, whether such office or offices are held consecutively or nonconsecutively. A person may not file for or be appointed to the office if serving the term or remainder of the term would violate the twelve-year limitation of this section. Service in an office before Wednesday after the second Monday in January 1993, shall not be used when applying the twelve-year limitation of this section.

POINT OF ORDER

Senator Metcalf: "Mr. President, I suggest that this amendment is outside the scope and object of the bill. It obviously goes into areas that the bill did not consider."

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Metcalf, the President finds that Senate Bill No. 5226 is a measure which limits the terms of office of elected state officials and legislators.

"The amendment proposed by Senator Madsen would limit the length of employment of executive state officers, the Governor's staff, legislative staff, boards of trustees, commission members, etc.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Madsen on page 2, after line 22, to Senate Bill No. 5226 was ruled out of order.

MOTION

On motion of Senator Thorsness, the rules were suspended, Engrossed Senate Bill No. 5226 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Murray: "Senator Thorsness, I am curious, and in behalf of the freshmen Senator from the twenty-second district, if your spouse fills the term for twelve years and then you take their place, does that start new or do you have to use their time?"

Senator Thorsness: "Well, I would imagine if they were sworn in their name that they would get to serve in their own name and would not be a duplication."

Further debate ensued.

POINT OF INQUIRY

Senator Moore: "Senator Thorsness, I have a House member who has served more than twelve years; I obviously have served more than twelve. Now, let us assume that somewhere along the line I decide to run for the House and she decides to run for the Senate, would we be eligible to do that?"

Senator Thorsness: "I believe, Senator Moore, the Talmadge amendment would prohibit that, if I understand it correctly."

Senator Moore: "What I am trying to get at is obvious, but let's not consider the Talmadge amendment, legitimate as it is. Let's go back to the bill itself. Was your intent to prohibit me from running for the House after I get weary of this body?"

Senator Thorsness: "I believe that the way the bill was written was twelve years total or consecutive service."

Senator Moore: "In this body, but would I not be able to run for anything, then?"

Senator Thorsness: "The original bill, the way it is written, Senator Moore, is that twelve years total in any of those offices--twelve years aggregate would be the max."

Further debate ensued.

MOTION

On motion of Senator Newhouse, and there being no objection, further consideration of Engrossed Senate Bill No. 5226 was deferred.

SECOND READING

SENATE BILL NO. 5919, by Senators Bailey, Anderson, Erwin, Oke, L. Smith, Johnson, Barr, Bluechel, von Reichbauer, Roach, Metcalf, Thorsness and McCaslin

Adopting the bringing education home act.

MOTIONS

On motion of Senator Bailey, Second Substitute Senate Bill No. 5919 was substituted for Senate Bill No. 5919 and the second substitute bill was placed on second reading and read the second time.

Senator Conner moved that the following amendment be adopted:

On page 26, after line 14, insert the following:

NEW SECTION. Sec. 415. A new section is added to chapter 43.135 RCW to read as follows:

(1) The legislature shall not impose responsibility for new programs or increased levels of service under existing programs on any school district unless the district is reimbursed for the costs thereof by the state.

(2) The amount of increased local revenue and state appropriations and distributions that are received or could be received by a school district as a result of legislative enactments after 1979 shall be included as reimbursement under this section. This subsection does not affect litigation pending on January 1, 1991.

(3) If by order of any court, or legislative enactment, the costs of a school district program are transferred to or from the state, the otherwise applicable state tax revenue limit shall be increased or decreased, as the case may be, by the dollar amount of the costs of the program.

(4) The legislature, in consultation with the office of financial management shall determine the costs of any new programs or increased levels of service under existing programs imposed on any school district or transferred to or from the state.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Conner on page 26, after line 14, to Second Substitute Senate Bill No. 5919.

The motion by Senator Conner failed and the amendment was not adopted.

MOTION

Senator Bailey moved that the following amendments by Senators Bailey, Hayner and Newhouse be considered simultaneously and be adopted:

On page 67, beginning on line 21, after "legislature;" strike all the material down to and including "84.52.0531(10)"

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

Beginning on page 68, line 1, strike all the material down to and including "year." on page 73, line 30

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

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Bailey, Hayner and Newhouse on page 67, beginning on line 21, and page 68, line 1, to Second Substitute Senate Bill No. 5919.

The motion by Senator Bailey carried and the amendments were adopted.

MOTION

Senator Talmadge moved that the following amendment be adopted:
On page 80, after line 11, insert the following:

"PART XV PROFESSIONAL PRACTICES OFFICE"

NEW SECTION. **Sec. 1501.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction shall establish a professional practices office to receive, investigate, and process written complaints or reports of lack of good moral character and personal fitness and acts of unprofessional conduct by certificated school staff, including reports or complaints of suspected acts of child abuse and neglect by school staff on school grounds or in school facilities.

The professional practices office, under the authority of the superintendent of public instruction, shall also enforce the code of professional conduct adopted by rule by the state board of education.

(2) Any person may submit a written report or complaint to the superintendent of public instruction. The written report or complaint shall include documentation, as specified by rules adopted by the superintendent of public instruction, that the person did first take the report or complaint to the local school district superintendent and school board for resolution. The professional practices office shall investigate all written reports and complaints.

(3) The superintendent of public instruction may, upon the findings of an investigation, and when appropriate, prepare cases for formal action by the attorney general of Washington state.

(4) The superintendent of public instruction may establish a panel of educators to review cases prepared by the professional practices office. The panel may review cases and make recommendations to the superintendent of public instruction regarding actions only in those instances when a formal hearing has been held by the professional practices office.

The superintendent of public instruction or his or her designee is responsible for making the final determination regarding potential actions, including but not limited to: Recommendation for suspension, letter of reprimand, certificate revocation, or request for legal action by the attorney general.

(5) The professional practices office may work with the department of social and health services or law enforcement agencies in conducting investigations.

(6) The superintendent of public instruction shall report annually to the legislature on the number of written reports and complaints received and the resolution of those complaints. The report shall include a breakdown indicating the number of reports

received by parents, students, teachers, administrators, other school personnel, and others.

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

Debate ensued.

Senator Rinehart demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Talmadge on page 80, after line 11, to Second Substitute Senate Bill No. 5919.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Thorsness, von Reichbauer, West - 25.

MOTION

Senator Rinehart moved that the following amendment by Senators Rinehart, Murray, Skratek, Vognild, Hansen, L. Kreidler, Sutherland, Niemi, Jesernig, Snyder, Gaspard, A. Smith, Talmadge, Pelz, McMullen, Conner, Moore, Bauer, Madsen, Owen, Williams, Rasmussen and Stratton be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that all Washington citizens must have the opportunity to learn and that we must have the courage to create and support schools that will teach people the skills they need to thrive.

The legislature finds that providing early childhood education and assistance, reducing class size, and funding block grants for all schools directly improve the performance and experience of each student.

Sec. 2. RCW 28A.215.100 and 1985 c 418 s 1 are each amended to read as follows:

It is the intent of the legislature to establish a preschool state education and assistance program. This special assistance program is a voluntary enrichment program to help prepare some children to enter the common school system and shall be offered only as funds are available to all eligible children not served by a comparable federally funded program. This program is not a part of the basic program of education which must be fully funded by the legislature under Article IX, section 1 of the state Constitution.

Sec. 3. RCW 28A.215.180 and 1990 c 33 s 214 are each amended to read as follows:

~~((For the purposes of RCW 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908, the department may award state support under RCW 28A.215.100 through 28A.215.160 to increase the numbers of eligible children assisted by the federal or state supported preschool programs in this state by up to five thousand additional children. Priority shall be given to groups in those geographical areas which include~~

~~a high percentage of families qualifying under the federal "at risk" criteria.)~~ The overall program funding level shall be based on an average grant per child consistent with state appropriations made for program costs: PROVIDED, That programs addressing special needs of selected groups or communities shall be recognized in the department's rules.

NEW SECTION. Sec. 4. By March 30, 1992, the legislature shall adopt a plan and the necessary implementing legislation to lower class size throughout our state's common schools to a level that places Washington within the top ten states in the nation for low class sizes by 2001.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction shall establish a program to provide school districts, from appropriated funds, local education program enhancement funds.

(2) A school district shall be eligible to receive an allocation from appropriated funds if the school district's board of directors has:

(a) Assessed the needs of the schools within the district;

(b) Prioritized the identified needs; and

(c) Developed an expenditure plan for the allocation and an evaluation methodology to assess benefits to students.

(3) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs identified by the district within the following program areas:

(a) Prevention and intervention services in the elementary grades;

(b) Reduction of class size;

(c) Early childhood education;

(d) Student-at-risk programs, including dropout prevention and retrieval, and substance abuse awareness and prevention;

(e) Staff development and in-service programs;

(f) Student logical reasoning and analytical skill development;

(g) Programs for highly capable students;

(h) Programs involving students in community services;

(i) Senior citizen volunteer programs;

(j) Those sections under this act requiring a match of local funds to state funds;

and

(k) Other purposes that enhance a school district's basic education program.

(4) Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(5)(a) Allocations to eligible school districts shall be calculated on the basis of average annual full time equivalent enrollment. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be determined as follows:

(i) Enrollment of not more than sixty average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;

(ii) Enrollment of not more than twenty average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and

(iii) Enrollment of sixty or fewer average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.

(b) Allocations shall be distributed on a school-year basis pursuant to RCW 28A.510.250.

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senators Rinehart, Murray, Skratek, Vognild, Hansen, L. Kreidler, Sutherland, Niemi, Jesernig, Snyder, Gaspard, A. Smith, Talmadge, Pelz, McMullen, Conner, Moore, Bauer, Madsen, Owen, Williams, Rasmussen and Stratton to Second Substitute Senate Bill No. 5919.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Thorsness, von Reichbauer, West - 25.

MOTIONS

On motion of Senator Bailey, the following title amendments were considered simultaneously and were adopted:

On page 1, line 4 of the title, strike "84.52.0531,"

On page 1, line 13 of the title, strike "adding a new section to chapter 28A.500 RCW;"

On motion of Senator Bailey, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5919 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5919.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5919 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Thorsness, von Reichbauer, West - 25.

Voting nay: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 24.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5919, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 5753, deferred on second reading earlier today.

MOTIONS

On motion of Senator Barr, the following amendment by Senators Barr, Metcalf, Oke, Owen and Hansen was adopted:

On page 3, line 4, after "programs" insert ", including predator control"

On motion of Senator Oke, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5753 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Murray, Senator Moore was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5753.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5753 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Hayner, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, Metcalf, Nelson, Oke, Owen, Patterson, Roach, Saling, Sellar, Skratek, L. Smith, Thorsness, von Reichbauer, West - 30.

Voting nay: Senators Gaspard, Jesernig, Matson, McMullen, Murray, Newhouse, Niemi, Pelz, Rasmussen, Rinehart, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 18.

Excused: Senator Moore - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5753, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5320, by Senators Sutherland, L. Smith, Stratton, Talmadge, Roach and Amondson

Delineating circumstances for removing a child from the home.

The bill was read the second time.

MOTION

Senator Craswell moved that the following amendments by Senators Craswell and Sutherland be considered simultaneously and be adopted:

On page 3, line 5, after "child" insert "and the other parent is incapable of providing proper care and protection for the child"

On page 3, line 10, after "impaired" insert "and the other parent is incapable of providing proper care and protection for the child"

On page 3, line 11, after "(D)" strike "Physical neglect" and insert "Negligent treatment"

POINT OF INQUIRY

Senator Talmadge: "Senator Craswell, the question I have is that I want to understand the first two of the amendments. In this bill is a list of items that will essentially qualify, automatically, for the removal of a child who is subject of abuse and neglect from the household. The way your proposed amendment does--is to say that if you have a circumstance where someone is so mentally ill that they can't function and they can't provide care to their children that child will not be removed unless the other parent is incapable of providing proper care and protection for the children. Does that imply that this child will remain in the household if one of those two parents is within the definition of the bill, that is that they are so mentally ill that they can't function and care for the child?"

Senator Craswell: "As this is drafted, the department must first prove that a manifest danger exists and then the example of the emotional illness or mental illness. It has to be a situation where one of the parents is able to provide and protect as parents. If they are not able to, then 'yes,' the child is removed from the home."

Senator Talmadge: "But does this mean that the parent that is impaired, the parent who is dysfunctional, stays in the family home and the child does as well?"

Senator Craswell: "If the other parent is able to provide for them. There are many mentally ill people who do not provide a manifest danger and this clarifies that when one parent is providing the protection and care for them, the other--that isn't reason alone. If the child is not protected and provided for, then 'yes,' the child would be removed from the home."

Further debate ensued.

MOTION

On motion of Senator Vognild, and there being no objection, the question was divided.

The President declared the question before the Senate to be the adoption of the amendments by Senators Craswell and Sutherland on page 3, line 5, and page 3, line 10, to Senate Bill No. 5320.

The motion by Senator Craswell carried and the amendments were adopted.

The President declared the question before the Senate to be the adoption of the amendment by Senators Craswell and Sutherland on page 3, line 11, to Senate Bill No. 5320.

The motion by Senator Craswell carried and the amendment was adopted.

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Senate Bill No. 5320 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5320.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5320 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senators Talmadge, Vognild - 2.

Excused: Senator Moore - 1.

ENGROSSED SENATE BILL NO. 5320, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 5226, deferred on third reading earlier today.

MOTION

Senator Amondson moved that the rules be suspended and Engrossed Senate Bill No. 5226 be returned to second reading.

Senator Talmadge objected to suspending the rules and returning Engrossed Senate Bill No. 5226 to second reading.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Amondson to suspend the rules and return Engrossed Senate Bill No. 5226 to second reading.

The motion by Senator Amondson carried and Engrossed Senate Bill No. 5226 was returned to second reading on a rising vote.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Sellar moved to reconsider the vote by which the amendments by Senator Talmadge on page 2, lines 6, 7, 20, and 21, to Senate Bill No. 5226 were adopted.

The President declared the question before the Senate to be the motion by Senator Sellar to reconsider the vote by which the amendments by Senator Talmadge to Engrossed Senate Bill No. 5226 were adopted.

The motion by Senator Sellar for reconsideration of the amendments by Senator Talmadge to Engrossed Senate Bill No. 5226 carried.

MOTION

On motion of Senator Newhouse, further consideration of Engrossed Senate Bill No. 5226 was deferred.

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

SECOND READING

SENATE BILL NO. 5635, by Senator West

Changing provisions relating to advanced registered nurse practitioners.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5635 was substituted for Senate Bill No. 5635 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5635 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5635.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5635 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Moore - 1.

SUBSTITUTE SENATE BILL NO. 5635, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Bluechel assumed the Chair.

MOTION

On motion of Senator Anderson, Senator Matson was excused.

SECOND READING

SENATE BILL NO. 5445, by Senators McDonald, Bluechel, McMullen, Vognild, Bailey and Conner (by request of Commissioner of Public Lands)

Providing for the purchase of state forest lands.

MOTIONS

On motion of Senator McDonald, Substitute Senate Bill No. 5445 was substituted for Senate Bill No. 5445 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDonald, the rules were suspended, Substitute Senate Bill No. 5445 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5445.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5445 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Niemi, Oke, Owen, Pelz, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 42.

Voting nay: Senators Barr, Hansen, Newhouse, Patterson, Rasmussen - 5.

Excused: Senators Matson, Moore - 2.

SUBSTITUTE SENATE BILL NO. 5445, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5524, by Senators West, McMullen, Conner, McCaslin, Stratton, Wojahn, Bauer, Vognild, Madsen, von Reichbauer, Saling, Newhouse, Snyder and L. Kreidler

Limiting taxes on free hospitals.

The bill was read the second time.

MOTION

On motion of Senator Amondson, the rules were suspended, Senate Bill No. 5524 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5524.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5524 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Absent: Senator Vognild - 1.

Excused: Senators Matson, Moore - 2.

SENATE BILL NO. 5524, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator West: "I rise to a point of personal privilege. Mr. President, I think we ought to wish Senator Kreidler a happy birthday on the occasion of her birthday. As a token of our appreciation for her being here this year, we ought to all pledge our unconditional support to her for a primary election in the coming election."

The Vice President Pro Tempore wished Senator Kreidler a happy birthday and members of the Senate sang happy birthday to her.

MOTION

On motion of Senator Murray, Senator Vognild was excused.

SECOND READING

SENATE BILL NO. 5528, by Senators Rinehart, Bailey, Murray and Erwin

Allowing local literacy programs for children.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5528 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5528.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5528 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Matson, Moore, Vognild - 3.

SENATE BILL NO. 5528, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5128, by Senators Madsen, Jesernig and Rasmussen

Requiring notification to witnesses upon release or escape of serious drug offenders.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5128 was substituted for Senate Bill No. 5128 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5128 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5128.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5128 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Matson, Moore, Vognild - 3.

SUBSTITUTE SENATE BILL NO. 5128, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5746, by Senators Barr, Hansen, Owen, Hayner, McMullen, Anderson, Newhouse, Oke, Patterson, Thorsness, Rasmussen and Vognild

Modifying requirements for compliance with environmental protection measures.

The bill was read the second time.

MOTION

On motion of Senator Barr, the rules were suspended, Senate Bill No. 5746 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5746.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5746 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, von Reichbauer, West, Williams, Wojahn - 39.

Voting nay: Senators L. Kreidler, Murray, Niemi, Pelz, Rinehart, Skratek, Talmadge - 7.

Excused: Senators Matson, Moore, Vognild - 3.

SENATE BILL NO. 5746, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5063, by Senators Nelson, Hayner and Thorsness

Setting an award cap for mandatory arbitration.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 2, after line 10, add new sections to read as follows:

NEW SECTION. Sec. 2. A new section is added to chapter 7.06 RCW to read as follows:

Any arbitrator appointed under this chapter is immune from suit in any civil action based on any proceedings or other official acts performed in their capacity as arbitrators, except for acts of willful or wanton misconduct.

NEW SECTION. Sec. 3. A new section is added to chapter 7.06 RCW to read as follows:

All memoranda, work notes or products, or case files of an arbitrator are confidential and privileged and are not subject to disclosure in any civil judicial or administrative proceeding, except when the willful or wanton misconduct of the arbitrator is at issue.

POINT OF INQUIRY

Senator Nelson: "Senator Talmadge, in the measure that we passed earlier today which was Senate Bill No. 5147 on confidentiality, we permitted the disclosure of work papers or discussions or anything if the two people or two sides of an issue agreed to permit the disclosure. Does your amendment, in any way, prohibit that from occurring?"

Senator Talmadge: "I don't believe it would, Senator, necessarily, that I can see. I think that the amendment that we adopted earlier or the bill that we adopted earlier actually permitted access to the information of the mediator if the persons who are going through mediation or the mediator were suing one another for the fee involved. In other words, if the mediator failed to pay, people going through mediation could sue and then all confidentiality was lifted. This is not necessary here, because the compensation of civil arbitrators is paid for by the county in part and by the state in part, so the necessity of breaking the confidentiality under those circumstances is not present."

Further debate ensued.

MOTION

On motion of Senator Newhouse, and there being no objection, further consideration of Senate Bill No. 5063 was deferred.

SECOND READING

SENATE BILL NO. 5669, by Senators Niemi and West

Establishing housing trust fund priorities for projects submitted by regional support networks.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5669 was substituted for Senate Bill No. 5669 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5669 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5669.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5669 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Matson, Moore - 2.

SUBSTITUTE SENATE BILL NO. 5669, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5882, by Senators Pelz, McCaslin, Johnson, Madsen, Moore and Owen

Creating a drug asset forfeiture and criminal profiteering unit in the attorney general's office.

MOTIONS

On motion of Senator von Reichbauer, Second Substitute Senate Bill No. 5882 was substituted for Senate Bill No. 5882 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the rules were suspended, Second Substitute Senate Bill No. 5882 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5882.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5882 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Matson, Moore - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5882, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5672, by Senators Niemi, McDonald, West, L. Smith and Sutherland (by request of Office of Financial Management and Department of Social and Health Services)

Changing provisions relating to antipsychotic medication.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5672 was substituted for Senate Bill No. 5672 and the substitute bill was placed on second reading and read the second time.

Senator Niemi moved that the following amendment by Senators Niemi and West be adopted:

On page 1, line 7, after "disabled or" strike "dangerous" and insert "presents a likelihood of serious harm"

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Niemi and West to Substitute Senate Bill No. 5672.

The motion by Senator Niemi carried and the amendment was adopted.

MOTIONS

On motion of Senator Niemi, the following amendments were considered simultaneously and were adopted:

On page 2, line 8, after "days" strike "but no more than ninety days" and insert "through the hearing on any petition filed under RCW 71.05.370(7)"

On page 2, after line 21, strike the remainder of the section

Senator Niemi moved that the following amendments be considered simultaneously and be adopted:

On page 6, line 4, after "consent to" insert "the administration of antipsychotic medications beyond the hearing conducted pursuant to RCW 71.05.320(2) or"

On page 6, line 6, after "life-saving surgery," strike through "circumstance" on line 8, and insert "~~((and not to have shock treatment, antipsychotic medications, or nonemergency surgery in such circumstance))~~"

On page 6, beginning on line 11, strike all material through "Electroconvulsant" on line 12, and insert "(a) ~~((Shock treatment and))~~ The administration of antipsychotic medication or electroconvulsant"

On page 6, beginning on line 15, after "consent to" strike all material through "medications)" on line 16, and insert "~~((shock treatment or))~~ the administration of antipsychotic medications or"

On page 6, line 29, strike "~~((shock treatment or antipsychotic medications))~~" and insert "~~((shock treatment or))~~ antipsychotic medication~~((s))~~ or"

Beginning on page 7, line 12, strike all material through "(9)" on page 8, line 17, and insert the following:

"(d) An order for the administration of antipsychotic medications entered following a hearing conducted pursuant to this section shall be effective for the period of the current involuntary treatment order, ~~((any succeeding order entered pursuant to RCW 71.05.320(1)),~~) and any interim period during which the person is awaiting trial or hearing on a new petition for involuntary treatment or involuntary medication. ~~((Upon a request timely filed, a review of any such medication order shall be conducted by the court at the hearing on a petition filed pursuant to RCW 71.05.300. If a succeeding involuntary treatment order is entered pursuant to RCW 71.05.320(2), a person who refuses to consent to the administration of antipsychotic medications shall be entitled to an evidentiary hearing in accordance with this section.))~~

(e) Any person detained pursuant to RCW 71.05.320(2), who subsequently refuses antipsychotic medication, shall be entitled to the procedures set forth in RCW 71.05.370(7).

~~((e))~~ (f) Antipsychotic medication may be administered to a nonconsenting person detained or committed pursuant to this chapter without a court order under the following circumstances:

(i) A person presents an imminent likelihood of serious harm to self or others;

(ii) Medically acceptable alternatives to administration of antipsychotic medications are not available, have not been successful, or are not likely to be effective; and

(iii) In the opinion of the physician with responsibility for treatment of the person, or his or her designee, the person's condition constitutes an emergency requiring the treatment be instituted before a judicial hearing as authorized pursuant to this section can be held.

If antipsychotic medications are administered over a person's lack of consent pursuant to this subsection, a petition for an order authorizing the administration of antipsychotic medications shall be filed on the next judicial day. The hearing shall be

held within two judicial days. If deemed necessary by the physician with responsibility for the treatment of the person, administration of antipsychotic medications may continue until the hearing is held;

(8)"

On page 7, line 20, strike "~~((9))~~ (10)" and insert "(9)"

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Niemi on page 6, lines 4, 6, 11, 15 and 29, and page 7, lines 12 and 20, to Substitute Senate Bill No. 5672.

The motion by Senator Niemi carried and the amendments were adopted.

MOTION

On motion of Senator West, the rules were suspended, Engrossed Substitute Senate Bill No. 5672 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5672.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5672 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Absent: Senator Owen - 1.

Excused: Senators Matson, Moore - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5672, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

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

SENATE RESOLUTION 1991-8636

By Senators Amondson, Anderson, McMullen, Snyder and McDonald

WHEREAS, Early settlers called the state of Washington the "Evergreen State" because of the area's abundant forest lands, rich with timber and other natural resources; and

WHEREAS, The heritage of the Evergreen State was built from the pride and hardworking ethics of loggers, mill workers and their families who settled here; and

WHEREAS, Timber-related business has provided for the economic well-being of the state of Washington, generating thousands of jobs and creating revenue for the education of our children and for the care of the less fortunate; and

WHEREAS, The logging community takes great pride in being stewards of the land and recognizes the importance of responsible forest management practices for a rich future in timber; and

WHEREAS, The Washington State Senate wishes to recognize and honor timber communities in the 1991 "Evergreen State Logging Show";

NOW, THEREFORE, BE IT RESOLVED, That the Senate hereby extends the assistance and support of existing Senate staff to the 1991 "Evergreen State Logging Show," which event will be funded by private sources and held on the Capitol Campus on May 18, 1991; and

BE IT FURTHER RESOLVED, That a committee composed of two members from each Senate caucus be created to provide oversight and coordination for the 1991 "Evergreen State Logging Show," and that the members serving on such committee be appointed by the respective caucus leaders.

Senator Amondson spoke to Senate Resolution 1991-8636.

MOTION

At 8:02 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Tuesday, March 19, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

SIXTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 19, 1991

The Senate was called to order at 8:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cantu, Patterson, Sellar and Adam Smith. On motion of Senator Linda Smith, Senator Cantu was excused. On motion of Senator Murray, Senator Adam Smith was excused.

The Sergeant at Arms Color Guard, consisting of Pages Karalee Wagner and David Sage, presented the Colors. Reverend Dewayne Lebow, pastor of the First Baptist Church of Tumwater, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

March 15, 1991

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1036,
 HOUSE BILL NO. 1041,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1081,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1133,
 HOUSE BILL NO. 1151,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1174,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1198,
 SUBSTITUTE HOUSE BILL NO. 1202,
 SUBSTITUTE HOUSE BILL NO. 1208,
 ENGROSSED HOUSE BILL NO. 1246,
 SUBSTITUTE HOUSE BILL NO. 1258,
 SUBSTITUTE HOUSE BILL NO. 1342,
 HOUSE BILL NO. 1347,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1378,
 SUBSTITUTE HOUSE BILL NO. 1407,
 HOUSE BILL NO. 1408,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1448,
 HOUSE BILL NO. 1578,
 HOUSE BILL NO. 1607,

SUBSTITUTE HOUSE BILL NO. 1610,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624,
 SUBSTITUTE HOUSE BILL NO. 1655,
 HOUSE BILL NO. 1664,
 ENGROSSED HOUSE BILL NO. 1674,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1677,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1717,
 ENGROSSED HOUSE BILL NO. 1723,
 SUBSTITUTE HOUSE BILL NO. 1762,
 SUBSTITUTE HOUSE BILL NO. 1857,
 ENGROSSED HOUSE BILL NO. 1868,
 SUBSTITUTE HOUSE BILL NO. 1907,
 ENGROSSED HOUSE BILL NO. 1928,
 SUBSTITUTE HOUSE BILL NO. 1936,
 HOUSE BILL NO. 1941,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2027, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SECOND READING
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9099, Elizabeth Muktarian, as a member of the Western State Hospital Advisory Board, was confirmed.

APPOINTMENT OF ELIZABETH MUKTARIAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Voguild, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senators Patterson, Sellar - 2.

Excused: Senators Cantu, A. Smith - 2.

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9100, John Murphy, as a member of the Eastern State Hospital Advisory Board, was confirmed.

APPOINTMENT OF JOHN MURPHY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Cantu, A. Smith - 2.

SECOND READING

SENATE BILL NO. 5628, by Senators Barr and Hansen

Modifying provisions for crop liens for handlers.

MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 5628 was substituted for Senate Bill No. 5628 and the substitute bill was placed on second reading and read the second time.

Senator Hansen moved that the following amendment be adopted:

On page 7, after line 25, insert the following:

NEW SECTION. Sec. 8. A new section is added to chapter 20.01 RCW to read as follows:

Each commission merchant shall establish a custodial account for consignor's proceeds. All funds derived from the sale of agricultural products handled by a commission merchant on behalf of any other person shall be deposited into that account. Such account shall be drawn on only for the payment of net proceeds to consignors, or to such other person or persons of whom the commission merchant has knowledge is entitled to such proceeds, and for the payment of the amounts due the commission merchant for the commission merchant's commission, filed and posted charges and for repayment of any advances. Commission merchants shall maintain such accounts and records that will at all times disclose the names of the consignors and the amounts due and payable to each from the funds in the custodial account derived from the consignor's return. Commission merchants shall maintain the required custodial accounts in a manner that will expedite examination by the director and will reflect compliance with the requirements of this section.

POINT OF ORDER

Senator Matson: "Mr. President, I raise the question of scope and object on the amendment by Senator Hansen."

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5628 was deferred.

SECOND READING

SENATE BILL NO. 5837, by Senators Anderson, Owen, Snyder and Matson

Revising provisions for industrial insurance and employment compensation coverage.

MOTIONS

On motion of Senator Anderson, Substitute Senate Bill No. 5837 was substituted for Senate Bill No. 5837 and the substitute bill was placed on second reading and read the second time.

Senator Bluechel moved that the following amendment by Senators Bluechel, Wojahn, Bailey, Rasmussen and McCaslin be adopted:

On page 7, after line 7, insert the following:

(10) Services rendered which meet all of the following conditions:

(a) performed by an individual pursuant to a contract for a specific project on a casual and not an ongoing basis;

(b) performed outside all the places of business of the purchaser of the services;

(c) performed by an individual sixty-two years of age or older, who, at the time the contract is entered into is receiving federal social security retirement benefits; and

(d) total compensation earned shall not exceed the amount that may be earned without reducing the social security benefit.

On page 10, after line 14, insert the following new section:

NEW SECTION. Sec. 8. A new section is added to chapter 50.04 RCW to read as follows:

The term "employment" shall not include services rendered which meet all of the following conditions:

(1) performed by an individual pursuant to a contract for a specific project on a casual and not an ongoing basis;

(2) performed outside all the places of business of the purchaser of the services;

(3) performed by an individual sixty-two years of age or older, who, at the time the contract is entered into is receiving federal social security retirement benefits; and

(4) total compensation earned shall not exceed the amount that may be earned without reducing the social security benefit.

Debate ensued.

POINT OF ORDER

Senator Talmadge: "I rise to a point of order, Mr. President. I believe the amendment expands the scope and object of Substitute Senate Bill No. 5837. I believe the principal purpose of Substitute Senate Bill No. 5837 was to define with greater precision the circumstances under which a person was an employee for purposes of worker compensation. Also, to define those circumstances where you have an independent contractor relationship that would come within the meaning of the Industrial Insurance Act. I note that the amendment proposed exempts from the definition of employment certain circumstances involving people of age sixty-two and over. I don't believe that fits within the purpose of the legislation which was to define with precision

the circumstances of coverage for employment and for independent contractor status. Therefore, it would expand the scope and object."

Further debate ensued.

There being no objection, the President deferred further consideration of Substitute Senate Bill No. 5837.

MOTION

On motion of Senator Anderson, Senator Matson was excused.

SECOND READING

SENATE BILL NO. 5566, by Senators Rasmussen, Johnson, Owen, Vognil, Moore, Bluechel, Barr and Sellar

Allowing certain provisions in construction contracts.

The bill was read the second time.

MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen and Nelson be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 4.24.115 and 1986 c 305 s 601 are each amended to read as follows:

A covenant, promise, agreement or understanding in, or in connection with or collateral to, a contract or agreement relative to the construction, alteration, repair, addition to, subtraction from, improvement to, or maintenance of, any building, highway, road, railroad, excavation, or other structure, project, development, or improvement attached to real estate, including moving and demolition in connection therewith, purporting to indemnify against liability for damages arising out of bodily injury to persons or damage to property:

(1) Caused by or resulting from the sole negligence of the indemnitee, his agents or employees is against public policy and is void and unenforceable;

(2) Caused by or resulting from the concurrent negligence of (a) the indemnitee or the indemnitee's agents or employees, and (b) the indemnitor or the indemnitor's agents or employees, is valid and enforceable only to the extent of the indemnitor's negligence and only if the agreement specifically and expressly provides therefor, and may waive the indemnitor's immunity under industrial insurance, Title 51 RCW, only if the agreement specifically and expressly provides therefor and the waiver was mutually negotiated by the parties. This subsection applies to agreements entered into after June 11, 1986.

An additional or named insured endorsement on a liability insurance policy covering liability for damages arising out of bodily injury to persons or damage to property, procured by a general contractor, subcontractor, or specialty contractor, is valid and enforceable only to the extent of the injury or damage (a) which arose in whole or in part out of the fault of the procuring general contractor, subcontractor, or specialty contractor, or its agents or employees, or its sub-subcontractors or its suppliers or (b) if fault is not a requirement for liability, to the extent of the injury or damage

caused in whole or in part by the procuring general contractor, subcontractor, or specialty contractor, or its agents or employees or its sub-subcontractors, or its suppliers. Nothing contained herein shall prohibit an owner from procuring insurance which covers liability for damage arising out of bodily injury to persons or damage to property for a general contractor, subcontractor, specialty contractor, or other person or entity.

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Rasmussen and Nelson to Senate Bill No. 5566.

The motion by Senator Rasmussen carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "contracts;" strike the remainder of the title and insert "and amending RCW 4.24.115."

On motion of Senator Nelson, the rules were suspended, Engrossed Senate Bill No. 5566 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5566.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5566 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Thorsness, Vognild, von Reichbauer, West - 32.

Voting nay: Senators Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Moore, Murray, Niemi, Pelz, Rinehart, Skratek, Sutherland, Talmadge, Williams, Wojahn - 15.

Excused: Senators Matson, A. Smith - 2.

ENGROSSED SENATE BILL NO. 5566, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:14 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:24 a.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Senate Bill No. 5063 and the pending amendment by Senator Talmadge on page 2, after line 10, deferred March 18, 1991.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 2, after line 10, to Senate Bill No. 5063.

The motion by Senator Talmadge carried and the amendment was adopted.

MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:

On line 3 of the title following "RCW;" strike "and declaring an emergency" and insert "adding new sections to chapter 7.06 RCW; and declaring an emergency"

On motion of Senator Nelson, the rules were suspended, Engrossed Senate Bill No. 5063 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5063.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5063 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

ENGROSSED SENATE BILL NO. 5063, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5184, by Senators Saling, Bauer, Thorsness, Jesernig, Stratton, Talmadge and Snyder (by request of Governor Gardner)

Creating a work force training and education coordinating board, and combining community and vocational-technical schools under one agency.

MOTIONS

On motion of Senator Saling, Substitute Senate Bill No. 5184 was substituted for Senate Bill No. 5184 and the substitute bill was placed on second reading and read the second time.

Senator Bailey moved that the following amendment by Senators Rinehart, Bailey and Saling be adopted:

On page 71, after line 13, insert the following:

For the purposes of this section, opportunity to enroll shall include, but shall not be limited to, the opportunity of common school districts to enroll the same number of high school students enrolled at each vocational technical institute during the period July 1, 1989, through June 30, 1990, and the opportunity for common school districts to increase enrollments of high school students at each technical college in proportion to annual increases in enrollment within the currently participating school districts. Technical colleges shall offer programs which are accessible to high school students to at least the extent that existed during the period July 1, 1989, through June 30, 1990, and to the extent necessary to accommodate proportional annual growth in enrollments of high school students within currently participating school districts. Accommodating such annual increases in enrollment or program offerings shall be the first priority within technical colleges subject to any enrollment or budgetary restrictions. Technical colleges shall not charge tuition or student services and activities fees to high school students enrolled in the college.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rinehart, Bailey and Saling on page 71, after line 13, to Substitute Senate Bill No. 5184.

The motion by Senator Bailey carried and the amendment was adopted.

MOTION

Senator Pelz moved that the following amendment be adopted:

On page 76, after line 6, strike all of NEW SECTIONS 92 through 101 on page 79, line 23, and insert the following:

NEW SECTION. Sec. 92. The legislature finds that a vocational institute in the central area of the city of Seattle provides civic, social, and economic benefits to the people of the state of Washington.

Economic development is enhanced by increasing the number of skilled individuals who enter the labor market and social welfare costs are reduced by the training of individuals lacking marketable skills. The students at the institute are historically economically disadvantaged, and include racial and ethnic minorities, recent immigrants, single-parent heads of households, and persons who are dislocated workers or without specific occupational skills. The institute presents a unique opportunity for business, labor, and community-based organizations, and educators to work together to provide effective vocational-technical training to the economically disadvantaged of urban Seattle, and to serve as a national model of such cooperation. Moreover, a trained work force is a major factor in attracting new employers, and with greater minority participation in the work force, the institute is uniquely located to deliver training and education to the individuals employers must increasingly turn to for their future workers.

NEW SECTION. Sec. 93. The mission of the institute shall be to provide occupational, basic skills, and literacy education opportunities to economically disadvantaged populations in urban areas of the college district it serves. The board of trustees of the sixth college district shall appoint a nine-member advisory committee consisting of equal representation from business, labor, and community representatives to provide advice and counsel to the administration of the institute and the district administration.

NEW SECTION. Sec. 94. Funding for the institute shall be included in a separate allocation to the Washington institute for applied technology, and funds allocated for the institute shall be used only for purposes of the institute.

NEW SECTION. Sec. 95. The Washington institute for applied technology shall conduct a survey of the capital facilities and equipment necessary to operate the program at the institute. The district shall present the survey to the state board for community college education by December 1, 1991. The board shall include the survey in its budget request to the legislature which shall consider a supplementary appropriation for the 1992-93 fiscal year to the sixth college district based on the results of this survey.

NEW SECTION. Sec. 96. The Washington institute for applied technology may provide for waivers of tuition and fees and provide scholarships for students at the institute. The Washington institute for applied technology may negotiate with applicable public or private service providers to conduct the instructional activities of the institute, however, the Washington institute for applied technology shall not hire instructional staff or faculty. In order to allow the Washington institute for applied technology flexibility in its personnel policies with the institute, the Washington institute for applied technology and the institute, with reference to employees of the institute employed during an initial two-year period until July 1, 1993, are exempt from chapters 28B.16, 28B.52 (relating to collective bargaining), 41.04, 41.05, 41.06, and 41.40 RCW; from RCW 43.01.040 through 43.01.044; and from RCW 28B.50.551 and 28B.50.850 through 28B.50.875 (relating to faculty tenure).

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pelz on page 76, after line 6, to Substitute Senate Bill No. 5184.

The motion by Senator Pelz failed and the amendment was not adopted.

MOTION

Senator Thorsness moved that the following amendment be adopted:

On page 88, line 26, after "education." insert "Grounds that have been used primarily as a playground for children shall continue to be made available for such use."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Thorsness on page 88, line 26, to Substitute Senate Bill No. 5184.

The motion by Senator Thorsness carried and the amendment was adopted.

MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen and Wojahn be adopted:

On page 90, line 3, after "purposes" insert ", except that facilities used during school construction and remodeling periods to house vocational-technical institute programs temporarily are not subject to this requirement"

PARLIAMENTARY INQUIRY

Senator Saling: "Mr. President, a point of parliamentary inquiry. Did Senator Rasmussen move both amendments on this or just the top one?"

REPLY BY THE PRESIDENT

President Pritchard: "Just the top one for now."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen and Wojahn on page 90, line 3, to Substitute Senate Bill No. 5184.

The motion by Senator Rasmussen carried and the amendment was adopted.

MOTION

Senator Skratek moved that the following amendment by Senators Skratek, Bluechel, Wojahn, Cantu, Niemi, Johnson, Rasmussen, Anderson, McDonald and Hansen be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the state's system of work force training and education is inadequate for meeting the needs of the state's workers, employers, and economy. A growing shortage of skilled workers is already hurting the state's economy. There is a shortage of available workers and too often prospective employees lack the skills and training needed by employers. Moreover, with demographic changes in the state's population employers will need to employ a more culturally diverse work force in the future.

The legislature further finds that the state's current work force training and education system is fragmented among numerous agencies, councils, boards, and committees, with inadequate overall coordination. No comprehensive strategic plan guides the different parts of the system. There is no single point of leadership and responsibility. There is insufficient guidance from employers and workers built into the system to ensure that the system is responsive to the needs of its customers. Adult work force education lacks a uniform system of governance, with an inefficient division in governance between community colleges and vocational technical institutes, and inadequate local authority. The parts of the system providing adult basic skills and literacy education are especially uncoordinated and lack sufficient visibility to adequately address the needs of the large number of adults in the state who are functionally illiterate. The work force training and education system's data and evaluation methods are inconsistent and unable to provide adequate information for determining how well the system is performing on a regular basis so that the system may be held accountable for the outcomes it produces. Much of the work force training and education system provides inadequate opportunities to meet the needs of people from culturally diverse backgrounds. Finally, our educational institutions are not producing the number of people educated in vocational/technical skills needed by employers.

The legislature recognizes that we must make certain that our institutions of education place appropriate emphasis on the needs of employers and on the needs of approximately eighty percent of our young people who enter the world of work without completing a four-year program of higher education. We must make our work force education and training system better coordinated, more efficient, more responsive to the

needs of business and workers and local communities, more accountable for its performance, and more open to the needs of a culturally diverse population.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the work force training and education coordinating board.

(2) "Director" means the director of the work force training and education coordinating board.

(3) "Training system" means programs and courses of secondary vocational education, technical college programs and courses, community college vocational programs and courses, adult basic education programs and courses, programs and courses funded by the job training partnership act, programs and courses funded by the federal vocational act, programs and courses funded under the federal adult education act, publicly funded programs and courses for adult literacy education, and apprenticeships.

(4) "Work force skills" means employability and occupational competencies necessary for economic independence as a productive member of society and which integrate academic knowledge, critical thinking, problem-solving skills, and work ethics.

(5) "Vocational education" means organized educational programs offering a sequence of courses which are directly related to the preparation of individuals for employment in current or emerging occupations requiring other than a baccalaureate or advanced degree.

(6) "Adult basic education" means instruction designed to achieve mastery of skills in reading, writing, oral communication, and computation at a level sufficient to allow the individual to function effectively as a parent, worker, and citizen in the United States, commensurate with that individual's actual ability level, and includes English as a second language and preparation for the general education development exam.

(7) "Vocational-technical institute" means a specialized area nongraded secondary and postsecondary vocational education facility established and operated by a school district for the purpose of offering comprehensive courses primarily oriented to the job market area in vocational education for persons sixteen years of age and older without regard to residence, pursuant to laws and rules of the common school system pertaining to the maintenance, operation, and capital funding of vocational-technical institutes.

NEW SECTION. Sec. 3. There is hereby created the work force training and education coordinating board as a state agency and as the successor agency to the state board for vocational education. All references to the state board for vocational education in the Revised Code of Washington shall be construed to mean the work force training and education coordinating board, except that reference to the state board for vocational education in RCW 49.04.030 shall mean the state board for community college education.

NEW SECTION. Sec. 4. The purpose of the board is to provide planning, coordination, evaluation, monitoring, and policy analysis for the state training system as a whole, and advice to the governor and legislature concerning the state training system, in cooperation with the agencies which comprise the state training system, and the higher education coordinating board.

NEW SECTION. Sec. 5. (1) The board shall consist of nine voting members appointed by the governor as follows: Three representatives of business, three representatives of labor, and, serving as ex officio members, the superintendent of public instruction, the executive director of the state board for community college education, and the commissioner of the employment security department. Each member of the board may appoint a designee to function in his or her place with the right to vote.

(2) The business representatives shall be selected from among nominations provided by state-wide business organizations. The nominations shall reflect the

cultural diversity of the state, including women and racial and ethnic minorities, and diversity in sizes of businesses.

(3) The labor representatives shall be selected from among nominations provided by state-wide labor organizations. The nominations shall reflect the cultural diversity of the state, including women and racial and ethnic minorities.

(4) Each business member may cast a proxy vote or votes for any business member who is not present and who authorizes in writing the present member to cast such vote.

(5) Each labor member may cast a proxy vote for any labor member who is not present and who authorizes in writing the present member to cast such vote.

(6) The chair of the board shall appoint to the board one nonvoting member to represent racial and ethnic minorities, women, and people with disabilities. The nonvoting member shall serve for a term of four years with the term expiring on June 30th of the fourth year of the term.

(7) The business members of the board shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term.

(8) The labor members of the board shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term.

(9) Any vacancies among board members representing business or labor shall be filled by the governor with nominations provided by state-wide organizations representing business or labor, respectively.

(10) The board shall adopt bylaws and shall meet at least four times each year and at such other times as determined by the chair who shall give reasonable prior notice to the members.

(11) Members of the board shall be compensated in accordance with RCW 43.03.040 and will receive travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 6. (1) The director shall be appointed by the governor, and hold office at the pleasure of the governor.

(2) The director shall serve as a nonvoting chair and chief executive officer of the board who shall administer the provisions of this chapter, employ such personnel as may be necessary to implement the purposes of this chapter, and use staff of existing operating agencies to the fullest extent possible. The director shall appoint necessary deputy and assistant directors and other staff who shall be exempt from the provisions of chapter 41.06 RCW. The director's appointees shall serve at the director's pleasure on such terms and conditions as the director determines but subject to the code of ethics contained in chapter 42.18 RCW. The director shall appoint and employ such other employees as may be required for the proper discharge of the functions of the board. The director shall, as permissible under P.L. 101-392, as amended, integrate the staff of the council on vocational education, and contract with the state board for community college education for assistance for adult basic skills and literacy policy development and planning as required by P.L. 100-297, as amended.

NEW SECTION. Sec. 7. (1) The board shall be designated as the state board of vocational education as provided for in P.L. 98-524, as amended, and shall perform functions necessary to comply with federal directives pertaining to the provisions of such law.

(2) The board shall monitor for consistency with the state comprehensive plan for work force training and education the policies and plans established by the state job training coordinating council, the advisory council on adult education, and the Washington state plan for adult basic education, and provide guidance for making such policies and plans consistent with the state comprehensive plan for work force training and education.

NEW SECTION. Sec. 8. The board shall, in cooperation with the operating agencies of the state training system:

(1) Advocate for the state training system and for meeting the needs of employers and the work force for work force education and training.

(2) Establish and maintain an inventory of the programs of the state training system, and related state programs, and perform a biennial assessment of the vocational education, training, and adult basic education and literacy needs of the state; identify ongoing and strategic education needs; and assess the extent to which employment, training, vocational and basic education, rehabilitation services, and public assistance services represent a consistent, integrated approach to meet such needs.

(3) Develop and maintain a state comprehensive plan for work force training and education, including but not limited to, goals, objectives, and priorities for the state training system, and review the state training system for consistency with the state comprehensive plan. In developing the state comprehensive plan for work force training and education, the board shall use, but shall not be limited to: Economic, labor market, and populations trends reports in office of financial management forecasts; joint office of financial management and employment security department labor force, industry employment, and occupational forecasts; the results of scientifically based outcome, net-impact and cost-benefit evaluations; the needs of employers as evidenced in formal employer surveys and other employer input; and the needs of program participants and workers as evidenced in formal surveys and other input from program participants and the labor community.

(4) Participate with the superintendent of public instruction in the establishment of an eight-year comprehensive plan for the existing five vocational-technical institutes, and such institutes as may hereafter be created, the scope of which shall include, but not be limited to, the vocational-technical institutes' role in work force training, and such other elements as shall be determined necessary for the creation of a nationally competitive work force training system. Such plan shall be divided into two parts, a four-year detailed plan covering two biennial periods, and a four-year projection for the time period immediately subsequent to the four-year detailed plan, and shall be updated on a biennial basis.

(5) Review and make recommendations to the office of financial management and the legislature on operating and capital facilities budget requests for operating agencies of the state training system for purposes of consistency with the state comprehensive plan for work force training and education.

(6) Provide for coordination among the different operating agencies of the state training system at the state level and at the regional level.

(7) Establish standards for data collection and maintenance for the operating agencies of the state training system in a format that is accessible to use by the board. The board shall require a minimum of common core data to be collected by each operating agency of the state training system.

The board shall develop requirements for minimum common core data in consultation with the office of financial management and the operating agencies of the training system.

(8) Review within one year a comprehensive plan developed by the superintendent of public instruction necessary to implement within the system of vocational-technical institutes a common core data structure and a management information system comprised of compatible, standardized hardware and software among the existing institutes and any institutes that shall be added under the superintendent of public instruction hereafter.

(9) Establish minimum standards for program evaluation for the operating agencies of the state training system, including, but not limited to, the use of common survey instruments and procedures for measuring perceptions of program participants and employers of program participants, and monitor such program evaluation.

(10) Every two years administer scientifically based outcome evaluations of the state training system, including, but not limited to, surveys of program participants, surveys of employers of program participants, and matches with employment security department payroll and wage files. Every five years administer scientifically based net-impact and cost-benefit evaluations of the state training system.

(11) In cooperation with the employment security department, provide for the improvement and maintenance of quality and utility in occupational information and forecasts for use in training system planning and evaluation. Improvements shall include, but not be limited to, development of state-based occupational change factors involving input by employers and employees, and delineation of skill and training requirements by education level associated with current and forecasted occupations.

(12) Provide for the development of common course description formats, common reporting requirements, and common definitions for operating agencies of the training system.

(13) Provide for effectiveness and efficiency reviews of the state training system.

(14) In cooperation with the higher education coordinating board, facilitate transfer of credit policies and agreements between institutions of the state training system, and encourage articulation agreements for programs encompassing two years of secondary work force education and two years of postsecondary work force education.

(15) In cooperation with the higher education coordinating board, facilitate transfer of credit policies and agreements between private training institutions and institutions of the state training system.

(16) Review within one year a comprehensive plan developed by the superintendent of public instruction necessary to qualify all of the vocational-technical institutes for accreditation as postsecondary institutions under the rules of the northwest association of schools and colleges, including submission by December 1991 of applications for accreditation from all institutes not already accredited by the association, and completion by July 1993 of accreditation self-studies by the institutes not already accredited by the association.

(17) Participate in the development of coordination criteria for activities under the job training partnership act with related programs and services provided by state and local education and training agencies.

(18) Make recommendations to the commission of student assessment, the state board of education, and the superintendent of public instruction, concerning basic skill competencies and essential core competencies for K-12 education. Basic skills for this purpose shall be reading, writing, computation, speaking, and critical thinking, essential core competencies for this purpose shall be English, math, science/technology, history, geography, and critical thinking. The board shall monitor the development of and provide advice concerning secondary curriculum which integrates vocational and academic education.

(19) Establish and administer programs for marketing and outreach to businesses and potential program participants.

(20) Facilitate the location of support services, including but not limited to, child care, financial aid, career counseling, and job placement services, for students and trainees at institutions in the state training system, and advocate for support services for trainees and students in the state training system.

(21) Facilitate private sector assistance for the state training system, including but not limited to financial assistance, rotation of private and public personnel, and vocational counseling.

(22) Facilitate programs for the school-to-work transition that combines classroom education and on-the-job training in industries and occupations without apprenticeship programs.

(23) Encourage and assess progress for the equitable representation of racial and ethnic minorities, women, and people with disabilities among the students, teachers, and administrators of the state training system. As used in this subsection, "equitable" means substantially proportional to their percentage of the state population in the geographic area served. This function of the board shall in no way lessen more stringent state or federal requirements for representation of racial and ethnic minorities, women, and people with disabilities.

(24) Participate in the planning and policy development of governor set-aside grants under P.L. 97-300, as amended.

(25) Provide for the administration of veterans' programs, licensure of private vocational schools, the job skills program, and the Washington award for vocational excellence.

(26) Review within one year a comprehensive plan developed by the superintendent of public instruction necessary to implement the granting of credit by the system of vocational-technical institutes for vocational and adult education coursework, which plan shall recommend the mechanism, rules, and procedures for the vocational-technical institutes to grant such credit and for the state's two-year postsecondary schools to accept such credit toward fulfillment of requirements toward associate of technical arts and associate of arts and other such degrees.

(27) Allocate funding from the state job training trust fund.

(28) Adopt rules as necessary to implement this chapter.

(29) Establish rules consistent with this chapter to ensure that the vocational-technical institutes are competitive with all other work force training schools and institutions throughout the United States.

The board may delegate to the director any of the functions of this section.

NEW SECTION. Sec. 9. The state board for vocational education is hereby abolished and its powers, duties, and functions are hereby transferred to the work force training and education coordinating board. All references to the director or the state board for vocational education in the Revised Code of Washington shall be construed to mean the director or the work force training and education coordinating board.

NEW SECTION. Sec. 10. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the state board for vocational education shall be delivered to the custody of the work force training and education coordinating board. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the state board for vocational education shall be made available to the work force training and education coordinating board. All funds, credits, or other assets held by the state board for vocational education shall be assigned to the work force training and education coordinating board.

Any appropriations made to the state board for vocational education shall, on the effective date of this section, be transferred and credited to the work force training and education coordinating board.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 11. All employees of the state board for vocational education who are classified under chapter 41.06 RCW, the state civil service law, are assigned to the work force training and education coordinating board to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 12. All rules and all pending business before the state board for vocational education shall be continued and acted upon by the work force

training and education coordinating board. All existing contracts and obligations shall remain in full force and shall be performed by the work force training and education coordinating board.

NEW SECTION. Sec. 13. The transfer of the powers, duties, functions, and personnel of the state board for vocational education shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 14. If apportionments of budgeted funds are required because of the transfers directed by sections 10 through 13 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 15. Nothing contained in sections 9 through 14 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 16. There is hereby created the Washington state job training coordinating council. The council shall perform all duties of state job training coordinating council as specified in the federal job training partnership act, P.L. 97-300, as amended, including the preparation of a coordination and special services plan for a two-year period, consistent with the state comprehensive plan for work force training and education prepared by the work force training and education coordinating board as provided for in section 8 of this act.

NEW SECTION. Sec. 17. (1) Current members of the Washington state job training coordinating council appointed pursuant to P.L. 97-300, as amended, shall serve as the state council for purposes of this chapter until new appointments are made consistent with this section.

(2) New appointments to the state council shall be made by July 1, 1991. Members of the Washington state job training coordinating council shall be appointed by the governor as required by federal law and shall be representative of the population of the state with regard to sex, race, ethnic background, and geographical distribution. Ten members of the council shall consist of the chair and voting members of the work force training and education coordinating board.

(3) The Washington state job training coordinating council shall provide staff and allocate funds to the work force training and education coordinating board, as appropriate, to carry out the overlapping functions of the two bodies.

NEW SECTION. Sec. 18. There is hereby created the Washington state council on vocational education. The council on vocational education shall perform all duties of councils on vocational education as specified in P.L. 101-392, as amended.

NEW SECTION. Sec. 19. Current members of the Washington state council on vocational education appointed pursuant to P.L. 98-524, as amended, shall serve as the state council on vocational education for purposes of this chapter until new appointments are made consistent with this section. New appointments to the state council on vocational education shall be made by July 1, 1991. The council on vocational education shall consist of thirteen members appointed by the governor consistent with the provisions of P.L. 101-392, as amended. In making these appointments, to the maximum extent feasible, the governor shall give consideration to providing overlapping membership with the membership of the state job training coordinating council.

NEW SECTION. Sec. 20. The council on vocational education shall perform its functions consistent with the state comprehensive plan for work force training and education prepared by the work force training and education coordinating board as provided for in section 8 of this act.

NEW SECTION. **Sec. 21.** There is hereby created the Washington advisory council on adult education. The advisory council shall advise the state board for community college education and the work force training and education coordinating board concerning adult basic education and literacy programs. The advisory council shall perform all duties of state advisory councils on adult education as specified in P.L. 100-297, as amended. The advisory council's actions shall be consistent with the state comprehensive plan for work force training and education prepared by the work force training and education coordinating board as provided for in section 8 of this act.

The advisory council on adult education shall consist of nine members as required by federal law, appointed by the governor. In making these appointments, to the maximum extent feasible, the governor shall give consideration to providing overlapping membership with the membership of the state job training coordinating council, and the governor shall give consideration to individuals with expertise and experience in adult basic education.

Sec. 22. RCW 28B.50.020 and 1969 ex.s. c 261 s 17 are each amended to read as follows:

The purpose of this chapter is to provide for the dramatically increasing number of students requiring high standards of education either as a part of the continuing higher education program or for occupational education and training, or for adult basic skills and literacy education, by creating a new, independent system of community colleges which will:

(1) Offer an open door to every citizen, regardless of his or her academic background or experience, at a cost normally within his or her economic means;

(2) Ensure that each ((community)) college district shall offer thoroughly comprehensive educational, training and service programs to meet the needs of both the communities and students served by combining((-with equal emphasis,)) high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; community services of an educational, cultural, and recreational nature; and adult education, including basic skills and general, family, and work force literacy programs and services;

(3) Provide for related and supplemental instruction for apprentices at community colleges;

(4) Provide administration by state and local boards which will avoid unnecessary duplication of facilities or programs; and which will encourage efficiency in operation and creativity and imagination in education, training and service to meet the needs of the community and students;

((4)) (5) Allow for the growth, improvement, flexibility and modification of the community colleges and their education, training and service programs as future needs occur; and

((5)) (6) Establish firmly that community colleges are, for purposes of academic training, two year institutions, and are an independent, unique, and vital section of our state's higher education system, separate from both the common school system and other institutions of higher learning, and never to be considered for conversion into four-year liberal arts colleges.

Sec. 23. RCW 28B.50.030 and 1985 c 461 s 14 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise, the term:

(1) "System" shall mean the state system of community colleges, which shall be a system of higher education;

(2) "Board" shall mean the work force training and education coordinating board;

(3) "College board" shall mean the state board for community college education created by this chapter;

((3)) (4) "Director" shall mean the administrative director for the state system of community colleges;

~~((4))~~ (5) "District" shall mean any one of the community college districts created by this chapter;

~~((5))~~ (6) "Board of trustees" shall mean the local community college board of trustees established for each community college district within the state;

~~((6)) "Council" shall mean the coordinating council for occupational education;))~~

(7) "Occupational education" shall mean that education or training that will prepare a student for employment that does not require a baccalaureate degree;

(8) "K-12 system" shall mean the public school program including kindergarten through the twelfth grade;

(9) "Common school board" shall mean a public school district board of directors;

(10) "Community college" shall include ~~((where applicable, vocational technical and adult))~~ those higher education institutions that conduct education programs ((conducted by community colleges and vocational technical institutes whose major emphasis is in post high school education)) under RCW 28B.50.020;

(11) "Adult education" shall mean all education or instruction, including academic, vocational education or training, basic skills and literacy training, and "occupational education" provided by public educational institutions, including common school districts for persons who are eighteen years of age and over or who hold a high school diploma or certificate(~~(= PROVIDED, That))~~). However, "adult education" shall not include academic education or instruction for persons under twenty-one years of age who do not hold a high school degree or diploma and who are attending a public high school for the sole purpose of obtaining a high school diploma or certificate(~~(= PROVIDED, FURTHER, That))~~), nor shall "adult education" ~~((shall not))~~ include education or instruction provided by any four year public institution of higher education(~~(= AND PROVIDED FURTHER, That adult education shall not include))~~ or education or instruction provided by a vocational-technical institute.

Sec. 24. RCW 15.76.120 and 1961 c 61 s 3 are each amended to read as follows:

For the purposes of this chapter all agricultural fairs in the state which may become eligible for state allocations shall be divided into categories, to wit:

(1) "Area fairs"--those not under the jurisdiction of boards of county commissioners; organized to serve an area larger than one county, having both open and junior participation, and having an extensive diversification of classes, displays and exhibits;

(2) "County and district fairs"--organized to serve the interests of single counties other than those in which a recognized area fair or a district fair as defined in RCW 36.37.050, is held and which are under the direct control and supervision of the county commissioners of the respective counties, which have both open and junior participation, but whose classes, displays and exhibits may be more restricted or limited than in the case of area or district fairs. There may be but one county fair in a single county: PROVIDED, HOWEVER, That the county commissioners of two or more counties may, by resolution, jointly sponsor a county fair.

(3) "Community fairs"--organized primarily to serve a smaller area than an area or county fair, which may have open or junior classes, displays, or exhibits. There may be more than one community fair in a county.

(4) "Youth shows and fairs"--approved by duly constituted agents of Washington State University and/or the Washington ~~((state board for vocational education))~~ work force training and education coordinating board, serving three or more counties, and having for their purpose the education and training of rural youth in matters of rural living.

Sec. 25. RCW 28A.305.270 and 1989 c 146 s 2 are each amended to read as follows:

(1) The Washington state minority teacher recruitment program is established. The program shall be administered by the state board of education. The state board

of education shall consult with the higher education coordinating board, representatives of institutions of higher education, education organizations having an interest in teacher recruitment issues, the superintendent of public instruction, the state board for community college education, the ~~((department of))~~ employment security department, and the ~~((state board of vocational education within the office of the governor))~~ work force training and education coordinating board. The program shall be designed to recruit future teachers from students in the targeted groups who are in the ninth through twelfth grades and from adults in the targeted groups who have entered other occupations.

(2) The program shall include the following:

(a) Encouraging students in targeted groups in grades nine through twelve to acquire the academic and related skills necessary to prepare for the study of teaching at an institution of higher education;

(b) Promoting teaching career opportunities to develop an awareness of opportunities in the education profession;

(c) Providing opportunities for students to experience the application of regular high school course work to activities related to a teaching career; and

(d) Providing for increased cooperation among institutions of higher education including community colleges, the superintendent of public instruction, the state board of education, and local school districts in working toward the goals of the program.

Sec. 26. RCW 28C.04.015 and 1990 c 188 s 1 are each amended to read as follows:

As used in this chapter the following definitions shall apply:

(1) "Board" means the ~~((state board for vocational education))~~ work force training and education coordinating board.

(2) "Vocational education" means a planned series of learning experiences, the specific objective of which is to prepare persons to enter, continue in, or upgrade themselves in gainful employment in recognized occupations, and home and family life programs, which are not designated as professional or requiring a baccalaureate or higher degree.

Sec. 27. RCW 28C.04.024 and 1990 c 188 s 2 are each amended to read as follows:

(1) The ~~((state board for vocational education))~~ work force training and education coordinating board is hereby created as a state agency and as the successor agency to the commission for vocational education. The board shall have authority to carry out any existing statutory duties formerly administered by the commission and other duties assigned by the governor. ~~((The board shall be composed of five members consisting of the governor, the superintendent of public instruction, the director of the state board for community college education, one representative of organized labor appointed by the governor, and one representative of business appointed by the governor. Each board member may appoint a designee to function in his or her place with the right to vote. The governor shall appoint an executive director of the board. The board may delegate, by resolution, to the executive director any of its duties or responsibilities. The board may also delegate by interagency agreement its responsibilities under the Washington award for vocational excellence program to any existing state agency, board, or council. The board may employ such other personnel as may be necessary to carry out the purposes of this chapter.~~

~~((2) All references to the commission for vocational education in the Revised Code of Washington shall be construed to mean the state board for vocational education.))~~

Sec. 28. RCW 28C.10.020 and 1990 c 188 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means the (~~(state board for vocational education)~~) work force training and education coordinating board or its successor.

(2) "Agent" means a person owning an interest in, employed by, or representing for remuneration a private vocational school within or without this state, who enrolls or personally attempts to secure the enrollment in a private vocational school of a resident of this state, offers to award educational credentials for remuneration on behalf of a private vocational school, or holds himself or herself out to residents of this state as representing a private vocational school for any of these purposes.

(3) "Degree" means any designation, appellation, letters, or words including but not limited to "associate," "bachelor," "master," "doctor," or "fellow" which signify or purport to signify satisfactory completion of an academic program of study beyond the secondary school level.

(4) "Education" includes but is not limited to, any class, course, or program of training, instruction, or study.

(5) "Educational credentials" means degrees, diplomas, certificates, transcripts, reports, documents, or letters of designation, marks, appellations, series of letters, numbers, or words which signify or appear to signify enrollment, attendance, progress, or satisfactory completion of the requirements or prerequisites for any educational program.

(6) "Entity" includes, but is not limited to, a person, company, firm, society, association, partnership, corporation, or trust.

(7) "Private vocational school" means any location where (~~(there is)~~) there is an entity offering postsecondary education in any form or manner for the purpose of instructing, training, or preparing persons for any vocation or profession.

(8) "To grant" includes to award, issue, sell, confer, bestow, or give.

(9) "To offer" includes, in addition to its usual meanings, to advertise or publicize. "To offer" also means to solicit or encourage any person, directly or indirectly, to perform the act described.

(10) "To operate" means to establish, keep, or maintain any facility or location where, from, or through which education is offered or educational credentials are offered or granted to residents of this state, and includes contracting for the performance of any such act.

NEW SECTION. Sec. 29. Community colleges may contract with local common school districts to provide occupational programs for high school students.

NEW SECTION. Sec. 30. The college board personnel administering state and federally funded programs for adult basic skills and literacy education shall be known as the state office for adult literacy.

NEW SECTION. Sec. 31. The legislature finds that a vocational institute in the central area of the city of Seattle provides civic, social, and economic benefits to the people of the state of Washington.

Economic development is enhanced by increasing the number of skilled individuals who enter the labor market and social welfare costs are reduced by the training of individuals lacking marketable skills. The students at the institute are historically economically disadvantaged, and include racial and ethnic minorities, recent immigrants, single-parent heads of households, and persons who are dislocated workers or without specific occupational skills. The institute presents a unique opportunity for business, labor, and community-based organizations, and educators to work together to provide effective vocational-technical training to the economically disadvantaged of urban Seattle, and to serve as a national model of such cooperation. Moreover, a trained work force is a major factor in attracting new employers, and with greater minority participation in the work force, the institute is uniquely located to deliver training and education to the individuals employers must increasingly turn to for their future workers.

NEW SECTION. Sec. 32. The mission of the institute shall be to provide occupational, basic skills, and literacy education opportunities to economically disadvantaged populations in urban areas of the college district it serves. The board of trustees of the sixth college district shall appoint a nine-member advisory committee consisting of equal representation from business, labor, and community representatives to provide advice and counsel to the administration of the institute and the district administration.

NEW SECTION. Sec. 33. Funding for the institute shall be included in a separate allocation to the Washington institute for applied technology, and funds allocated for the institute shall be used only for purposes of the institute.

NEW SECTION. Sec. 34. The Washington institute for applied technology shall conduct a survey of the capital facilities and equipment necessary to operate the program at the institute. The district shall present the survey to the state board for community college education by December 1, 1991. The board shall include the survey in its budget request to the legislature which shall consider a supplementary appropriation for the 1992-93 fiscal year to the sixth college district based on the results of this survey.

NEW SECTION. Sec. 35. The Washington institute for applied technology may provide for waivers of tuition and fees and provide scholarships for students at the institute. The Washington institute for applied technology may negotiate with applicable public or private service providers to conduct the instructional activities of the institute, however, the Washington institute for applied technology shall not hire instructional staff or faculty. In order to allow the Washington institute for applied technology flexibility in its personnel policies with the institute, the Washington institute for applied technology and the institute, with reference to employees of the institute employed during an initial two-year period until July 1, 1993, are exempt from chapters 28B.16, 28B.52 (relating to collective bargaining), 41.04, 41.05, 41.06, and 41.40 RCW; from RCW 43.01.040 through 43.01.044; and from RCW 28B.50.551 and 28B.50.850 through 28B.50.875 (relating to faculty tenure).

NEW SECTION. Sec. 36. A new section is added to chapter 41.06 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from the provisions of this chapter until July 1, 1993.

NEW SECTION. Sec. 37. A new section is added to chapter 41.05 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from the provisions of this chapter until July 1, 1993.

NEW SECTION. Sec. 38. A new section is added to chapter 41.04 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from the provisions of this chapter until July 1, 1993.

NEW SECTION. Sec. 39. A new section is added to chapter 28B.16 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from the provisions of this chapter until July 1, 1993.

NEW SECTION. Sec. 40. A new section is added to chapter 41.40 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from the provisions of this chapter until July 1, 1993.

NEW SECTION. Sec. 41. A new section is added to chapter 28B.52 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from the provisions of this chapter until July 1, 1993.

NEW SECTION. **Sec. 42.** A new section is added to chapter 43.01 RCW to read as follows:

Employees of the Seattle Vocational Institute are exempt from RCW 43.01.040 through 43.01.044 until July 1, 1993.

NEW SECTION. **Sec. 43.** Related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the responsibility of the work force training and education coordinating board.

NEW SECTION. **Sec. 44.** The legislature finds that the needs of the work force and the economy necessitate enhanced vocational education opportunities in secondary education including curriculum which integrates vocational and academic education. In order for the state's work force to be competitive in the world market, employees need competencies in both vocational/technical skills and in core essential competencies such as English, math, science/technology, geography, history, and critical thinking. Curriculum which integrates vocational and academic education reflects that many students learn best through applied learning, and that students should be offered flexible education opportunities which prepare them for both the world of work and for higher education.

NEW SECTION. **Sec. 45.** A new section is added to chapter 28A.300 RCW to read as follows:

The superintendent of public instruction shall with the advice of the work force training and education coordinating board develop model curriculum integrating vocational and academic education at the secondary level. The curriculum shall integrate vocational education for gainful employment with education in the academic subjects of English, math, science/technology, geography, and history, and with education in critical thinking. Upon completion, the model curriculum shall be provided for consideration and use by school districts.

NEW SECTION. **Sec. 46.** Sections 16 and 17 of this act shall constitute a new chapter in Title 50 RCW.

NEW SECTION. **Sec. 47.** Sections 2 through 9 of this act shall constitute a new chapter in Title 28C RCW.

NEW SECTION. **Sec. 48.** Sections 18 through 20 of this act shall constitute a new chapter in Title 28C RCW.

NEW SECTION. **Sec. 49.** Sections 21, 29, 30, 32, 33, 35, and 43 of this act are each added to chapter 28B.50 RCW.

NEW SECTION. **Sec. 50.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided for sections 31 through 33 of this act by June 30, 1991, in the omnibus appropriations act, sections 31 through 33 of this act shall be null and void.

NEW SECTION. **Sec. 51.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

Debate ensued.

Senator Skratek demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Skratek, Bluechel, Wojahn, Cantu, Niemi, Johnson, Rasmussen, Anderson, McDonald and Hansen to Substitute Senate Bill No. 5184.

ROLL CALL

The Secretary called the roll and the striking amendment was not adopted by the following vote: Yeas, 17; Nays, 32; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Johnson, Madsen, McDonald, Niemi, Owen, Patterson, Rasmussen, Skratek, L. Smith, Wojahn - 17.

Voting nay: Senators Amondson, Bailey, Barr, Bauer, Conner, Hayner, Jesernig, L. Kreidler, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Pelz, Rinehart, Roach, Saling, Sellar, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 32.

MOTION

Senator Rasmussen moved that the following amendment be adopted:

On page 97, line 21, after "1991" strike all material through "immediately" on line 22

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rasmussen on page 97, line 21, to Substitute Senate Bill No. 5184.

The motion by Senator Rasmussen failed and the amendment was not adopted.

MOTION

On motion of Senator Saling, the rules were suspended, Engrossed Substitute Senate Bill No. 5184 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Newhouse, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1991-8638

By Senator Roach

WHEREAS, On March 9, 1991, the Auburn High School Lady Trojans basketball team defeated the Mead Panthers of Spokane by a score of 44-36 to win the Washington Class AAA championship; and

WHEREAS, The Trojans showed remarkable poise in the championship game by overcoming an eight-point deficit in the final five minutes of the game, outscoring their opponents 18-2 during that stretch to win by eight points; and

WHEREAS, The championship was the Trojans' second state title, following one in 1983, and was the crowing achievement of a superb season which saw the team win twenty-six games, going undefeated against

Washington opponents—and losing only two games to national competition in a prestigious East Coast tournament; and

WHEREAS, Auburn junior Behka Stafford was voted the Washington girls Class AAA tournament's most valuable player after scoring seventeen points in the championship, including twelve points in the last 3:11 minutes of the game; and

WHEREAS, All other members of the team played critical roles in the team's success, including Jane Kuxhausen, Kristi Dray, Carey Rockey, Christy Mariani, Behka Stafford, Kristi Konsmo, Angie Jorgensen, Nancy Konsmo, Erin Swanson, Laine Gonzales, Kelli Crossno, Janna Ellsworth and Jennifer Wood; and

WHEREAS, Head Coach Dennis Olson and Assistant Coaches Tony Higgins, Gordon O'Dell, Dale Pound and Jason Higgins proved their coaching skills and leadership abilities in guiding the team through its stellar season; and

WHEREAS, Team Managers Laurel Parker, Sarah Rockey, Jessica Williams and Rashall Novacek, Student Trainer Denise Kartes, and Team Secretary/Statistics Coordinator Priscilla Wood played crucial supporting roles in the team's success; and

WHEREAS, The team received exemplary season-long support from parents, students, fans, and the community as a whole; and

WHEREAS, Team members have proven their ability not only to succeed on the court, but also in the classroom;

NOW, THEREFORE, BE IT RESOLVED, That the Senate hereby congratulates the Auburn High School Lady Trojans for their outstanding season, including their spectacular victory in the Class AAA championship game; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Auburn High School Lady Trojans Coach Dennis Olson.

Senator Roach spoke to Senate Resolution 1991-8638.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the members of the Auburn High School Lady Trojans basketball team and their coaches who were seated in the gallery.

MOTION

At 12:17 p.m., on motion of Senator Newhouse, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:36 p.m. by President Pritchard.

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

MESSAGE FROM THE GOVERNOR
COMMUTATION OF PARDON

March 18, 1991

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

In compliance with the provision of Section 11 of Article III of the Constitution of the state of Washington, the Governor hereby submits his report of each case of reprieve, commutation or pardon that he has granted since the adjournment of the 1990 Second Special Session of the Fifty-first Legislature, copy of which is attached.

Respectfully submitted,
THOMAS J. FELNAGLE, Legal Counsel to the Governor

PARDON

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

Nas Imran, formerly known as Clarence O'Dell Willis, pleaded guilty to the crime of burglary in the second degree in Pierce County Superior Court, Washington Cause No. 37549. Judgment and sentence was entered on August 4, 1969, and Mr. Imran was given a two year deferred sentence. Mr. Imran later violated the terms and conditions of his probation and on March 31, 1970, the probation was revoked and Mr. Imran was sentenced to the Department of Institutions for a period of fifteen years. On September 24, 1971, Mr. Imran was paroled. On June 6, 1975, he was granted a conditional discharge from supervision and on August 18, 1989, he was granted a final discharge and restoration of civil rights.

Since his release from prison, Mr. Imran has been privately employed in the field of community corrections. His work has included the position of director of two sixty bed work release facilities. For the past twenty years, Mr. Imran has also volunteered his services to a variety of criminal justice organizations, including recently chairing the regional conference of the National Association of Blacks in Criminal Justice. His petition for pardon is supported by numerous individuals in the community, including the Secretary of the Washington State Department of Corrections.

This pardon is based on the passage of a substantial amount of time since the original conviction, Mr. Imran's excellent work history and his community involvement. The pardon also removes any impediment to future employment opportunities in the field of criminal justice.

NOW, THEREFORE, I, Booth Gardner, Governor of the state of Washington, do hereby pardon Nas Imran, formerly known as Clarence O'Dell Willis, from the judgment and sentence of burglary in the second degree, cause No. 37549, entered on August 4, 1969, by the Superior Court of the state of Washington for Pierce County.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 6th day of March, A.D., nineteen hundred and ninety-one.

(SEAL)

BOOTH GARDNER, Governor

BY THE GOVERNOR

Ralph Munro, Secretary of State

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1036 by House Committee on State Government (originally sponsored by Representatives Valle, McLean, H. Sommers, Vance, Wineberry, Sheldon and Anderson) (by request of Governor Gardner)

Organizing the liquor control board.

Referred to Committee on Governmental Operations.

EHB 1041 by Representatives Anderson, McLean, Cantwell, Ferguson, Broback, Tate, Basich, May, Miller, Vance and Mitchell (by request of Secretary of State)

Authorizing facsimile filing of election documents.

Referred to Committee on Governmental Operations.

ESHB 1081 by House Committee on Transportation (originally sponsored by Representatives Morris, R. Fisher, Braddock, Winsley, Moyer, Paris, Day, G. Fisher, Prentice, H. Sommers, Cooper, R. Johnson, Rust, Dellwo, Pruitt, Phillips, Sprenkle, Riley, Wineberry, Basich, Jacobsen, Leonard, Roland, Bowman, Brekke, Orr, Appelwick and Anderson)

Implementing a bicycle safety program.

Referred to Committee on Transportation.

ESHB 1133 by House Committee on State Government (originally sponsored by Representatives Valle, Ferguson, Belcher, Bowman, Sprenkle, Brekke, Pruitt, Dellwo, Sheldon, Morris, Jones, Betzoff and Orr)

Changing review and approval of personal service contracts.

Referred to Committee on Governmental Operations.

HB 1151 by Representatives Ferguson, Appelwick, Winsley, Rasmussen, Tate, Fuhrman, Broback, Moyer, Holland, Dorn, Phillips, Pruitt, H. Sommers, Brumsickle, D. Sommers, Ogden, Ballard, Forner, Grant, Roland, Vance, Morris, Spanel, Paris, Haugen, May, Rayburn, Zellinsky, Silver, Betzoff, Nealey, Sprengle and Orr

Changing blood and breath alcohol content standards for intoxication for those persons under the age of twenty-one.

Referred to Committee on Law and Justice.

ESHB 1174 by House Committee on Education (originally sponsored by Representatives Holland, Cole, Peery, Brumsickle, G. Fisher, Brough, Valle, Rasmussen, Phillips, Jones, Dorn, P. Johnson, Padden, Appelwick, Jacobsen, Winsley, Pruitt, Inslee, Ogden, Ballard, Wood, R. Johnson, Vance, Sheldon, Day, Spanel, Leonard, Broback, Paris, Rust, Scott, Haugen, Hine, Cantwell, Rayburn, Edmondson, Basich, Mitchell, Betzoff, Nealey, Miller, Bowman, Moyer, Fraser, O'Brien, Sprengle, Tate and McLean) (by request of Task Force on Student Transportation Safety)

Allowing school bus drivers to report drivers who fail to stop.

Referred to Committee on Education.

ESHB 1198 by House Committee on Local Government (originally sponsored by Representatives Hine, G. Fisher, Holland, Forner, Prentice, Spanel, Valle, Heavey, R. Johnson and Leonard)

Regulating the placement of electrical facilities.

Referred to Committee on Energy and Utilities.

SHB 1202 by House Committee on Judiciary (originally sponsored by Representatives Riley, Ludwig, Winsley, Forner, Bray, Wood, Jones, R. Johnson, Jacobsen, Scott, Neher, Schmidt, Sheldon, Phillips, Orr, Basich, Leonard and Anderson) (by request of Washington State Patrol)

Prohibiting firearms in state capitol buildings.

Referred to Committee on Law and Justice.

SHB 1208 by House Committee on Human Services (originally sponsored by Representatives Belcher, Hargrove, Jones, Beck, Winsley, Nealey, R. King and Haugen) (by request of Department of Corrections)

Authorizing an interstate forest fire suppression compact.

Referred to Committee on Law and Justice.

EHB 1246 by Representatives R. King, Winsley, Jones, Ebersole, Prentice, O'Brien, R. Meyers, Scott and Phillips

Enforcing the payment of prevailing wages.

Referred to Committee on Commerce and Labor.

SHB 1258 by House Committee on Health Care (originally sponsored by Representatives Day, Moyer, Prentice, Braddock, Paris and Orr) (by request of Department of Health)

Changing provisions relating to nursing home administration.

Referred to Committee on Health and Long-Term Care.

SHB 1342 by House Committee on Transportation (originally sponsored by Representatives Kremen, Braddock, R. Fisher, Spanel, R. Johnson and Nelson)

Authorizing cities to impose an excise tax on the sale or distribution of motor vehicle fuel and special fuel.

Referred to Committee on Transportation.

HB 1347 by Representatives Cole, Prentice, Winsley, Heavey, Wood, Anderson, R. King, Jacobsen, Brough, Edmondson, Miller, Paris, G. Fisher, Ludwig, Pruitt, Phillips, Sprenkle and Brekke

Allowing employees to use sick leave to care for children under one year of age.

Referred to Committee on Commerce and Labor.

ESHB 1378 by House Committee on Appropriations (originally sponsored by Representatives Appelwick, Miller, Belcher, Locke, H. Myers, Prentice, Fraser, Leonard, Anderson and Scott)

Changing provisions relating to superior court fees.

Referred to Committee on Law and Justice.

SHB 1407 by House Committee on State Government (originally sponsored by Representatives Dellwo, O'Brien, Heavey, Cantwell, Anderson, Wineberry and Valle)

Defining procedure for investment of state funds.

Referred to Committee on Financial Institutions and Insurance.

HB 1408 by Representatives Dellwo, Silver, Orr, Padden, D. Sommers and Mielke

Establishing a license to sell liquor in motels.

Referred to Committee on Commerce and Labor.

ESHB 1448 by House Committee on Fisheries and Wildlife (originally sponsored by Representatives Jacobsen, Anderson, Rust, Brekke, Prentice, Valle, Phillips, Heavey, Appelwick, Locke, H. Sommers, Belcher, Nelson, Hine, Fraser and Wineberry)

Establishing the Union Bay wildlife habitat management area.

Referred to Committee on Environment and Natural Resources.

HB 1578 by Representative Appelwick

Authorizing owners of property in the vicinity of a county road to petition for its vacation.

Referred to Committee on Governmental Operations.

HB 1607 by Representatives Horn, Roland and Haugen

Providing for liens for delinquent service charges of storm water control facilities and city-owned sewer systems.

Referred to Committee on Governmental Operations.

SHB 1610 by House Committee on Housing (originally sponsored by Representatives Leonard, Winsley, Franklin and Nelson)

Making multiple changes to the mobile home landlord-tenant act.

Referred to Committee on Commerce and Labor.

ESHB 1624 by House Committee on Housing (originally sponsored by Representatives Nelson, Mitchell, H. Sommers, Jacobsen, Winsley, R. Johnson and Phillips)

Changing provisions relating to the housing trust fund.

Referred to Committee on Commerce and Labor.

SHB 1655 by House Committee on Commerce and Labor (originally sponsored by Representatives Heavey, Winsley, D. Sommers, Orr, Moyer, Cole, Wood, Jones, Tate, Kremen, Miller, Riley, Phillips, Belcher, R. Johnson, Sheldon, Dellwo, Zellinsky, Cooper, H. Myers, O'Brien, Morris, Prentice, Basich, Anderson, Spanel, Day, Franklin, Peery, Leonard, Cantwell, Ogden, G. Fisher, Grant, Dorn, Hargrove, Rayburn, Ludwig, R. Fisher, Nelson, Holland, P. Johnson, Rasmussen, Van Luven, Fraser, Bowman and Pruitt)

Providing for state employee collective bargaining.

Referred to Committee on Commerce and Labor.

HB 1664 by Representatives Belcher, Brumsickle, Ferguson, Fraser, Scott, G. Fisher, Cole, R. Johnson, Mielke, Bowman, Winsley and Anderson

Clarifying educational requirements regarding sign language.

Referred to Committee on Education.

EHB 1674 by Representatives Orr, Spanel, Locke, Jacobsen, Heavey, Wineberry, Dorn, Hargrove, Morris, Riley, Basich, Rayburn, Grant, Anderson, Leonard, Sheldon, Cantwell, Jones, Nelson, Rasmussen, Dellwo, R. King, Roland, Zellinsky, R. Fisher, Winsley, Holland, O'Brien, Prentice, Pruitt, Ogden, Miller, Paris, Ebersole, Mitchell, Kremen, Scott, H. Myers and Inslee

Freezing tuition and fees at 1990 rates for Persian Gulf veterans.

Referred to Committee on Higher Education.

ESHB 1677 by House Committee on Transportation (originally sponsored by Representatives Cooper, R. Fisher, Peery, Ogden, H. Myers, Morris, Jacobsen and Winsley)

Updating population criteria for high capacity transportation programs.

Referred to Committee on Transportation.

ESHB 1717 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Mielke, Day, Tate, Dellwo, Moyer, Belcher, Wood, Padden, Zellinsky, Bowman, Paris, Morton, Anderson, Holland, Broback, Ferguson, Ballard, P. Johnson, Brumsickle, Betzoff, Chandler, Fuhrman, Nealey, Casada, D. Sommers, Forner, Horn, Wineberry, Scott, Wang, Van Luven, Winsley, Wynne, Brough, Miller, May and Mitchell)

Requiring disclosure of the right to cancel mortgage insurance.

Referred to Committee on Financial Institutions and Insurance.

EHB 1723 by Representatives Ogden, Jacobsen, Wood, Spanel, Zellinsky, R. King, Roland, H. Myers and Fraser (by request of Higher Education Coordinating Board)

Creating the Washington fund for excellence in higher education program.

Referred to Committee on Higher Education.

SHB 1762 by House Committee on Education (originally sponsored by Representatives Brough, Peery, Vance, Betzoff, Brumsickle, Broback, Holland, P. Johnson, Dorn, Rasmussen, H. Sommers, Van Luven, Morton, Winsley, Jacobsen, Wineberry, Spanel, Tate, Miller, Bowman, Forner and D. Sommers)

Allowing eleventh and twelfth grade students to take courses at institutions of higher education for high school credit.

Referred to Committee on Education.

SHB 1857 by House Committee on Trade and Economic Development (originally sponsored by Representatives Riley, Jones, Belcher, Wilson, Spanel and Sheldon) (by request of Washington Hardwoods Commission)

Revising provisions relating to the hardwood commission.

Referred to Committee on Environment and Natural Resources.

EHB 1868 by Representatives Anderson, Ferguson, Cantwell, G. Fisher, Pruitt, Wineberry, Phillips and Hine

Restructuring administration of the department of transportation.

Referred to Committee on Governmental Operations.

SHB 1907 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Dellwo, Broback, Zellinsky, Mielke, Anderson, R. Meyers, Winsley, Inslee, Paris, Dorn, Schmidt, Scott and R. Johnson)

Regulating local government self-insurance.

Referred to Committee on Financial Institutions and Insurance.

EHB 1928 by Representatives G. Fisher, Zellinsky, Brough, Haugen, Ferguson, Hine and Horn

Defining the authority of port districts to charge fees.

Referred to Committee on Governmental Operations.

SHB 1936 by House Committee on Higher Education (originally sponsored by Representatives Dorn, Ferguson, Jacobsen, Orr, Grant, Roland, Rasmussen, Winsley, Broback and Rayburn)

Allowing high school graduation requirements to satisfy coursework requirements for undergraduate admissions.

Referred to Committee on Higher Education.

HB 1941 by Representatives Bowman, Leonard, Moyer, Winsley, Paris and Mitchell

Directing the department of social and health services to seek a federal waiver that would allow certain public assistance recipients to retain internship income.

Referred to Committee on Children and Family Services.

ESHB 2027 by House Committee on Higher Education (originally sponsored by Representatives Ballard, Jacobsen, Bowman, Vance, Tate, Brough, Paris, Ferguson, Casada, Chandler, Forner, Moyer, Fuhrman, Holland, Wynne, May, Mitchell, P. Johnson, Betzoff and Miller)

Providing for refund of or credit toward new enrollment for higher education costs for students deployed because of the Gulf war.

Referred to Committee on Higher Education.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 5184, which had been advanced to third reading before the Senate recessed for the noon break.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5184.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5184 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Conner, Hayner, Jesernig, L. Kreidler, Matson, McCaslin, McMullen, Murray, Nelson, Newhouse, Oke, Pelz, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 32.

Voting nay: Senators Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Johnson, Madsen, McDonald, Metcalf, Moore, Niemi, Owen, Patterson, Rasmussen, Skratek, Wojahn - 17.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5184, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5628 and the pending amendment by Senator Hansen on page 7, after line 25, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Matson, the President finds that Substitute Senate Bill No. 5628 is a measure which specifies the extent of charges for which handlers shall have a lien on crops delivered to them.

"The amendment proposed by Senator Hansen would require commission merchants to establish a custodial account for consignors and maintain certain records related to the account.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Hansen on page 7, after line 25, to Substitute Senate Bill No. 5628 was ruled out of order.

MOTION

On motion of Barr, the rules were suspended, Substitute Senate Bill No. 5628 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5628.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5628 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 5628, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5837 and the pending amendments by Senators Bluechel, Wojahn, Bailey, Rasmussen and McCaslin on page 7, after line 7, and page 10, after line 14, to Substitute Senate Bill No. 5837, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Substitute Senate Bill No. 5837 is a measure which, among other things, defines or redefines terms of employment for purposes of determining whether a particular activity is covered by state industrial insurance and employment compensation laws or is exempt therefrom.

"The amendments proposed by Senators Bluechel, Wojahn, Bailey, Rasmussen and McCaslin defines additional employment relationships which may be exempt from industrial insurance and employment compensation coverage.

"The President, therefore, finds that the proposed amendments do not change the scope and object of the bill and the point of order is not well taken."

The amendments by Senators Bluechel, Wojahn, Bailey, Rasmussen and McCaslin on page 7, after line 7, and page 10, after line 14, to Substitute Senate Bill No. 5837 were ruled in order.

The President declared the question before the Senate to be the adoption of the amendments by Senators Bluechel, Wojahn, Bailey, Rasmussen and McCaslin on page 7, after line 7, and page 10, after line 14, to Substitute Senate Bill No. 5837.

Debate ensued.

Senator Anderson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call

on the adoption of the amendments by Senators Bluechel, Wojahn, Bailey, Rasmussen and McCaslin on page 7, after line 7, and page 10, after line 14, to Substitute Senate Bill No. 5837.

ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Hayner, Jesernig, Johnson, McCaslin, McMullen, Niemi, Patterson, Rasmussen, Rinehart, Roach, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Williams, Wojahn - 27.

Voting nay: Senators Anderson, Gaspard, L. Kreidler, Madsen, Matson, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Pelz, Saling, Sellar, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, West - 22.

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5837 was deferred.

SECOND READING

SENATE BILL NO. 5841, by Senators Hansen and Barr

Clarifying existing crop lien coverage and filing procedures.

MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 5841 was substituted for Senate Bill No. 5841 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, the following amendment was adopted:

On page 2, line 17, after "interest or" delete "filed within thirty days after the commencement of the lease terms" and insert "before the completion of the harvest of the crops for which the lien is claimed"

MOTION

On motion of Senator Barr, the rules were suspended, Engrossed Substitute Senate Bill No. 5841 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5841.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5841 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Voting nay: Senator Matson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5841, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5150, by Senators Nelson and Rasmussen (by request of Public Disclosure Commission)

Adjusting campaign finance reporting requirements.

The bill was read the second time.

MOTION

On motion of Nelson, the rules were suspended, Senate Bill No. 5150 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5150.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5150 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SENATE BILL NO. 5150, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5780, by Senators L. Smith, Wojahn, Niemi, Johnson, West, Thorsness, von Reichbauer, L. Kreidler and Craswell

Enhancing employment transition programs for developmentally disabled high school students.

MOTIONS

On motion of Senator West, Second Substitute Senate Bill No. 5780 was substituted for Senate Bill No. 5780 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Linda Smith, the following amendments by Senators L. Smith and Wojahn were considered simultaneously and were adopted:

On page 3, line 11, after "basis", strike the remainder of the section through "parties." on line 15 and insert "from a list provided by the regional disabilities employment advisory councils pursuant to section 3 of this act."

On page 3, line 21, after "shall", strike the remainder of the subsection through "act." on line 24 and insert "use a competitive applications process to develop a list of potential regional disabilities employment function contractors from existing community organizations such as individuals, firms, nonprofit organizations, county authorities, or other programs demonstrating proven expertise in supported employment and a willingness to collaborate with county authorities, regional support networks, schools, and other involved parties. Advisory councils shall plan for the services and community options provided by the regional disabilities employment function contractor pursuant to section 2 of this act."

MOTION

On motion of West, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5780 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5780.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5780 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, West, Williams, Wojahn - 49.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5780, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5782, by Senators Barr, Hansen, Snyder, L. Smith and Amondson

Providing for rural health care services programs.

MOTIONS

On motion of Senator West, Second Substitute Senate Bill No. 5782 was substituted for Senate Bill No. 5782 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, the following amendment was adopted:

On page 2, line 19, after "implementation." insert "No liability may attach or otherwise accrue to the state for the provision of or charges for services under the rural health care services program authorized under this chapter."

On motion of Senator Barr, the following amendment was adopted:

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

"(9) The secretary, in consultation with the special advisory committee authorized in subsection (7) of this section, shall evaluate the project authorized under section 2 of this act. The secretary shall report to the legislature and the governor within four years of the initial commencement of health care service delivery. The evaluation shall assess whether the program has maintained financial viability, improved access to health care services, and increased utilization of local health care providers. The evaluation shall also include recommendations to continue or expand the program, including any necessary legislative changes.

"(10) The secretary may authorize enrollment limits to the program provided such limits do not jeopardize its financial viability."

MOTION

On motion of West, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5782 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5782.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5782 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson,

Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5782, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5374, by Senators Anderson, Newhouse, vognild, West, Conner and Thorsness

Establishing the industrial insurance labor-management cooperation program.

MOTIONS

On motion of Senator Matson, Substitute Senate Bill No. 5374 was substituted for Senate Bill No. 5374 and the substitute bill was placed on second reading and read the second time.

On motion of Matson, the rules were suspended, Substitute Senate Bill No. 5374 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5374.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5374 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Voting nay: Senators Niemi, Rinehart - 2.

SUBSTITUTE SENATE BILL NO. 5374, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5592, by Senators McDonald, Owen, Sellar and Roach

Contracting out for specific services.

MOTIONS

On motion of Senator McDonald, Substitute Senate Bill No. 5592 was substituted for Senate Bill No. 5592 and the substitute bill was placed on second reading and read the second time.

On motion of McDonald, the rules were suspended, Substitute Senate Bill No. 5592 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5592.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5592 and the bill failed to pass the Senate by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Saling, Sellar, L. Smith, Thorsness - 22.

Voting nay: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Pelz, Rasmussen, Rinehart, Roach, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 27.

SUBSTITUTE SENATE BILL NO. 5592, having failed to receive the constitutional majority, was declared lost.

SECOND READING

SENATE BILL NO. 5003, by Senators L. Smith, L. Kreidler, Conner and Snyder

Providing penalties and remedies for a person operating an adult family home without a license.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5003 was substituted for Senate Bill No. 5003 and the substitute bill was placed on second reading and read the second time.

On motion of West, the rules were suspended, Substitute Senate Bill No. 5003 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5003.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5003 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 5003, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5568, by Senators Roach, Stratton, Talmadge, L. Smith, Pelz, Bailey, Gaspard, Vognild, Williams, Skratek, Murray, Newhouse, McMullen, Matson, Bauer, West, L. Kreidler, A. Smith, Wojahn, Moore, Rinehart and Snyder

Addressing hunger and nutritional problems.

MOTIONS

On motion of Senator Amondson, Second Substitute Senate Bill No. 5568 was substituted for Senate Bill No. 5568 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Amondson, the rules were suspended, Second Substitute Senate Bill No. 5568 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Murray, Senator Vognild was excused.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5568.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5568 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling,

Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Vognild - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5568, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5904, by Senators Thorsness, Conner and Sutherland

Extending until 1995 home heating assistance for low-income persons.

The bill was read the second time.

MOTION

On motion of Thorsness, the rules were suspended, Senate Bill No. 5904 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5904.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5904 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SENATE BILL NO. 5904, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5347, by Senators West, Wojahn, L. Smith, Stratton, Johnson, Niemi, Roach, Vognild, Anderson, Amondson and Erwin

Establishing regional health promotion and disease prevention programs.

MOTIONS

On motion of Senator West, Second Substitute Senate Bill No. 5347 was substituted for Senate Bill No. 5347 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Second Substitute Senate Bill No. 5347 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5347.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5347 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SECOND SUBSTITUTE SENATE BILL NO. 5347, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5181, by Senators Oke, Bailey, Rinehart, Erwin, Gaspard, Anderson, A. Smith, Metcalf, Craswell, Talmadge, Saling, Roach, Murray, Madsen, von Reichbauer, Nelson, Owen, Johnson, Newhouse, Bauer, Vognild, Barr, Rasmussen, L. Kreidler, Moore, Amondson and Thorsness

Changing provisions relating to technological and vocational education.

MOTIONS

On motion of Senator Bailey, Second Substitute Senate Bill No. 5181 was substituted for Senate Bill No. 5181 and the second substitute bill was placed on second reading and read the second time.

On motion of Bailey, the rules were suspended, Second Substitute Senate Bill No. 5181 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5181.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5181 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling,

Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SECOND SUBSTITUTE SENATE BILL NO. 5181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5684, by Senators West, Niemi and Johnson (by request of Department of Health)

Requiring certain nonresident pharmacies to be licensed.

The bill was read the second time.

MOTION

On motion of West, the rules were suspended, Senate Bill No. 5684 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lela Kreidler: "Senator West, in Senate Bill No. 5684, Sections 7 through 10 are insurance sections. In each of those sections, the insurance entity is restricted to only provide prescription drugs from licensed nonresident pharmacies. Does that mean that pharmacies licensed to do business in the state of Washington cannot be used?"

Senator West: "No, that phrase means that the insurance entity, if they contract with a nonresident pharmacy, may only contract with a licensed nonresident pharmacy. If the nonresident pharmacy is not licensed in Washington, the pharmacy could not provide this contractual service. That language does not have any effect on the business done by the insurance entity with pharmacies licensed to do business within the state of Washington."

Senator Lela Kreidler: "In these same insurance sections, the insurance entity can be asked to provide a full or partial customer list to the Department of Health. Is that list a patient list and does partial refer to a list limited to the patients covered in the relevant contract?"

Senator West: "No, the list which is referred to in this context is a full or partial list of customers that have purchased prescription drug coverage to be provided by the licensed nonresident pharmacy. Customers means employers, companies, health and welfare trusts or similar types of buying groups. This information may be requested by the Department of Health, but all of this information is exempt from public disclosure under RCW 42.17.310."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5684.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5684 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SENATE BILL NO. 5684, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5540, by Senators West and L. Kreidler

Requiring children and health care workers to be immunized against infectious diseases.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5540 was substituted for Senate Bill No. 5540 and the substitute bill was placed on second reading and read the second time.

Senator Talmadge moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 28, page 4, line 13, page 5, line 23, page 7, line 5, page 8, line 13, page 9, line 24, page 10, line 22, page 11, line 24, page 12, line 26, page 13, line 28, and page 15, line 3, following "beliefs" insert ": PROVIDED, That no waiver shall be available if the lack of immunization presents a serious and imminent threat of the spread of contagious disease which spread is likely to be prevented by immunization"

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Talmadge on page 2, line 28, page 4, line 13, page 5, line 23, page 7, line 5, page 8, line 13, page 9, line 24, page 10, line 22, page 11, line 24, page 12, line 26, page 13, line 28, and page 15, line 3, to Substitute Senate Bill No. 5540.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 18; Nays, 31; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Bauer, Conner, Gaspard, Jesernig, L. Kreidler, McMullen, Moore, Niemi, Rasmussen, Rinehart, Skratek, Sutherland, Talmadge, Vognild, West, Williams, Wojahn - 18.

Voting nay: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Craswell, Erwin, Hansen, Hayner, Johnson, Madsen, Matson, McCaslin, McDonald, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Thorsness, von Reichbauer - 31.

MOTION

Senator Talmadge moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 26, after "immunization;" insert "or"

On page 2, line 28, after "beliefs" strike "; or" and insert "."

On page 3, line 1, beginning with "(3)" strike all material through "child." on line

2

On page 4, line 10, after "immunization;" insert "or"

On page 4, line 13, after "beliefs" strike "; or" and insert "." and beginning on line 14, strike all material through "child." on line 16

On page 5, line 20, after "immunization;" insert "or"

On page 5, line 23, after "beliefs" strike "; or" and insert "." and beginning on line 24, strike all material through "child." on line 26

On page 7, line 2, after "immunization;" insert "or"

On page 7, line 5, after "beliefs" strike "; or" and insert "." and beginning on line 6, strike all material through "child." on line 8

On page 8, line 10, after "immunization;" insert "or"

On page 8, line 13, after "beliefs" strike "; or" and insert "." and beginning on line 14, strike all material through "child." on line 16

On page 9, line 21, after "immunization;" insert "or"

On page 9, line 24, after "beliefs" strike "; or" and insert "." and beginning on line 25, strike all material through "grounds." on line 27

On page 10, line 19, after "immunization;" insert "or"

On page 10, line 22, after "beliefs" strike "; or" and insert "." and beginning on line 23, strike all material through "grounds." on line 24

On page 11, line 21, after "immunization;" insert "or"

On page 11, line 24, after "beliefs" strike "; or" and insert "." and beginning on line 25, strike all material through "grounds." on line 26

On page 12, line 23, after "immunization;" insert "or"

On page 12, line 26, after "beliefs" strike "; or" and insert "." and beginning on line 27, strike all material through "grounds." on line 28

On page 13, line 25, after "immunization;" insert "or"

On page 13, line 28, after "beliefs" strike "; or" and insert "." and beginning on page 14, line 1, strike all material through "grounds." on line 2

On page 14, line 28, after "immunization;" insert "or"

On page 15, line 3, after "beliefs" strike "; or" and insert "." and beginning on line 4, strike all material through "grounds." on line 5

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Talmadge on pages 3, 4, 5, 7, 8, 9, 10, 11, 12, 14 and 15, to Substitute Senate Bill No. 5540.

The motion by Senator Talmadge carried and the amendments were adopted.

MOTIONS

On motion of Senator Lela Kreidler, the following amendments by Senators L. Kreidler and West were considered simultaneously and were adopted:

On page 4, line 16, following "child" insert ": PROVIDED, That no person may be denied benefits under this chapter for failure to provide the certificate or waiver set forth herein"

On page 5, line 26, following "child" insert ": PROVIDED, That no person may be denied benefits under this chapter for failure to provide the certificate or waiver set forth herein"

On page 7, line 8, following "child" insert ": PROVIDED, That no person may be denied benefits under this chapter for failure to provide the certificate or waiver set forth herein"

On page 8, line 16, following "child" insert ": PROVIDED, That no person may be denied benefits under this chapter for failure to provide the certificate or waiver set forth herein"

On motion of Senator West, the rules were suspended, Engrossed Substitute Senate Bill No. 5540 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5540.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5540 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5540, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5770, by Senators Thorsness and Saling

Authorizing obtaining electrical supplies through conservation and generation.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 5770 was substituted for Senate Bill No. 5770 and the substitute bill was placed on second reading and read the second time.

Senator Pelz moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 10, after "major" insert "conservation"

On page 2, line 26, after "of" strike "both conservation and generating" and insert "conservation"

Debate ensued.

Senator Pelz demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Pelz on page 2, lines 10 and 26, to Substitute Senate Bill No. 5770.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, L. Kreidler, Moore, Murray, Niemi, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Wojahn - 20.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Roach, Saling, Sellar, L. Smith, Stratton, Thorsness, West - 29.

MOTIONS

On motion of Senator Thorsness, the following amendment was adopted:

On page 3, line 21, after "take effect" strike all material through "following year" and insert "until approved by the legislature"

On motion of Senator Thorsness, the rules were suspended, Engrossed Substitute Senate Bill No. 5770 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5770.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5770 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Stratton, Thorsness, Vognild, von Reichbauer, West - 35.

Voting nay: Senators Bauer, Conner, L. Kreidler, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Williams, Wojahn - 14.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5770, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5756, by Senators Hayner, Jesernig and Thorsness
(by request of Utilities and Transportation Commission)

Providing rate regulation for low-level waste sites.

MOTION

On motion of Senator Hayner, Substitute Senate Bill No. 5756 was substituted for Senate Bill No. 5756 and the substitute bill was placed on second reading and read the second time.

POINT OF ORDER

Senator Williams: "I would like to raise the point of order that the Substitute Bill is outside the scope and object."

REPLY BY THE PRESIDENT

President Pritchard: "The President has previously ruled that he does not rule scope and object on substitute bills. It is a new bill."

Senator Williams: "I understand that, Mr. President, but if I might, I would like to at least raise my arguments on this."

President Pritchard: "That's fine. Go ahead."

Senator Williams: "The original bill was an act relating to low level waste sites and it dealt with conditions under which a monopoly might occur and the conditions under which, then, UTC would regulate such a monopoly. It modified the B & O tax on the site operator for that low level waste site. There was a Utilities and Transportation Commission request bill and much of the bill itself was very sensitively negotiated because there are a couple of lawsuits that are involved in this.

"Now, the substitute bill adds a totally different subject. It adds a Hanford area economic investment fund; it adds a Hanford area economic investment fund committee to disburse those funds and it adds a surcharge on rates charged to the generators who bring waste to that site. The three items that I mentioned, I think, are totally--were not discussed whatsoever in the original bill--and are totally outside the scope, in my opinion.

"What they do now, I think, is bring to us the potential for disrupting those two lawsuits that the original bill depended on and may open the door to an additional lawsuit now. I suggest that one of the additional ingredients of that lawsuit might be the fact that this new language may be outside the scope and object, so I bring this to the body, because I think at issue is the underlying concern about whether substitute bills are, in fact, amendments to the original bill or, in fact, original amendments."

MOTION

Senator Hayner moved that the following amendment by Senators Hayner and Thorsness be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. State and national policy directs that the management of low-level radioactive waste be accomplished by a system of interstate compacts and the development of regional disposal sites. The Northwest regional compact, comprised of the states of Alaska, Hawaii, Idaho, Montana, Oregon, Utah, and Washington, has as its disposal facility the low-level radioactive waste disposal site located near Richland, Washington. This site is expected to be the sole site for disposal of low-level radioactive waste for compact members effective January 1, 1993. Future closure of this site will require significant financial resources.

Low-level radioactive waste is generated by essential activities and services that benefit the citizens of the state. Washington state's low-level radioactive waste disposal site has been used by the nation and the Northwest compact as a disposal site since 1965. The public has come to rely on access to this site for disposal of low-level radioactive waste, which requires separate handling from other solid and hazardous wastes. The price of disposing of low-level radioactive waste at the Washington state low-level radioactive waste disposal site is anticipated to increase when the federal low-level radioactive waste policy amendments act of 1985 is implemented and waste generated outside the Northwest compact states is excluded.

When these events occur, to protect Washington and other Northwest compact states' businesses and services, such as electrical production, medical and university research, and private industries, upon which the public relies, there will be a need to regulate the rates charged by the operator of Washington's low-level radioactive waste disposal site. This chapter is adopted pursuant to section 8, chapter 21, Laws of 1990.

NEW SECTION. Sec. 2. Definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the Washington utilities and transportation commission.

(2) "Effective rate" means the highest permissible rate, calculated as the lowest contract rate plus an administrative fee, if applicable, determined pursuant to section 5 of this act.

(3) "Extraordinary volume" means volumes of low-level radioactive waste delivered to a site caused by nonrecurring events, outside normal operations of a generator, that are in excess of twenty thousand cubic feet or twenty percent of the preceding year's total volume at such site, whichever is less.

(4) "Extraordinary volume adjustment" means a mechanism that allocates the potential rate reduction benefits of an extraordinary volume between all generators and the generator responsible for such extraordinary volume as described in section 8 of this act.

(5) "Generator" means a person, partnership, association, corporation, or any other entity whatsoever that, as a part of its activities, produces low-level radioactive waste.

(6) "Inflation adjustment" means a mechanism that adjusts the maximum disposal rate by a percentage equal to the change in price levels in the preceding period, as measured by a common, verifiable price index as determined in section 5 of this act.

(7) "Initial rate proceeding" means the proceeding described in section 5 of this act.

(8) "Maximum disposal rate" means the rate described in section 6 of this act.

(9) "Site" means a location, structure, or property used or to be used for the storage, treatment, or disposal of low-level radioactive waste for compensation within the state of Washington.

(10) "Site operator" means a low-level radioactive waste site operating company as defined in RCW 81.04.010.

(11) "Volume adjustment" means a mechanism that adjusts the maximum disposal rate in response to material changes in volumes of waste deposited at the site during the preceding period so as to provide a level of total revenues sufficient to recover the costs to operate and maintain the site.

Sec. 3. RCW 81.04.010 and 1981 c 13 s 2 are each amended to read as follows: As used in this title, unless specially defined otherwise or unless the context indicates otherwise:

"Commission" means the utilities and transportation commission.

"Commissioner" means one of the members of such commission.

"Corporation" includes a corporation, company, association or joint stock association.

"Low-level radioactive waste site operating company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing a low-level radioactive waste disposal site or sites located within the state of Washington.

"Low-level radioactive waste" means low-level waste as defined by RCW 43.145.010.

"Person" includes an individual, a firm or copartnership.

"Street railroad" includes every railroad by whatsoever power operated, or any extension or extensions, branch or branches thereof, for public use in the conveyance of persons or property for hire, being mainly upon, along, above or below any street, avenue, road, highway, bridge or public place within any one city or town, and includes all equipment, switches, spurs, tracks, bridges, right of trackage, subways, tunnels, stations, terminals and terminal facilities of every kind used, operated, controlled or owned by or in connection with any such street railroad, within this state.

"Street railroad company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town, owning, controlling, operating or managing any street railroad or any cars or other equipment used thereon or in connection therewith within this state.

"Railroad" includes every railroad, other than street railroad, by whatsoever power operated for public use in the conveyance of persons or property for hire, with all bridges, ferries, tunnels, equipment, switches, spurs, tracks, stations and terminal facilities of every kind used, operated, controlled or owned by or in connection with any such railroad.

"Railroad company" includes every corporation, company, association, joint stock association, partnership or person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, controlling or managing any railroad or any cars or other equipment used thereon or in connection therewith within this state.

"Express company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, who shall engage in or transact the business of carrying any freight, merchandise or property for hire on the line of any common carrier operated in this state.

"Common carrier" includes all railroads, railroad companies, street railroads, street railroad companies, steamboat companies, express companies, car companies, sleeping car companies, freight companies, freight line companies, and every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town, owning, operating, managing or controlling any such agency for public use in the conveyance of persons or property for hire within this state.

"Vessel" includes every species of watercraft, by whatsoever power operated, for public use in the conveyance of persons or property for hire over and upon the waters within this state, excepting all towboats, tugs, scows, barges, and lighters, and excepting rowboats and sailing boats under twenty gross tons burden, open steam launches of five tons gross and under, and vessels under five tons gross propelled by gas, fluid, naphtha or electric motors.

"Steamboat company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers, appointed by any court whatsoever, owning, controlling, leasing, operating or managing any vessel over and upon the waters of this state.

"Transportation of property" includes any service in connection with the receiving, delivery, elevation, transfer in transit, ventilation, refrigeration, icing, storage and handling of the property transported, and the transmission of credit.

"Transportation of persons" includes any service in connection with the receiving, carriage and delivery of the person transported and his baggage and all facilities used, or necessary to be used in connection with the safety, comfort and convenience of the person transported.

"Public service company" includes every common carrier.

The term "service" is used in this title in its broadest and most inclusive sense.

NEW SECTION. Sec. 4. (1) The commission shall have jurisdiction over the sites and site operators as set forth in this chapter.

(2)(a) The commission shall establish rates to be charged by site operators. In establishing the rates, the commission shall assure that they are fair, just, reasonable, and sufficient considering the value of the site operator's leasehold and license interests, the unique nature of its business operations, the site operator's liability associated with the site, its investment incurred over the term of its operations, and the rate of return equivalent to that earned by comparable enterprises. Such rates shall only take effect following a finding that the site operator is a monopoly pursuant to section 11 of this act.

(b) In exercising the power in this subsection the commission may use any standard, formula, method, or theory of valuation reasonably calculated to arrive at the objective of prescribing and authorizing fair, just, reasonable, and sufficient rates. The relation of site operator expenses to site operator revenues may be deemed the proper test of a reasonable return.

(3) In all respects in which the commission has power and authority under this chapter, applications and complaints may be made and filed with it, process issued, hearings held, opinions, orders, and decisions made and filed, petitions for rehearing filed and acted upon, and petitions for review to the superior court filed therewith, appeals filed with the appellate courts of this state, considered and disposed of by said courts in the manner, under the conditions, and subject to the limitations, and with the effect specified in this title for public service companies generally.

(4) At any time after January 1, 1992, the commission may: (a) Prescribe a system of accounts for site operators using as a starting point the existing system used by site operators; (b) audit the books of site operators; (c) obtain books and records from site operators; (d) assess penalties; and (e) require semiannual reports regarding the results of operations for the site.

(5) The commission may adopt rules necessary to carry out its functions under this chapter.

NEW SECTION. Sec. 5. (1) On or before March 1, 1992, site operators shall file a request with the commission to establish an initial maximum disposal rate. The filing shall include at a minimum testimony, exhibits, workpapers, summaries, annual reports, cost studies, proposed tariffs, and other documents as required by the commission in rate cases generally under its jurisdiction.

(2) After receipt of a request, the commission shall set the request for a hearing and require the site operator to provide for notice to all known customers that ship or deliver waste to the site. The proceedings before the commission shall be conducted in accordance with chapter 34.05 RCW and rules of procedure established by the commission.

(3) No later than January 1, 1993, the commission shall establish the initial maximum disposal rates that may be charged by site operators.

(4) In the initial rate proceeding the commission also shall determine the factors necessary to calculate the inflation, volume, and extraordinary volume adjustments.

(5) The commission also shall determine the administrative fee, which shall be a percentage or an amount that represents increased administrative costs associated with acceptance of small volumes of waste by a site operator. The administrative fee may be revised by the commission from time to time upon its own motion or upon the petition of an interested person.

(6) The rates specified in this section shall only take effect following a finding that the site operator is a monopoly pursuant to section 11 of this act.

NEW SECTION. Sec. 6. (1) The maximum disposal rates that a site operator may charge generators shall be determined in accordance with this section. The rates shall include all charges for disposal services at the site.

(2) Initially, the maximum disposal rates shall be the initial rates established pursuant to section 5 of this act.

(3) Subsequently, the maximum disposal rates shall be adjusted semiannually in January and July of each year to incorporate inflation and volume adjustments. Such adjustments shall take effect thirty days after filing with the commission unless the commission authorizes that the adjustments take effect earlier, or the commission contests the calculation of the adjustments, in which case the commission may suspend the filing. A site operator shall provide notice to its customers concurrent with the filing.

(4)(a) Subsequently, a site operator may also file for revisions to the maximum disposal rates due to:

(i) Changes in any governmentally imposed fee, surcharge, or tax assessed on a volume or a gross revenue basis against or collected by the site operator, including site closure fees, perpetual care and maintenance fees, business and occupation taxes, site surveillance fees, leasehold excise taxes, commission regulatory fees, municipal taxes, and a tax or payment in lieu of taxes authorized by the state to compensate the county in which a site is located for that county's legitimate costs arising out of the presence of that site within that county; or

(ii) Factors outside the control of the site operator such as a material change in regulatory requirements regarding the physical operation of the site.

(b) Revisions to the maximum disposal rate shall take effect thirty days after filing with the commission unless the commission suspends the filing or authorizes the proposed adjustments to take effect earlier.

(5) Upon establishment of a contract rate pursuant to section 7 of this act for a disposal fee, the site operator may not collect a disposal fee that is greater than the effective rate. The effective rate shall be in effect so long as such contract rate remains in effect. Adjustments to the maximum disposal rates may be made during the time an effective rate is in place. Contracts for disposal of extraordinary volumes pursuant to section 8 of this act shall not be considered in determining the effective rate.

(6) The site operator may petition the commission for new maximum disposal rates at any time. Upon receipt of such a petition, the commission shall set the matter for hearing and shall issue an order within seven months of the filing of the petition. The petition shall be accompanied by the documents required to accompany the filing

for initial rates. The hearing on the petition shall be conducted in accordance with the commission's rules of practice and procedure.

(7) This section shall only take effect following a finding that the site operator is a monopoly pursuant to section 11 of this act.

NEW SECTION. Sec. 7. (1) At any time, a site operator may contract with any person to provide a contract disposal rate lower than the maximum disposal rate.

(2) A contract or contract amendment shall be submitted to the commission for approval at least thirty days before its effective date. The commission may approve the contract or suspend the contract and set it for hearing. If the commission takes no action within thirty days of filing, the contract or amendment shall go into effect according to its terms. Each contract filing shall be accompanied with documentation to show that the contract does not result in discrimination between generators receiving like and contemporaneous service under substantially similar circumstances and provides for the recovery of all costs associated with the provision of the service.

(3) This section shall only take effect following a finding that the site operator is a monopoly pursuant to section 11 of this act.

NEW SECTION. Sec. 8. (1) In establishing the extraordinary volume adjustment, unless the parties agree to a contract disposal rate, one-half of the extraordinary volume delivery shall be priced at the maximum disposal rate and one-half shall be priced at the site operator's incremental cost to receive the delivery. Such incremental cost shall be determined in the initial rate proceeding.

(2) For purposes of the subsequent calculation of the volume adjustment, one-half of the total extraordinary volume shall be included in the calculation.

(3) This section shall only take effect following a finding that the site operator is a monopoly pursuant to section 11 of this act.

NEW SECTION. Sec. 9. (1) At any time, the commission or an interested person may file a complaint against a site operator alleging that the rates established pursuant to section 5 or 6 of this act are not in conformity with the standards set forth in section 4 of this act or that the site operator is otherwise not acting in conformity with the requirements of this chapter. Upon filing of the complaint, the commission shall cause a copy thereof to be served upon the site operator. The complaining party shall have the burden of proving that the maximum disposal rates determined pursuant to section 6 of this act are not just, fair, reasonable, or sufficient. The hearing shall conform to the rules of practice and procedure of the commission for other complaint cases.

(2) The commission shall encourage alternate forms of dispute resolution to resolve disputes between a site operator and any other person regarding matters covered by this chapter.

NEW SECTION. Sec. 10. (1) A site operator shall, on or before May 1, 1992, and each year thereafter, file with the commission a statement showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee equal to one percent of the amount of the gross operating revenue, exclusive of site surveillance fees, perpetual care and maintenance fees, site closure fees, and state or federally imposed out-of-region surcharges.

(2) Fees collected under this chapter shall reasonably approximate the cost of supervising and regulating site operators. The commission may order a decrease in fees by March 1st of any year in which it determines that the moneys then in the radioactive waste disposal companies account of the public service revolving fund and the fees currently to be paid will exceed the reasonable cost of supervising and regulating site operators.

(3) Fees collected under this section or under any other provision of this chapter shall be paid to the commission and shall be transmitted to the state treasurer within thirty days to be deposited to the credit of the public service revolving fund.

NEW SECTION. Sec. 11. (1) A low-level waste disposal site operator is exempt as specified in sections 4(2)(a), 5(6), 6(7), 7(3), and 8(3) of this act unless a monopoly situation exists with respect to the site operated by such site operator. A monopoly situation exists if either of the following is present:

(a) No disposal facility is available to Northwest compact generators of low-level radioactive waste other than the site or sites operated by such site operator or its affiliates; or

(b) Disposal rates at other sites are not reasonable alternatives for Northwest compact generators, considering: Disposal rates at other facilities; current disposal rates charged by the site operator; historic relationships between the site operator's rates and rates at other facilities; and changes in the operator's rates considering changes in waste volumes, taxes, and fees: PROVIDED, HOWEVER, That a monopoly situation does not exist if either of the following facilities operates or is projected to operate after December 31, 1992:

(i) Any existing low-level radioactive waste disposal site outside the state of Washington, other than facilities operated by affiliates of a site operator, provided that such site or sites do not charge disposal rates that discriminate against Northwest compact generators, except to the extent, through December 31, 1994, such discrimination is authorized by amendment of current federal law.

(ii) An existing facility within the Northwest compact not receiving low-level radioactive waste offers to receive such waste under substantially similar terms and conditions.

(2) Such exemption shall be in effect until such time as the commission finds, after notice and hearing, upon motion by the commission or upon petition by any interested party, that a monopoly situation exists or will exist as of January 1, 1993. Such finding shall be based upon application of the criteria set forth in this section. The commission may assess a site operator for all of the commission's costs of supervision and regulation prior to and relative to determining whether such exemption applies to the site operator. If the commission determines that a site operator is not subject to such exemption, it shall collect its costs of supervision and regulation under section 10 of this act.

(3) When such an exemption is in effect, any increase in the rates charged by the operator effective January 1, 1993, for services other than the base rate for disposal of solid material in packages of twelve cubic feet or less shall be no more than the percentage increase in said base rate in effect on January 1, 1993.

NEW SECTION. Sec. 12. (1) At any time after this chapter has been implemented with respect to a site operator, such site operator may petition the commission to be classified as competitive. The commission may initiate classification proceedings on its own motion. The commission shall enter its final order with respect to classification within seven months from the date of filing of a company's petition or the commission's motion.

(2) The commission shall classify a site operator as a competitive company if the commission finds, after notice and hearing, that the disposal services offered are subject to competition because the company's customers have reasonably available alternatives. In determining whether a company is competitive, the commission's consideration shall include, but not be limited to:

(a) Whether the system of interstate compacts and regional disposal sites established by federal law has been implemented so that the Northwest compact site located near Richland, Washington is the exclusive site option for disposal by customers within the Northwest compact states;

(b) Whether waste generated outside the Northwest compact states is excluded; and

(c) The ability of alternative disposal sites to make functionally equivalent services readily available at competitive rates, terms, and conditions.

(3) The commission may reclassify a competitive site operator if reclassification would protect the public interest as set forth in this section.

(4) Competitive low-level radioactive waste disposal companies shall be exempt from commission regulation and fees during the time they are so classified.

NEW SECTION. Sec. 13. Nothing in this chapter shall be construed to affect the jurisdiction of another state agency.

Sec. 14. RCW 82.16.010 and 1989 c 302 s 203 are each amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

(1) "Railroad business" means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire. It shall not, however, include any business herein defined as an urban transportation business.

(2) "Express business" means the business of carrying property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business.

(3) "Railroad car business" means the business of renting, leasing or operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business.

(4) "Water distribution business" means the business of operating a plant or system for the distribution of water for hire or sale.

(5) "Light and power business" means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale and/or for the wheeling of electricity for others.

(6) "Telegraph business" means the business of affording telegraphic communication for hire.

(7) "Gas distribution business" means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural.

(8) "Motor transportation business" means the business (except urban transportation business) of operating any motor propelled vehicle by which persons or property of others are conveyed for hire, and includes, but is not limited to, the operation of any motor propelled vehicle as an auto transportation company (except urban transportation business), common carrier or contract carrier as defined by RCW 81.68.010 and 81.80.010: PROVIDED, That "motor transportation business" shall not mean or include the transportation of logs or other forest products exclusively upon private roads or private highways.

(9) "Urban transportation business" means the business of operating any vehicle for public use in the conveyance of persons or property for hire, insofar as (a) operating entirely within the corporate limits of any city or town, or within five miles of the corporate limits thereof, or (b) operating entirely within and between cities and towns whose corporate limits are not more than five miles apart or within five miles of the corporate limits of either thereof. Included herein, but without limiting the scope hereof, is the business of operating passenger vehicles of every type and also the business of operating cartage, pickup, or delivery services, including in such services the collection and distribution of property arriving from or destined to a point within or without the state, whether or not such collection or distribution be made by the person performing a local or interstate line-haul of such property.

(10) "Public service business" means any of the businesses defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), and (9) or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business hereafter declared by the legislature to be of a public service nature, except

telephone business as defined in RCW 82.04.065 and low-level radioactive waste site operating companies as defined in RCW 81.04.010. It includes, among others, without limiting the scope hereof: Airplane transportation, boom, dock, ferry, log patrol, pipe line, toll bridge, toll logging road, water transportation and wharf businesses.

(11) "Tugboat business" means the business of operating tugboats, towboats, wharf boats or similar vessels in the towing or pushing of vessels, barges or rafts for hire.

(12) "Gross income" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

(13) The meaning attributed, in chapter 82.04 RCW, to the term "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "in this state," "within this state," "cash discount" and "successor" shall apply equally in the provisions of this chapter.

Sec. 15. RCW 82.04.260 and 1990 c 21 s 2 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, barley into pearl barley, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, or oil manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of twenty-five one-hundredths of one percent through June 30, 1986, and one-eighth of one percent thereafter.

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of thirty-three one-hundredths of one percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of thirty-three one hundredths of one percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of fifteen percent.

(a) The rate specified in this subsection shall be reduced to ten percent (~~upon the effective date of legislation adopted pursuant to RCW 81.04.520 governing regulation of the business of low level radioactive waste disposal~~) on the effective date of this section.

(b) The rate specified in this subsection shall be further reduced to five percent on January 1, 1992(~~(, if (a) of this subsection has taken effect)~~).

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(14) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of one percent.

NEW SECTION. Sec. 16. A new section is added to chapter 43.200 RCW to read as follows:

The director of the department of ecology shall require that generators of waste pay a fee for each cubic foot of waste disposed at any facility in the state equal to five dollars and twenty-five cents. The fee shall be imposed specifically on the generator of the waste and shall not be considered to apply in any way to the low-level site operator's disposal activities. Two dollars of the fee on each cubic foot of waste shall be deposited in the fund created in section 17 of this act and three dollars and twenty-five cents of the fee shall be remitted monthly to the county in which the low-level radioactive waste disposal facility is located.

NEW SECTION. Sec. 17. A new section is added to chapter 43.31 RCW to read as follows:

The Hanford area economic investment fund is established in the custody of the state treasurer. Moneys in the fund shall only be used to contract with Hanford area associate development organizations for local infrastructure projects or economic development projects. Up to ten percent of moneys in the fund may be used for program administration and technical assistance to eligible recipients. For the purpose of this chapter, "Hanford area" means Benton and Franklin counties. Disbursements from the fund shall be on the authorization of the director of trade and economic development or the director's designee. The fund is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for disbursements. The legislature intends to establish similar economic investment funds for areas that develop low-level radioactive waste disposal facilities.

NEW SECTION. Sec. 18. Sections 1, 2, and 4 through 13 of this act shall constitute a new chapter in Title 81 RCW.

NEW SECTION. Sec. 19. (1) Sections 1 through 15 and 17 and 18 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, sections 1 through 14 and 17 and 18 of this act shall take effect July 1, 1991, and section 15 of this act shall take effect immediately.

(2) Section 16 of this act shall take effect January 1, 1993.

MOTION

Senator Jesernig moved that the following amendment to the striking amendment by Senator Hayner be adopted:

On page 21 of the striking amendment, at the beginning of line 19, strike sections 16, 17, 18, and 19 in their entirety and insert:

Sec. 16. RCW 43.200.080 and 1990 c 21 s 6 are each amended to read as follows:

The director of ecology shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

(1) To fulfill the responsibilities of the state under the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington. The department of ecology may sublease to private or public entities all or a portion

of the land for specific purposes or activities which are determined, after public hearing, to be in agreement with the terms of the lease and in the best interests of the citizens of the state consistent with any criteria that may be developed as a requirement by the legislature;

(2) To assume the responsibilities of the state under the perpetual care agreement between the state of Washington and the federal government executed July 29, 1965 and the sublease between the state of Washington and the site operator of the Hanford low-level radioactive waste disposal facility. In order to finance perpetual surveillance and maintenance under the agreement and ensure site closure under the sublease, the department of ecology shall impose and collect fees from parties holding radioactive materials for waste management purposes. The fees shall be established by rule adopted under chapter 34.05 RCW and shall be an amount determined by the department of ecology to be necessary to defray the estimated liability of the state. Such fees shall reflect equity between the disposal facilities of this and other states. All such fees, when received by the department of ecology, shall be transmitted to the state treasurer, who shall act as custodian. The perpetual maintenance fund is created in the state treasury. The treasurer shall place the money in a special fund which may be designated the "perpetual maintenance fund." The perpetual maintenance fund shall be comprised of a site closure account and a perpetual surveillance and maintenance account. The site closure account shall be exclusively available to reimburse, to the extent that moneys are available in the account, the site operator for its costs plus a reasonable profit as agreed by the operator and the state, or to reimburse the state licensing agency and any agencies under contract to the state licensing agency for their costs in final closure and decommissioning of the Hanford low-level radioactive waste disposal facility. If a balance remains in the account after satisfactory performance of closure and decommissioning, this balance shall be transferred to the perpetual surveillance and maintenance account. The perpetual surveillance and maintenance account shall be used exclusively by the state to meet post-closure surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations. Appropriations are required to permit expenditures and payment of obligations from the site closure account and the perpetual surveillance and maintenance account. Moneys which on July 23, 1989, are in the perpetual maintenance account shall be transferred to the perpetual surveillance and maintenance account. All moneys currently administered by the department of ecology for closure of the Hanford low-level radioactive waste disposal facility shall be transferred to the site closure account within the perpetual maintenance fund. All future moneys, including interest, contributed to the perpetual maintenance fund shall be directed to the site closure account until December 31, 1992. Thereafter receipts shall be directed to the perpetual maintenance fund as specified by the department. Moneys in the perpetual maintenance fund shall be invested by the state investment board in the same manner as other state moneys. Any interest accruing as a result of investment shall accrue to the perpetual maintenance fund. Additional moneys specifically appropriated by the legislature or received from any public or private source may be placed in the perpetual maintenance fund;

(3) To collect after January 1, 1993, as an added charge on each cubic foot of waste disposed at any facility in the state a surcharge of seven dollars. The surcharge shall be made specifically on the generator of the waste and shall not be considered applicable in any way to the low-level site operator's disposal activities. Five dollars of the surcharge shall be deposited in the fund created in section 17 of this act and two dollars of the surcharge shall be remitted monthly to a county in which a low-level radioactive waste disposal facility is located.

(4) To assure maintenance of such insurance coverage by state licensees, lessees, or sublessees as will adequately, in the opinion of the director, protect the citizens of

the state against nuclear accidents or incidents that may occur on privately or state-controlled nuclear facilities;

((4)) (5) To institute a user permit system and issue site use permits, consistent with regulatory practices, for generators, packagers, or brokers using the Hanford low-level radioactive waste disposal facility. The costs of administering the user permit system shall be borne by the applicants for site use permits. The site use permit fee shall be set at a level that is sufficient to fund completely the executive and legislative participation in activities related to the Northwest Interstate Compact on Low-Level Radioactive Waste Management; and

((5)) (6) To make application for or otherwise pursue any federal funds to which the state may be eligible, through the federal resource conservation and recovery act or any other federal programs, for the management, treatment or disposal, and any remedial actions, of wastes that are both radioactive and hazardous at all Hanford low-level radioactive waste disposal facilities; and

((6)) (7) To develop contingency plans for duties and options for the department and other state agencies related to the Hanford low-level radioactive waste disposal facility based on various projections of annual levels of waste disposal. These plans shall include an analysis of expected revenue to the state in various taxes and funds related to low-level radioactive waste disposal and the resulting implications that any increase or decrease in revenue may have on state agency duties or responsibilities. The initial set of plans shall be completed by October 1, 1989, and shall be updated annually. The department shall report annually on the plans and on the balances in the site closure and perpetual surveillance accounts to the energy and utilities committees of the senate and the house of representatives.

NEW SECTION. Sec. 17. A new section is added to chapter 43.200 RCW to read as follows:

There is established the radioactive waste disposal host area economic development account in the state treasury. All payments received under RCW 43.200.080(3) shall be deposited in the account. Moneys in the account shall be transferred monthly to the regional revolving loan fund of an economic development district which is a component of any local government conference authorized by RCW 36.64.080 that included the county or city in which a low-level radioactive waste disposal site is located. Moneys in the account may be spent without legislative appropriation. Expenditures of these moneys shall conform to applicable federal law.

NEW SECTION. Sec. 18. Sections 1, 2, and 4 through 13 of this act shall constitute a new chapter in Title 81 RCW.

NEW SECTION. Sec. 19. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and section 15 shall take effect immediately and remaining sections shall take effect July 1, 1991.

Debate ensued.

Senator Jesernig demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Jesernig on page 21 to the striking amendment by Senator Hayner to Substitute Senate Bill No. 5756.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Thorsness, von Reichbauer, West - 26.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hayner to Substitute Senate Bill No. 5756.

Debate ensued.

The motion by Senator Hayner carried and the striking amendment to Substitute Senate Bill No. 5756 was adopted.

MOTION

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "sites;" strike the remainder of the title and insert "amending RCW 81.04.010, 82.16.010, and 82.04.260; adding a new chapter to Title 81 RCW; adding a new section to chapter 43.31 RCW; adding a new section to chapter 43.200 RCW; providing effective dates; and declaring an emergency."

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 5756 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5756.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5756 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West - 45.

Voting nay: Senators Niemi, Talmadge, Williams, Wojahn - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5756, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5837, deferred on second reading earlier today, after the amendments by Senators Bluechel, Wojahn, Rasmussen and McCaslin on page 7, after line 7, and page 10, after line 14, were adopted.

MOTION

On motion of Senator Matson, the rules were suspended, Engrossed Substitute Senate Bill No. 5837 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5837.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5837 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Voting nay: Senator Matson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5837, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Craswell assumed the Chair.

SECOND READING

SENATE BILL NO. 5269, by Senators Anderson, McMullen, Amondson, Owen, Vognild, Metcalf and Conner

Eliminating waste disposal requirements for certain net pens.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5269 was substituted for Senate Bill No. 5269 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Anderson, the following amendment by Senators Anderson and Metcalf was adopted:

On page 2, line 12, after "by" strike "~~((upland))~~" and insert "upland"

MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute Senate Bill No. 5269 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rinehart: "Senator Metcalf, in a situation where you had several of these exempted pens near each other, what would the response be from the department?"

Senator Metcalf: "Well, I don't know. I think that they would have to be fairly close to each other before they would make a difference, because these are little--very small--pens. The private volunteer ones, there would be no problem at all. I do not know how to answer the question, because I don't think there is very much chance of them being sited that way."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5269.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5269 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, Skratek, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognilid, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senators McCaslin, Pelz, Rinehart, A. Smith, Talmadge - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5269, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5174, by Senators Saling, Bauer, Patterson, von Reichbauer, Jesernig, Cantu, Skratek, Amondson, Stratton, Anderson, Snyder, Newhouse, Gaspard, Johnson, Thorsness, Nelson, L. Smith, Craswell, West, Bailey, Talmadge, Sutherland, Vognilid, Hansen, Williams, Madsen, Owen, Matson, Rasmussen, Pelz, Roach and Conner

Providing for additional enrollments at state institutions of higher education.

MOTIONS

On motion of Senator Saling, Substitute Senate Bill No. 5174 was substituted for Senate Bill No. 5174 and the substitute bill was placed on second reading and read the second time.

Senator Cantu moved that the following amendment by Senators Cantu, Skratek, Bluechel, McDonald, Metcalf, Erwin and Oke be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This act shall be known as the higher education opportunity act of 1991.

NEW SECTION. Sec. 2. The state of Washington has historically given high priority to the higher education needs of its citizens. As we move to the twenty-first century and to the more competitive world economy that it brings, it is imperative that we provide access to all of the types of higher education that are needed by the citizens of Washington. Washington has developed one of the finest community college systems in the country. The higher education coordinating board has determined that there is a need in this state for increased participation at the upper-division and graduate levels and that baccalaureate and graduate degrees need to be earned at an increased rate for our citizens to maintain competitiveness in the world economy. There is also a need to increase the opportunity for citizens to learn entry-level skills and trades resulting in their ability to become productive individuals in our society and not depend on the state for subsistence grants.

It is the intent of this act to modify the present enrollment lids which limit the size of the student population on the public higher education campuses in the state. This act will be the first step toward meeting the educational needs of our citizens in the 1990's. It is further the intent of this act to endorse the long-term enrollment goals established by the higher education coordinating board. This act moves toward achieving the goals of a participation rate equal to the 70th percentile of national participation rates for upper-division and graduate students and a participation rate equal to the 90th percentile of national participation rates for all students.

The legislature finds that the present enrollment lids at the public institutions are artificially set and that an increase in the number of full-time equivalent enrollments on the campuses can be accomplished without additional capital construction. The legislature further finds that at many of our state institutions of higher education there is the physical capacity available to accept new students, and there is also a desire among the institutions to accept new enrollments in the coming biennium. It is the intent of this act to remain sensitive to the capability and capacity of each institution to accept additional enrollments.

It is not the intent of this act to emphasize access to the detriment of quality in the educational programs of our institutions. Therefore, it is the intent of this act to provide a funding level for additional enrollments that is based on the 1990 higher education coordinating board cost study and will include both the direct and indirect costs associated with additional student enrollments. It is the intent of this act to begin the process of affording a place in the higher education system for all citizens of Washington who are qualified for and desirous of earning a college degree, and to assure that the quality of those degrees are not jeopardized by inadequate funding levels.

NEW SECTION. Sec. 3. The new enrollments authorized in sections 4 through 10 of this act are additional state-funded enrollments at our state institutions of higher education above the level established for each institution during the 1989-91 biennium: PROVIDED, That should the level of funding for enrollment increases, in the omnibus appropriations act or in Senate Bill 5814, be insufficient to provide for the full level of enrollment increases set forth in sections 4 through 10 of this act the enrollment increases set forth in those sections shall be reduced proportionate to the actual level of funding provided in either of the aforementioned acts.

NEW SECTION. Sec. 4. Subject to the provisions of section 3 of this act, the state-funded enrollment level at the University of Washington, including the branches at Tacoma and Bothell, shall be increased by six hundred four full-time equivalent students during the 1991-92 fiscal year plus an additional six hundred three full-time

equivalent students during the 1992-93 fiscal year. The new enrollments authorized in this section shall be distributed by the university to its main campus, evening program, and branch campuses.

NEW SECTION. **Sec. 5.** Subject to the provisions of section 3 of this act, the state-funded enrollment level at Washington State University, including the branches at Spokane, Tri-Cities, and Southwest Washington, shall be increased by two hundred ninety-five full-time equivalent students during the 1991-92 fiscal year plus an additional two hundred ninety-four full-time equivalent students during the 1992-93 fiscal year. The new enrollments authorized in this section shall be distributed by the university to its main campus and branch campuses.

NEW SECTION. **Sec. 6.** Subject to the provisions of section 3 of this act, the state-funded enrollment level at Central Washington University shall be increased by one hundred fifty-two full-time equivalent students during the 1991-92 fiscal year plus an additional one hundred fifty-one full-time equivalent students during the 1992-93 fiscal year.

NEW SECTION. **Sec. 7.** Subject to the provisions of section 3 of this act, the state-funded enrollment level at Eastern Washington University shall be increased by fifty-nine full-time equivalent students during the 1991-92 fiscal year plus an additional fifty-eight full-time equivalent students during the 1992-93 fiscal year.

NEW SECTION. **Sec. 8.** Subject to the provisions of section 3 of this act, the state-funded enrollment level at The Evergreen State College shall be increased by sixty-nine full-time equivalent students during the 1991-92 fiscal year plus an additional sixty-nine full-time equivalent students during the 1992-93 fiscal year.

NEW SECTION. **Sec. 9.** The state-funded enrollment level at Western Washington University shall be increased by two hundred twenty-six full-time equivalent students during the 1991-92 fiscal year plus an additional two hundred twenty-five full-time equivalent students during the 1992-93 fiscal year.

NEW SECTION. **Sec. 10.** The state-funded enrollment in the state community college system shall be increased by three thousand five hundred sixty full-time equivalent students during the 1991-92 fiscal year plus an additional three thousand five hundred fifty-five full-time equivalent students during the 1992-93 fiscal year. These new enrollments shall be distributed throughout the system by the state board for community college education consistent with the state board's weighted prorated distribution methodology.

NEW SECTION. **Sec. 11.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

NEW SECTION. **Sec. 12.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, through the passage of Senate Bill No. 5814, or in the omnibus appropriations act, this act shall be null and void.

Debate ensued.

Senator Cantu demanded a roll call and the demand was sustained.

Further debate ensued.

MOTION

On motion of Senator Anderson, Senator Matson was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senators Cantu, Skratek, Bluechel, McDonald, Metcalf, Erwin and Oke to Substitute Senate Bill No. 5174.

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment to Substitute Senate Bill No. 5174 and the amendment was adopted by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yeas: Senators Bailey, Bluechel, Cantu, Conner, Craswell, Erwin, Johnson, L. Kreidler, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Skratek, A. Smith, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 29.

Voting nays: Senators Amondson, Anderson, Barr, Bauer, Gaspard, Hansen, Hayner, Jesernig, McCaslin, Nelson, Newhouse, Patterson, Saling, Sellar, L. Smith, Snyder, Stratton, Sutherland, West - 19.

Excused: Senator Matson - 1.

MOTIONS

On motion of Senator Saling, the following title amendment was adopted:

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "creating new sections; providing an effective date; and declaring an emergency."

On motion of Senator Saling, the rules were suspended, Engrossed Substitute Senate Bill No. 5174 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5174.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5174 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 42.

Voting nays: Senators Barr, McCaslin, Patterson, Sellar, Stratton, West - 6.

Excused: Senator Matson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5174, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5350, by Senators Saling, Patterson, Thorsness, Bauer, Metcalf, Gaspard, Cantu, Amondson, Sellar, Hayner, Stratton, Craswell, Wojahn and Snyder

Requiring English proficiency for faculty and assistants involved in classroom teaching.

MOTIONS

On motion of Senator Saling, Substitute Senate Bill No. 5350 was substituted for Senate Bill No. 5350 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Saling, the rules were suspended, Substitute Senate Bill No. 5350 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5350.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5350 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Rasmussen, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 40.

Voting nay: Senators Moore, Murray, Niemi, Patterson, Pelz, Skratek, Talmadge, Williams - 8.

Excused: Senator Matson - 1.

SUBSTITUTE SENATE BILL NO. 5350, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Bluechel assumed the Chair.

SECOND READING

SENATE BILL NO. 5380, by Senators Saling, Bauer, Nelson, Moore, Rasmussen, Niemi, Bailey, Gaspard, West, Amondson, Owen, Talmadge, A. Smith, Snyder, McMullen, Wojahn, Vognild, Murray, Rinehart, Williams, L. Kreidler, Conner, Jesernig, Roach and L. Smith

Providing an adjusted retirement allowance for certain retirees.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5380 was substituted for Senate Bill No. 5380 and the substitute bill was placed on second reading and read the second time.

Senator Metcalf moved that the following amendments be considered simultaneously and be adopted:

On page 2, after line 21, insert the following:

"No adjustment shall be made if the benefit age retirement allowance is greater than three hundred percent of the poverty income level for a family of two as published annually by the United States department of health and human services."

On page 4, after line 23, insert the following:

"No adjustment shall be made if the benefit age retirement allowance is greater than three hundred percent of the poverty income level for a family of two as published annually by the United States department of health and human services."

POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, I don't quite understand what your proposed amendment is doing. You are proposing that we tax the retirees at the poverty level?"

Senator Metcalf: "At three times the poverty level, three hundred percent of the poverty level. For two people, it is twenty-one hundred and five dollars a month. That is the cap. I don't think that at a time when we are trying to help those at the very lowest level that it is right to allow the ones at the highest level to receive increases."

Senator Rasmussen: "Well, I thought that we were trying to give them a percentage of the amount that they retired at. When it decreased down to that level, they got the increase. Maybe, Senator Saling can explain a little bit better. I don't understand why they are putting a cap on."

Senator Metcalf: "Well, we checked and there were only a couple of hundred that were in this category and it is my feeling, and I am familiar more with the teacher's retirement system, but it is my feeling that we should have a cap because the cost of this is substantial and we are trying to help those that are at the very lowest level. I believe that this is completely justified. Only a few people would be capped, but the ones that we are trying to help and that really deserved to be helped, of course, would not be affected by this."

Further debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Metcalf on page 2, after line 21, and page 4, after line 23, to Substitute Senate Bill No. 5380.

The motion by Senator Metcalf carried and the amendments were adopted.

MOTIONS

On motion of Senator Saling, the following amendments by Senators Saling and McDonald were considered simultaneously and were adopted:

On page 3, beginning on line 13, strike all of subsection (7) and insert the following:

(7) The benefit age and the applicable percentage shall be determined by the state actuary using the funds appropriated for this purpose in each biennial omnibus appropriations act until the target levels established in this subsection are achieved.

The benefit age shall be initially set at sixty-five, and the applicable percent shall be initially set at sixty percent. Each year, as available funds permit, the state actuary shall reduce the benefit age from age sixty-five to the age at retirement. After the benefit age has been adjusted to the age at retirement, the state actuary shall, as available funds permit, increase the applicable percentage on an incremental basis from sixty percent to seventy percent.

On page 5, beginning on line 15, strike all of subsection (7) and insert the following:

(7) The benefit age and the applicable percentage shall be determined by the state actuary using the funds appropriated for this purpose in each biennial omnibus appropriations act until the target levels established in this subsection are achieved. The benefit age shall be initially set at sixty-five, and the applicable percent shall be initially set at sixty percent. Each year, as available funds permit, the state actuary shall reduce the benefit age from age sixty-five to the age at retirement. After the benefit age has been adjusted to the age at retirement, the state actuary shall, as available funds permit, increase the applicable percentage on an incremental basis from sixty percent to seventy percent.

On motion of Senator Saling, the rules were suspended, Engrossed Substitute Senate Bill No. 5380 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5380.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5380 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senators Cantu, Hayner - 2.

Excused: Senator Matson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5380, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5135, by Senators McCaslin and Nelson

Granting right to a permit for an on-site sewage system under certain conditions.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge, Skratek and Murray be adopted:

On page 1, line 13, after "1984." insert "Under no circumstances shall an on-site sewage system be allowed that will endanger the health of surrounding residents, degrade groundwater, or pollute any surface water."

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Talmadge, Skratek and Murray on page 1, line 13, to Senate Bill No. 5135.

The motion by Senator Talmadge failed and the amendment was not adopted.

MOTION

Senator Lela Kreidler moved that the following amendment be adopted:

On page 2, after line 5 insert:

NEW SECTION. Sec. 2. Section 1 of this act shall not apply to residential structures located within one mile of a shoreline or in any county required to plan under provisions of RCW 36.70.040.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Lela Kreidler on page 2, after line 5.

The motion by Senator Lela Kreidler failed and the amendment was not adopted.

MOTION

Senator Craswell moved that the following amendment by Senators Craswell, McCaslin, Oke and Owen be adopted:

On page 2, after line 5, insert the following:

Sec. 2. RCW 18.43.130 and 1985 c 7 s 46 are each amended to read as follows:

This chapter shall not be construed to prevent or affect:

(1) The practice of any other legally recognized profession or trade; ((or))
 (2) The practice of a person not a resident and having no established place of business in this state, practicing or offering to practice herein the profession of engineering or land surveying, when such practice does not exceed in the aggregate more than thirty days in any calendar year: PROVIDED, Such person is legally qualified by registration to practice the said profession in his or her own state or country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this chapter; ((or))

(3) The practice of a person not a resident and having no established place of business in this state, or who has recently become a resident thereof, practicing or offering to practice herein for more than thirty days in any calendar year the profession of engineering or land surveying, if he or she shall have filed with the board an application for a certificate of registration and shall have paid the fee required by this chapter: PROVIDED, That such person is legally qualified by registration to practice engineering or land surveying in his or her own state or country in which the requirements and qualifications of obtaining a certificate of registration are not lower

than those specified in this chapter. Such practice shall continue only for such time as the board requires for the consideration of the application for registration; ((e))

(4) The work of an employee or a subordinate of a person holding a certificate of registration under this chapter, or an employee of a person practicing lawfully under provisions of this section: PROVIDED, That such work does not include final design or decisions and is done under the direct responsibility, checking, and supervision of a person holding a certificate of registration under this chapter or a person practicing lawfully under the provisions of this section; ((e))

(5) The work of a person rendering engineering or land surveying services to a corporation, as an employee of such corporation, when such services are rendered in carrying on the general business of the corporation and such general business does not consist, either wholly or in part, of the rendering of engineering services to the general public: PROVIDED, That such corporation employs at least one person holding a certificate of registration under this chapter or practicing lawfully under the provisions of this chapter; ((e))

(6) The practice of officers or employees of the government of the United States while engaged within the state in the practice of the profession of engineering or land surveying for said government; ((e))

(7) Nonresident engineers employed for the purpose of making engineering examinations; ((e))

(8) The practice of engineering in this state by a corporation or joint stock association: PROVIDED, That

(a) Such corporation shall file with the board an application for certificate of authorization upon a form to be prescribed by the board and containing information required to enable the board to determine whether such corporation is qualified in accordance with the provisions of this chapter to practice engineering in this state;

(b) Such corporation shall file with the board a certified copy of a resolution of the board of directors of the corporation which shall designate a person holding a certificate of registration under this chapter as responsible for the practice of engineering by said corporation in this state and shall provide that full authority to make all final engineering decisions on behalf of said corporation with respect to work performed by the corporation in this state shall be granted and delegated by the board of directors to the person so designated in said resolution: PROVIDED, That the filing of such resolution shall not relieve the corporation of any responsibility or liability imposed upon it by law or by contract;

(c) Such corporation shall file with the board a designation in writing setting forth the name or names of a person or persons holding certificates of registration under this chapter who shall be in responsible charge of each project and each major branch of the engineering activities in which the corporation shall specialize in this state. In the event there shall be a change in the person or persons in responsible charge of any project or major branch of the engineering activities, such changes shall be designated in writing and filed with the board within thirty days after the effective date of such changes;

(d) Upon the filing with the board of the application for certificate for authorization, certified copy of resolution, affidavit and designation of persons specified in ((subparagraphs)) (a), (b), and (c) of this ((section)) subsection the board shall issue to such corporation a certificate of authorization to practice engineering in this state upon a determination by the board ((4)) that:

(i) (A) The bylaws of the corporation contain provisions that all engineering decisions pertaining to any project or engineering activities in this state shall be made by the specified engineer in responsible charge, or other responsible engineers under his or her direction or supervision;

((ii)) (B) The application for certificate of authorization states the type, or types, of engineering practiced, or to be practiced by such corporation;

~~((iii))~~ (C) A current certified financial statement accurately reflecting the financial condition of the corporation has been filed with the board and is available for public inspection;

~~((iv))~~ (D) The applicant corporation has the ability to provide through qualified engineering personnel, professional services or creative work requiring engineering experience, and that with respect to the engineering services which the corporation undertakes or offers to undertake such personnel have the ability to apply special knowledge of the mathematical, physical, and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning, design, and supervision of construction for the purpose of assuring compliance with specifications and design, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects;

~~((v))~~ (E) The application for certificate of authorization states the professional records of the designated person or persons who shall be in responsible charge of each project and each major branch of engineering activities in which the corporation shall specialize;

~~((vi))~~ (F) The application for certificate of authorization states the experience of the corporation, if any, in furnishing engineering services during the preceding five year period and states the experience of the corporation, if any, in the furnishing of all feasibility and advisory studies made within the state of Washington;

~~((vii))~~ (G) The applicant corporation meets such other requirements related to professional competence in the furnishing of engineering services as may be established and promulgated by the board in furtherance of the objectives and provisions of this chapter; and

~~((2) Upon a determination by the board))~~ (ii) Based upon an evaluation of the foregoing findings and information that the applicant corporation is possessed of the ability and competence to furnish engineering services in the public interest.

The board may in the exercise of its discretion refuse to issue or may suspend and/or revoke a certificate of authorization to a corporation where the board shall find that any of the officers, directors, incorporators, or the stockholders holding a majority of stock of such corporation has committed misconduct or malpractice as defined in RCW 18.43.105 or has been found personally responsible for misconduct or malpractice under the provisions of ~~((subsections))~~ (f) and (g) ~~((hereof))~~ of this subsection.

The certificate of authorization shall specify the major branches of engineering of which the corporation has designated a person or persons in responsible charge as provided in ~~((subsection (8)))~~ (c) of this ~~((section))~~ subsection.

(e) In the event a corporation, organized solely by a group of engineers, each holding a certificate of registration under this chapter, applies for a certificate of authorization, the board may, in its discretion, grant a certificate of authorization to such corporation based on a review of the professional records of such incorporators, in lieu of the required qualifications set forth in this subsection. In the event the ownership of such corporation shall be altered, the corporation shall apply for a revised certificate of authorization, based upon the professional records of the owners, if exclusively engineers or, otherwise, under the qualifications required by ~~((subparagraphs))~~ (a), (b), (c), and (d) ~~((hereof))~~ of this subsection.

(f) Any corporation authorized to practice engineering under this chapter, together with its directors and officers for their own individual acts, are responsible to the same degree as an individual registered engineer, and must conduct its business without misconduct or malpractice in the practice of engineering as defined in this chapter.

(g) Any corporation which has been duly certified under the provisions of this chapter and has engaged in the practice of engineering shall have its certificate of authorization either suspended or revoked by the board if, after a proper hearing, the board shall find that the corporation has committed misconduct or malpractice as defined in RCW 18.43.105. In such case any individual engineer holding a certificate

of registration under this chapter, involved in such malpractice or misconduct, shall have his or her certificate of registration suspended or revoked also.

(h) All plans, specifications, designs, and reports when issued in connection with work performed by a corporation under its certificate of authorization shall be prepared by or under the responsible charge of and shall be signed by and shall be stamped with the official seal of a person holding a certificate of registration under this chapter.

(i) For each certificate of authorization issued under the provisions of this subsection (8) (~~(of this section)~~) there shall be paid an initial fee determined by the director as provided in RCW 43.24.086 and an annual renewal fee determined by the director as provided in RCW 43.24.086(2);

(9) The practice of engineering and/or land surveying in this state by partnership: PROVIDED, That

(a) A majority of the members of the partnership are engineers or architects or land surveyors duly certificated by the state of Washington or by a state, territory, possession, district, or foreign country meeting the reciprocal provisions of RCW 18.43.100: PROVIDED, That at least one of the members is a professional engineer or land surveyor holding a certificate issued by the director under the provisions of RCW 18.43.070; and

(b) Except where all members of the partnership are professional engineers or land surveyors or a combination of professional engineers and land surveyors or where all members of the partnership are either professional engineers or land surveyors in combination with an architect or architects all of which are holding certificates of qualification therefor issued under the laws of the state of Washington, the partnership shall file with the board an instrument executed by a partner on behalf of the partnership designating the persons responsible for the practice of engineering by the partnership in this state and in all other respects such person so designated and such partnership shall meet the same qualifications and shall be subject to the same requirements and the same penalties as those pertaining to corporations and to the responsible persons designated by corporations as provided in subsection (8) of this section.

For each certificate of authorization issued under the provisions of this subsection (9) (~~(of this section)~~) there shall be paid an initial fee determined by the director as provided in RCW 43.24.086 and an annual renewal fee determined by the director as provided in RCW 43.24.086; or

(10) The practice of any certified designer of residential on-site septic tank sewage disposal systems with ultimate design flows of up to three thousand five hundred gallons per day per project site as provided in RCW 43.20.050(2)(b).

Sec. 3. RCW 43.20.050 and 1989 1st ex.s. c 9 s 210 and 1989 c 207 s 1 are each reenacted and amended to read as follows:

(1) The state board of health shall provide a forum for the development of health policy in Washington state. It is authorized to recommend to the secretary means for obtaining appropriate citizen and professional involvement in all health policy formulation and other matters related to the powers and duties of the department. It is further empowered to hold hearings and explore ways to improve the health status of the citizenry.

(a) At least every five years, the state board shall convene regional forums to gather citizen input on health issues.

(b) Every two years, in coordination with the development of the state biennial budget, the state board shall prepare the state health report that outlines the health priorities of the ensuing biennium. The report shall:

(i) Consider the citizen input gathered at the health forums;

(ii) Be developed with the assistance of local health departments;

(iii) Be based on the best available information collected and reviewed according to RCW 43.70.050 and recommendations from the council;

(iv) Be developed with the input of state health care agencies. At least the following directors of state agencies shall provide timely recommendations to the state board on suggested health priorities for the ensuing biennium: The secretary of social and health services, the health care authority administrator, the insurance commissioner, the administrator of the basic health plan, the superintendent of public instruction, the director of labor and industries, the director of ecology, and the director of agriculture;

(v) Be used by state health care agency administrators in preparing proposed agency budgets and executive request legislation;

(vi) Be submitted by the state board to the governor by June 1 of each even-numbered year for adoption by the governor. The governor, no later than September 1 of that year, shall approve, modify, or disapprove the state health report.

(c) In fulfilling its responsibilities under this subsection, the state board shall create ad hoc committees or other such committees of limited duration as necessary. Membership should include legislators, providers, consumers, bioethicists, medical economics experts, legal experts, purchasers, and insurers, as necessary.

(2) In order to protect public health, the state board of health shall:

(a) Adopt rules and regulations necessary to assure safe and reliable public drinking water and to protect the public health. Such rules and regulations shall establish requirements regarding:

(i) The design and construction of public water system facilities, including proper sizing of pipes and storage for the number and type of customers;

(ii) Drinking water quality standards, monitoring requirements, and laboratory certification requirements;

(iii) Public water system management and reporting requirements;

(iv) Public water system planning and emergency response requirements;

(v) Public water system operation and maintenance requirements; and

(vi) Water quality, reliability, and management of existing but inadequate public water systems.

(b) Adopt rules and regulations and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of wastes, solid and liquid, including but not limited to sewage, garbage, refuse, and other environmental contaminants; adopt standards and procedures governing the design, construction, and operation of sewage, garbage, refuse and other solid waste collection, treatment, and disposal facilities; and adopt rules and regulations governing the local government certification of persons, other than professional engineers and land surveyors, authorized to design or install residential on-site septic tank sewage disposal systems with ultimate design flows of up to three thousand five hundred gallons per day per project site. However, such rules, regulations, standards, or procedures may not restrict the authority of the local health officer to permit subsurface soil absorption systems in areas where the vertical separation is less than three feet but greater than eighteen inches;

(c) Adopt rules and regulations controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, cleanliness and space in all types of public facilities including but not limited to food service establishments, schools, institutions, recreational facilities and transient accommodations and in places of work;

(d) Adopt rules and regulations for the imposition and use of isolation and quarantine;

(e) Adopt rules and regulations for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness, and rules and regulations governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as admit of and may best be controlled by universal rule; and

(f) Adopt rules for accessing existing data bases for the purposes of performing health related research.

(3) The state board may delegate any of its rule-adopting authority to the secretary and rescind such delegated authority.

(4) All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce all rules and regulations adopted by the state board of health. In the event of failure or refusal on the part of any member of such boards or any other official or person mentioned in this section to so act, he or she shall be subject to a fine of not less than fifty dollars, upon first conviction, and not less than one hundred dollars upon second conviction.

(5) The state board may advise the secretary on health policy issues pertaining to the department of health and the state.

(6) The state board or any local health board may not license or certify, or establish further licensing or certification requirements for professional engineers and land surveyors licensed under chapter 18.43 RCW.

POINT OF ORDER

Senator Madsen: "Mr. President, I would like to rise to a point of order. I would request your review of scope and object of this amendment relative to the underlying bill. If you notice, the underlying bill is amending RCW 43.20, which is the Department of Health standard or the State Board of Health standard. The amendment amends RCW 18.43.130 which deals with some septic tank issues, but also deals with the certification of professional engineers and other professions. I think that it is way beyond the scope and object, and even though I am sympathetic to the content of the bill, I would like your ruling on this."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 5135 was deferred.

SECOND READING

SENATE BILL NO. 5156, by Senators McCaslin, Sutherland, Roach, Matson and Madsen

Requiring election officers to review candidates' filings to determine residency.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5156 was substituted for Senate Bill No. 5156 and the substitute bill was placed on second reading and read the second time.

Senator Sutherland moved that the following amendment by Senators Sutherland and McCaslin be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 29.18 RCW to read as follows:

(1) Upon filing a declaration of candidacy, a candidate shall present to the filing official documents that show that the candidate is registered to vote in the district for which he or she is filing for office. The candidate shall also sign an affidavit to this effect at the time of filing.

(2) The elections official accepting the declaration of candidacy shall sign an affidavit to the effect that documents were presented by the candidate showing that he or she is registered to vote in the district for which he or she is filing for office.

(3) A candidate's name shall not appear on a ballot unless the candidate has complied with this section.

(4) This section does not apply to candidates for the United States senate and United States house of representatives.

NEW SECTION. Sec. 2. A new section is added to chapter 29.04 RCW to read as follows:

Upon request, a county, municipal corporation, or special district shall provide to a prospective candidate the most current information describing its geographical boundaries and the geographical boundaries of its director, council, or commissioner districts.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act are each recodified as sections in chapter 29.15 RCW on July 1, 1992.

MOTION

Senator Sutherland moved that the following amendment by Senators Sutherland and McCaslin to the striking amendment to Substitute Senate Bill No. 5156 be adopted:

On page 1, after line 8 of the striking amendment, insert the following:

"(1) A person filing a declaration and affidavit of candidacy for an office shall, at the time of filing possess the legal qualifications specified by law for persons who may be elected to the office."

Renumber the remaining subsections and correct internal references accordingly.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Sutherland and McCaslin on page 1, after line 8, to the striking amendment by Senators Sutherland and McCaslin to Substitute Senate Bill No. 5156.

The motion by Senator Sutherland carried and the amendment to the striking amendment was adopted.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Sutherland and McCaslin, as amended, to Substitute Senate Bill No. 5156.

Debate ensued.

The striking amendment by Senators Sutherland and McCaslin, as amended, to Substitute Senate Bill No. 5156 was adopted.

MOTIONS

On motion of Senator Sutherland, the following title amendment was adopted:

On line 1 of the title, after "requirements;" strike the remainder of the title and insert "adding a new section to chapter 29.18 RCW; adding a new section to chapter 29.04 RCW; and recodifying RCW 29.18.--and 29.04.--."

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute Senate Bill No. 5156 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5156.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5156 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Matson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5156, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5329, by Senators Anderson, Owen, Matson and McCaslin

Revising provisions for self-insured employers' claims reopenings.

MOTIONS

On motion of Senator Anderson, Substitute Senate Bill No. 5329 was substituted for Senate Bill No. 5329 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Anderson, the rules were suspended, Substitute Senate Bill No. 5329 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5329.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5329 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Roach, Saling, Sellar, L. Smith, Thorsness, von Reichbauer, West - 25.

Voting nay: Senators Bauer, Conner, Gaspard, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 22.

Absent: Senator Hansen - 1.

Excused: Senator Matson - 1.

SUBSTITUTE SENATE BILL NO. 5329, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

SECOND READING

SENATE BILL NO. 5284, by Senator L. Smith

Providing opportunities for instruction in braille.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5284 was substituted for Senate Bill No. 5284 and the substitute bill was placed on second reading and read the second time.

Senator Wojahn moved that the following amendment by Senators Wojahn and Rinehart be adopted:

On page 1, line 8, after "shall" strike "increase their efforts to"

Debate ensued.

Senator Wojahn demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Wojahn and Rinehart on page 1, line 8, to Substitute Senate Bill No. 5284.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Vognild, Williams, Wojahn - 22.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Madsen, McCaslin, McDonald, Metcalf, Nelson,

Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Stratton, Thorsness, von Reichbauer, West - 26.

Excused: Senator Matson - 1.

MOTION

Senator Linda Smith moved that the following amendment be adopted:

On page 3, line 7, at the beginning of line 7, strike "work towards developing" and insert "have developed"

Debate ensued.

POINT OF INQUIRY

Senator Pelz: "Senator Smith, am I reading this correctly that on the New Section, it says, 'Within two years, after the effective date of this section and thereafter, certificated instructional staff holding certificates or endorsements qualifying them to provide special educational services.' Now, are these all special education teachers in this state or only those dealing with blind children?"

Senator Linda Smith: "Only those dealing with blind children. There would be no reason if you didn't deal with blind children."

Senator Pelz: "But, is that what this language says? As I read this language it says that all special education teachers in the state would be required to be proficient in braille?"

Senator Linda Smith: "I think if you read on further where it says, 'who would be providing instruction to blind children.' Read on one line further."

Further debate ensued.

MOTION

On motion of Senator Anderson, Senator Patterson was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Linda Smith on page 3, line 7, to Substitute Senate Bill No. 5284.

The motion by Senator Linda Smith failed and the amendment was not adopted on a rising vote.

MOTION

Senator Wojahn moved that the following amendment be adopted:

On page 3, after line 17, insert a new section to read as follows:

NEW SECTION. Sec. 3. The legislature appropriates the sum of two million dollars to the superintendent of public instruction for the purposes of section 2 of this act.

MOTION

On motion of Senator Newhouse, and there being no objection, further consideration of Substitute Senate Bill No. 5284 was deferred.

SECOND READING

SENATE BILL NO. 5873, by Senators McDonald, Gaspard, Saling, Snyder, L. Smith, Johnson, Bauer, Rasmussen and Barr

Providing insurance coverage for retired and disabled school district employees.

MOTIONS

On motion of Senator McDonald, Substitute Senate Bill No. 5873 was substituted for Senate Bill No. 5873 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDonald, the rules were suspended, Substitute Senate Bill No. 5873 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5873.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5873 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Absent: Senator Metcalf - 1.

Excused: Senators Matson, Patterson - 2.

SUBSTITUTE SENATE BILL NO. 5873, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Bluechel assumed the Chair.

There being no objection, the Senate resumed consideration of Senate Bill No. 5135 and the pending amendment by Senators Craswell, McCaslin, Oke and Owen on page 2, after line 5, deferred earlier today.

RULING BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Bluechel: "In ruling upon the point of order raised by Senator Madsen, the President finds that Senate Bill No. 5135 is a measure which prevents health authorities from prohibiting permits for residential on-site sewage systems due to land area requirements, if the surrounding properties had such systems prior to June 30, 1984.

"The amendment proposed by Senators Craswell, McCaslin, Oke and Owen deals with registration and certification of certain sewage system designers.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Craswell, McCaslin, Oke and Owen on page 2, after line 5, to Senate Bill No. 5135 was ruled out of order.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5135 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5135.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5135 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hansen, Hayner, Johnson, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Oke, Patterson, Rasmussen, Roach, Saling, L. Smith, Snyder, Stratton, Thorsness, von Reichbauer, West, Williams - 29.

Voting nay: Senators Bauer, Conner, Gaspard, Jesernig, L. Kreidler, Madsen, McMullen, Murray, Niemi, Owen, Pelz, Rinehart, Skratek, A. Smith, Sutherland, Talmadge, Vognild, Wojahn - 18.

Absent: Senator Sellar - 1.

Excused: Senator Matson - 1.

SENATE BILL NO. 5135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

SECOND READING

SENATE BILL NO. 5278, by Senators Nelson, Rasmussen, Madsen, A. Smith, Erwin, Hayner, Thorsness, Hansen and Craswell

Enhancing the penalties for transmitting certain diseases.

MOTIONS

On motion of Senator Nelson, Second Substitute Senate Bill No. 5278 was substituted for Senate Bill No. 5278 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the following amendments by Senators Nelson and Talmadge were considered simultaneously and were adopted:

On page 8, line 21, after "sentence for" strike "an offense under chapter 9A.44 RCW or RCW 9A.64.020, if" and insert "any criminal offense where the victim was substantially exposed to the bodily fluids of the offender, the exposure presents a possible risk of infection, and"

On page 8, line 23, after "70.24 RCW." insert "The court shall use the board of health's definitions of "substantial exposure" and "exposure presenting possible risk," as adopted by rule."

MOTIONS

On motion of Senator Nelson, the following amendment by Senators Nelson and Talmadge was adopted:

On page 13, line 19, after "offense" insert ", or equivalent juvenile offense."

On motion of Senator Nelson, the following amendments by Senators Nelson and Talmadge were considered simultaneously and were adopted:

On page 17, line 2, after "used in any" insert "pending"

On page 17, after line 10, insert a new section as follows:

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5278 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5278.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5278 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senators Niemi, Pelz, Rinehart - 3.

Excused: Senator Matson - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5278, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:02 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Wednesday, March 20, 1991.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

SIXTY-SIXTH DAY-----
MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 20, 1991

The Senate was called to order at 8:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, McDonald, Moore and Talmadge.

The Sergeant at Arms Color Guard, consisting of Pages Anne Colpitts and Darren Fischer, presented the Colors. Reverend Dewayne Lebow, pastor of the First Baptist Church of Tumwater, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 18, 1991

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1180,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1293,

ENGROSSED HOUSE BILL NO. 1395,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1471,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1534,

HOUSE BILL NO. 1646,

SUBSTITUTE HOUSE BILL NO. 1721,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1780,

ENGROSSED HOUSE BILL NO. 1794,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2155, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 18, 1991

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1027,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1028,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1136,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1172,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1204,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1211,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1214,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1320,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1490,
SUBSTITUTE HOUSE BILL NO. 1651,
SUBSTITUTE HOUSE BILL NO. 1681,
SUBSTITUTE HOUSE BILL NO. 1703,
SUBSTITUTE HOUSE BILL NO. 1736,
HOUSE BILL NO. 1757,
HOUSE BILL NO. 1760,
SUBSTITUTE HOUSE BILL NO. 1771,
SUBSTITUTE HOUSE BILL NO. 1782,
SUBSTITUTE HOUSE BILL NO. 1821,
SUBSTITUTE HOUSE BILL NO. 1825,
SUBSTITUTE HOUSE BILL NO. 1827,
SUBSTITUTE HOUSE BILL NO. 1830,
SUBSTITUTE HOUSE BILL NO. 1861,
HOUSE BILL NO. 1910,
SUBSTITUTE HOUSE BILL NO. 1934,
SUBSTITUTE HOUSE BILL NO. 1947,
SUBSTITUTE HOUSE BILL NO. 2042,
SUBSTITUTE HOUSE BILL NO. 2077,
HOUSE BILL NO. 2082,
HOUSE BILL NO. 2090,
HOUSE BILL NO. 2106,
SUBSTITUTE HOUSE BILL NO. 2118,
SUBSTITUTE HOUSE BILL NO. 2128,
SUBSTITUTE HOUSE BILL NO. 2152,
SUBSTITUTE HOUSE BILL NO. 2161,
HOUSE BILL NO. 2170, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1027 by House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Horn, Phillips, Heavey, Anderson, Basich, Vance, Wineberry, Wilson, R. Johnson, Wang, Sprengle, Spanel, Miller, Ogdan, Jones, Prentice, Leonard, Inslee, Fraser, R. King, Nelson, Pruitt, G. Fisher, Jacobsen, R. Fisher, Valle, Roland, Hine, Winsley, Rasmussen, Appelwick and Brekke) (by request of Governor Gardner)

Adopting oil and hazardous substance spill prevention and response provisions.

Referred to Committee on Environment and Natural Resources.

ESHB 1028 by House Committee on Environmental Affairs (originally sponsored by Representatives Pruitt, Horn, Rust, Heavey,

Anderson, Wineberry, Phillips, Wang, Sprenkle, Jones, Prentice, Fraser, Nelson, G. Fisher, Jacobsen, R. Fisher, Valle, Roland, Hine and Brekke) (by request of Governor Gardner)

Making major changes to air quality laws.

Referred to Committee on Environment and Natural Resources.

ESHB 1136 by House Committee on Commerce and Labor (originally sponsored by Representatives Haugen, O'Brien, Wilson, Wineberry, Spanel, Prince, Valle, H. Myers, Heavey, Scott, Cole, Zellinsky, Wood, Paris, Orr, Jacobsen, Leonard and May)

Revising provisions regulating cosmetology.

Referred to Committee on Commerce and Labor.

ESHB 1172 by House Committee on Education (originally sponsored by Representatives Holland, Cole, Peery, Brumsickle, G. Fisher, Valle, Brough, Phillips, Rasmussen, Jones, Dorn, P. Johnson, Jacobsen, Winsley, R. King, Pruitt, H. Myers, Ogden, Wood, Vance, Sheldon, Day, Spanel, Leonard, Paris, Rust, Scott, Haugen, Mitchell, Hine, Cantwell, Wynne, Nealey, Miller, Bowman, Moyer, Fraser, O'Brien, Sprenkle, Orr and Tate) (by request of Task Force on Student Transportation Safety)

Creating the school pathway and bus stop improvement program.

Referred to Committee on Education.

ESHB 1180 by House Committee on Commerce and Labor (originally sponsored by Representatives Cole, Heavey, Jacobsen, R. King, Zellinsky, Jones, Prentice, Vance, Rayburn, Franklin, Scott, Wood, Bowman, Neher, Winsley, D. Sommers, Paris, Van Luven, Forner, Edmondson, Miller, Appelwick and Brekke)

Licensing private security guards.

Referred to Committee on Commerce and Labor.

ESHB 1204 by House Committee on Natural Resources and Parks (originally sponsored by Representatives Riley, Beck, Fraser, Wynne, Winsley and Jacobsen)

Changing provisions relating to natural resources conservation areas.

Referred to Committee on Environment and Natural Resources.

ESHB 1211 by House Committee on Judiciary (originally sponsored by Representatives Belcher, Hine, Silver, G. Fisher, Fraser, Winsley, Padden and Phillips)

Revising retirement benefits.

Referred to Committee on Ways and Means.

ESHB 1214 by House Committee on State Government (originally sponsored by Representatives Anderson, Spanel, Fraser, R. Johnson and Riley)

Authorizing a medical benefit plan as an alternative to cash remuneration for accrued sick leave for retiring state employees.

Referred to Committee on Governmental Operations.

ESHB 1293 by House Committee on Education (originally sponsored by Representatives Jacobsen, Wood, Fraser, Miller, Prince, Brumsickle, Ludwig, Ogden, Winsley, Wynne, Wineberry, Pruitt, Bray and Basich)

Establishing the local master's degree teacher training program.

Referred to Committee on Higher Education.

ESHB 1320 by House Committee on Judiciary (originally sponsored by Representatives R. Meyers, Dellwo, R. King, Inslee, Riley, Ludwig, Ebersole, Leonard, Wineberry and Wang)

Requiring full disclosure of civil court proceedings relating to public hazards.

Referred to Committee on Law and Justice.

EHB 1395 by Representatives Ludwig, Nealey, Bray, Haugen, Lisk, Braddock, Grant, Neher, Edmondson, Prince, Ogden, Rayburn, Riley, H. Myers, Morris, Jones, R. Meyers, Wynne, Chandler, G. Fisher, Basich, Inslee, Orr, Sprenkle, Scott, Dellwo, Jacobsen and Brekke

Maintaining the Washington state patrol crime laboratory locations.

Referred to Committee on Law and Justice.

ESHB 1490 by House Committee on Local Government (originally sponsored by Representatives R. Johnson, Haugen, Roland, Kremen, Rayburn, Spanel, Rust, Braddock, Scott and Paris)

Changing provisions relating to flood control management.

Referred to Committee on Agriculture and Water Resources.

ESHB 1534 by House Committee on Judiciary (originally sponsored by Representatives H. Myers, Beck, Riley, R. King, Tate, Anderson, Vance, Cooper, Ludwig, Hargrove, Padden, Bray, Rasmussen, Sheldon, Leonard, Forner, Brekke, Peery, Belcher, G. Fisher, Morris, Grant, Jones, O'Brien, Orr, Wang, Heavey, Roland, Paris and Winsley)

Providing training for investigating and prosecuting sexual assault cases.

Referred to Committee on Law and Justice.

HB 1646 by Representative Locke (by request of Office of Financial Management and Department of Social and Health Services)

Pertaining to Class IV human immunodeficiency virus insurance program.

Referred to Committee on Ways and Means.

SHB 1651 by House Committee on Local Government (originally sponsored by Representatives Franklin, Edmondson, Haugen, Ferguson, Valle and Wood)

Providing for public hospital district chaplains.

Referred to Committee on Health and Long-Term Care.

SHB 1681 by House Committee on Local Government (originally sponsored by Representatives Cooper, Ferguson, Haugen, Horn and R. Meyers)

Revising bidding practices for municipalities.

Referred to Committee on Governmental Operations.

SHB 1703 by House Committee on Transportation (originally sponsored by Representatives Cooper, Betrozoff and R. Johnson) (by request of Department of Licensing)

Revising regulation of vehicle and vessel licensing and registration.

Referred to Committee on Transportation.

SHB 1721 by House Committee on Appropriations (originally sponsored by Representatives May and Locke)

Refunding contributions to the judicial retirement system.

Referred to Committee on Ways and Means.

SHB 1736 by House Committee on Commerce and Labor (originally sponsored by Representatives O'Brien, Fuhrman and R. King)

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

Referred to Committee on Commerce and Labor.

HB 1757 by Representatives Ferguson, Van Luven, Heavey, D. Sommers, Dorn, Miller, R. Meyers, Paris, Hargrove, Silver, Prentice, Moyer, Betzoff, Winsley, Horn, Chandler, Tate, Vance, Nealey, Edmondson, Fuhrman, Broback, Wynne, Ballard, Hochstatter, Jacobsen, Wineberry, Roland, Bowman, Brough and Forner

Changing "driving while intoxicated" to "driving while under the influence of intoxicating liquor or any drug."

Referred to Committee on Law and Justice.

HB 1760 by Representatives Van Luven, Haugen, Edmondson, Nelson, Wynne, Nealey, Zellinsky and Franklin

Providing a procedure for consolidating cities or towns.

Referred to Committee on Governmental Operations.

SHB 1771 by House Committee on Transportation (originally sponsored by Representatives Rasmussen, R. Fisher, Dorn, Brumsickle, Betzoff, Basich, Cantwell, Fraser, R. Meyers, Belcher and Ebersole)

Changing transportation authority of first class cities.

Referred to Committee on Transportation.

ESHB 1780 by House Committee on Human Services (originally sponsored by Representatives Morris, Padden, Appelwick, Riley, H. Myers, Leonard, Belcher, Phillips, Silver, Holland, Paris, R. Johnson, May, Kremen, Rayburn, Cantwell, Broback, D. Sommers, Vance, Ebersole, Inslee, Morton, Cooper, Winsley, Wynne, Hochstatter, Moyer, Rasmussen, Basich, Van Luven, Neher, P. Johnson, Forner, Casada, Roland, Tate, Brumsickle, Orr and Haugen)

Authorizing work crews for criminal offenders.

Referred to Committee on Law and Justice.

SHB 1782 by House Committee on Judiciary (originally sponsored by Representative Appelwick)

Affecting county court commissioners.

Referred to Committee on Law and Justice.

EHB 1794 by Representatives Bray, Mitchell, Haugen and Ferguson

Concerning public hospital districts elections.

Referred to Committee on Governmental Operations.

SHB 1821 by House Committee on Judiciary (originally sponsored by Representatives R. Meyers, Ferguson, Schmidt, Zellinsky, Sheldon, Winsley, D. Sommers, Bowman, Paris, Miller, Riley, R. Johnson, Brough, Silver, Roland, Cooper, Horn, Chandler and Moyer)

Making the fraudulent installation of fire protection sprinkler systems a felony.

Referred to Committee on Law and Justice.

SHB 1825 by House Committee on Judiciary (originally sponsored by Representative Appelwick)

Altering mandatory arbitration provisions.

Referred to Committee on Law and Justice.

SHB 1827 by House Committee on Local Government (originally sponsored by Representative Haugen)

Limiting the time for actions to be brought challenging elections.

Referred to Committee on Governmental Operations.

SHB 1830 by House Committee on Judiciary (originally sponsored by Representatives H. Myers, Riley, Padden, Appelwick, Cooper, Winsley, D. Sommers, Bowman, Paris, Miller, R. Johnson, Brough, Silver, Forner, Ebersole, Fuhrman, Rasmussen, Brumsickle and Moyer)

Clarifying that provisions relating to admissibility of children's statements apply to juvenile proceedings.

Referred to Committee on Law and Justice.

SHB 1861 by House Committee on Health Care (originally sponsored by Representatives Morris, Moyer, Edmondson, Braddock, Sprenkle and Paris)

Making changes to the osteopathic medicine and surgery statutes.

Referred to Committee on Health and Long-Term Care.

HB 1910 by Representatives Dellwo, R. Johnson, Paris, Inslee, Brough, Winsley, Wood, Van Luven and Moyer (by request of Insurance Commissioner)

Making medicare supplemental insurance conform to federal law.

Referred to Committee on Financial Institutions and Insurance.

SHB 1934 by House Committee on Transportation (originally sponsored by Representatives Van Luven, Heavey, D. Sommers, Kremen, Chandler, Horn, G. Fisher, Basich, Orr, Forner, Wood, Nelson, Prince, Schmidt, Wilson, Berozoff, Cooper, Winsley, Paris, Ferguson, Brekke and Jacobsen)

Clarifying laws relating to pedestrians in intersections.

Referred to Committee on Transportation.

SHB 1947 by House Committee on Environmental Affairs (originally sponsored by Representatives G. Fisher and Sprenkle)

Changing provisions relating to recyclable materials.

Referred to Committee on Environment and Natural Resources.

SHB 2042 by House Committee on Judiciary (originally sponsored by Representatives Appelwick and Padden)

Establishing conditions for the forfeiture of an earnest money deposit as an exclusive remedy.

Referred to Committee on Law and Justice.

SHB 2077 by House Committee on Appropriations (originally sponsored by Representatives Hine, Silver, Peery and Holland)

Changing reporting requirements for school district employee benefit providers.

Referred to Committee on Education.

HB 2082 by Representative Appelwick

Changing provisions relating to district court judges.

Referred to Committee on Law and Justice.

HB 2090 by Representatives Anderson, McLean, Pruitt and Bowman

Defining the "short term" for elective offices.

Referred to Committee on Governmental Operations.

HB 2106 by Representatives Anderson, Moyer, O'Brien, Bowman, Pruitt, Grant, Padden, Chandler, Nelson, Prentice, Belcher, McLean, Jones, Ferguson, Sheldon, Vance, Holland, Kremen, Braddock, Wood, Zellinsky, Orr, Van Luven, Heavey, Wineberry, Beck, Winsley, Day, Ogden, Lisk, Leonard, Dellwo, Rayburn, Wang, Roland, Forner and Brekke

Authorizing the division of purchasing to donate state-owned surplus tangible personal property to certain shelters.

Referred to Committee on Governmental Operations.

SHB 2118 by House Committee on State Government (originally sponsored by Representatives Jacobsen, Betzoff, Anderson, Wineberry, Heavey, Belcher, Ludwig, Morris, Basich, Kremen, Winsley, Spanel, Sheldon, Ogden, Wood, Franklin, Brekke, Van Luven and Rasmussen)

Concerning the use of public facilities.

Referred to Committee on Law and Justice.

SHB 2128 by House Committee on Commerce and Labor (originally sponsored by Representatives Cole, Prentice, Braddock, Orr and Franklin)

Requiring the director of labor and industries to adopt health and safety standards that address the office environment.

Referred to Committee on Commerce and Labor.

SHB 2152 by House Committee on Housing (originally sponsored by Representatives Leonard, Mitchell, Nelson, Franklin, Ogden, Ballard, Winsley, Chandler, D. Sommers, Forner, Moyer, Morton and Hochstatter)

Appointing a direct landlord pay task force.

Referred to Committee on Children and Family Services.

ESHB 2155 by House Committee on Judiciary (originally sponsored by Representatives Scott, Appelwick, R. King and Miller)

Expanding family courts and family court services.

Referred to Committee on Law and Justice.

SHB 2161 by House Committee on Housing (originally sponsored by Representatives Franklin, Ebersole, Winsley, Ogden, Mitchell, Nelson, Leonard, Braddock, Ballard, Orr, Jones, Cole, Rasmussen and Anderson)

Concerning housing for families with members who have disabilities.

Referred to Committee on Commerce and Labor.

HB 2170 by Representatives Appelwick, Brough and Betrozoff

Creating a task force on sentencing of adult offenders.

Referred to Committee on Law and Justice.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9101, Averly Nelson, as a member of the Eastern State Hospital Advisory Board, was confirmed.

APPOINTMENT OF AVERLY NELSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 4; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A.

Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senators Barr, McDonald, Moore, Talmadge - 4.

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9105, E. Dan Pederson, as a member of the Eastern State Hospital Advisory Board, was confirmed.

APPOINTMENT OF E. DAN PEDERSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Absent: Senator Madsen - 1.

SECOND READING

SENATE BILL NO. 5345, by Senators Matson, Owen, Anderson, Gaspard, McCaslin, Stratton Newhouse, Moore, Oke and Murray

Allowing self-insured employers to close disability claims after July 1990.

The bill was read the second time.

MOTION

On motion of Senator Anderson, the rules were suspended, Senate Bill No. 5345 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5345.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5345 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Roach, Saling, Sellar, L. Smith, Stratton, Thorsness, von Reichbauer, West - 27.

Voting nay: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Vognild, Williams, Wojahn - 22.

SENATE BILL NO. 5345, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5188, by Senators Moore, Matson and Anderson

Providing for tenant eviction and rental storage costs for mobile home landlords.

MOTIONS

On motion of Senator Matson, Substitute Senate Bill No. 5188 was substituted for Senate Bill No. 5188 and the substitute bill was placed on second reading and read the second time.

Senator Murray moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 11, after "and" strike "reasonable" and insert "actual"

On page 1, line 13, after "other" strike "reasonable" and insert "actual"

Debate ensued.

Senator Murray demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Murray on page 1, lines 11 and 13, to Substitute Senate Bill No. 5188.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 15; Nays, 34; Absent, 0; Excused, 0.

Voting yea: Senators Gaspard, Jesernig, L. Kreidler, Madsen, McMullen, Murray, Niemi, Owen, Pelz, Rasmussen, Skratek, A. Smith, Snyder, Sutherland, Wojahn - 15.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Oke, Patterson, Rinehart, Roach, Saling, Sellar, L. Smith, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 34.

MOTION

On motion of Senator Matson, the rules were suspended, Substitute Senate Bill No. 5188 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5188.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5188 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams - 43.

Voting nay: Senators Murray, Niemi, Skratek, A. Smith, Talmadge, Wojahn - 6.

SUBSTITUTE SENATE BILL NO. 5188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5824, by Senators Saling, Stratton, Patterson and Bauer.

Changing provisions relating to the funding of community college summer courses.

The bill was read the second time.

MOTION

Senator Skratek moved that the following amendment by Senators Skratek, Bluechel, Cantu, Owen and Jesernig be adopted:

On page 2, line 13, beginning with "Community" strike all the material down to the period on line 18 and insert the following paragraph:

"Any community college which in 1990-91 has excess enrollment above the state funded limit, by means of enrollments that would have otherwise been eligible for state funding, shall not increase its excess enrollment above the 1990-91 level. The community college shall not be required to reduce such excess enrollments until such time that additional state-funded enrollments become available which shall then be used to phase down the excess enrollments. Once the excess enrollments above the state-funded limit are within four percent of the state funded limit, then the four percent excess limit shall apply"

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Skratek, Bluechel, Cantu, Owen and Jesernig on page 2, line 13, to Senate Bill No. 5824.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Bluechel, Cantu, Conner, Erwin, Gaspard, Jesernig, L. Kreidler, Madsen, McDonald, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Roach, Skratek, A. Smith, Snyder, Sutherland, Talmadge, von Reichbauer, Williams, Wojahn - 26.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bauer, Craswell, Hansen, Hayner, Johnson, Matson, McCaslin, Metcalf, Nelson, Newhouse, Oke, Patterson, Saling, Sellar, L. Smith, Stratton, Thorsness, Vognild, West - 23.

MOTION

At 9:27 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

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

SECOND READING

SENATE JOINT MEMORIAL NO. 8012, by Senators Talmadge, Conner, Metcalf, Thorsness, McMullen, Oke and Craswell

Petitioning the United States state department to appeal to British Columbia to stem the flow of raw sewage into the strait of Juan de Fuca.

The joint memorial was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Joint Memorial No. 8012 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Linda Smith, Senator Saling was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8012.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8012 and the joint memorial passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn

Voting nay: Senators Amondson, Bluechel, Hansen, Rasmussen - 4.

Excused: Senator Saling - 1.

SENATE JOINT MEMORIAL NO. 8012, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5925, by Senators Amondson, McDonald, Snyder, Barr, Madsen, Anderson and Conner

Requiring the department of revenue and the department of natural resources to act regarding the federal forestry act.

MOTIONS

On motion of Senator Amondson, Substitute Senate Bill No. 5925 was substituted for Senate Bill No. 5925 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Amondson, the following amendment by Senators Amondson, Snyder, McMullen and Conner was adopted:

On page 1, line 14, after "timber" insert "; and (e) maximize employment within the state of Washington"

MOTION

On motion of Senator Amondson, the rules were suspended, Engrossed Substitute Senate Bill No. 5925 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5925.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5925 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Hayner, Johnson, Madsen, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Sellar, L. Smith, Snyder, Stratton, Thorsness, von Reichbauer, West, Williams, Wojahn - 32.

Voting nay: Senators Bauer, Gaspard, Hansen, Jesernig, L. Kreidler, McMullen, Moore, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Sutherland, Talmadge, Vognild - 16.

Excused: Senator Saling - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5925, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 5432, deferred on second reading March 13, 1991, after the striking amendment by Senator Patterson was not adopted.

MOTIONS

Senator Patterson moved that the following amendment by Senators Patterson, Vognild, Madsen and Nelson be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.08.250 and 1985 c 57 s 27 are each amended to read as follows:

(1) Of the money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, seventy percent shall be deposited in the public safety and education account which is hereby created in the ((state treasury)) general fund, and thirty percent shall be deposited in the traffic safety and enforcement account hereby created in the transportation fund.

(a) The legislature shall appropriate the funds in the public safety and education account to promote ((traffic safety education, highway safety,)) criminal justice training, crime victims' compensation, judicial education, the judicial information system, winter recreation parking, and state game programs.

(b) Moneys in the traffic safety and enforcement account shall be used for promotion of traffic safety education, highway safety, the safety education officer program, driver education, commercial vehicle enforcement, and other programs related to driver and vehicle safety, enforcement, and administration. All earnings of investments of balances in the traffic safety and enforcement account shall be credited to the transportation fund, notwithstanding RCW 43.84.090.

(c) All earnings of investments of balances in the public safety and education account shall be credited to the general fund.

(2) The ending fund balance on June 30, 1993, as determined by the state treasurer, shall be allocated on July 1, 1993, as follows: Seventy percent to the public safety and education account and thirty percent to the traffic safety and enforcement account.

Sec. 2. RCW 43.84.090 and 1990 2nd ex.s. c 1 s 203 are each amended to read as follows:

Except as otherwise provided by RCW 43.250.030, 67.40.025, ((and)) 82.14.050, and section 1(1)(b) of this act, twenty percent of all income received from such investments shall be deposited in the state general fund.

NEW SECTION. Sec. 3. This act shall take effect July 1, 1993.

On motion of Senator Madsen, the following amendments by Senators Madsen, Patterson and Nelson to the striking amendment were considered simultaneously and were adopted:

On page 2, after line 12 of the amendment, insert the following:

NEW SECTION. Sec. 3. A study shall be performed by the senate ways and means committee, the house of representatives appropriations committee, and the legislative transportation committee to examine issues related to the public safety and education account. The study shall examine and make recommendations regarding, but not limited to, the following: The effectiveness of all programs receiving appropriations from the account, which purposes should be added or deleted from RCW 43.08.250, which programs should have priority for increased funding from the account, the method of distributing and appropriating account revenue, and the logical

connection between the sources and uses of account revenue. A report shall be presented to the legislature no later than July 1, 1992. This section shall take effect July 1, 1991.

Renumber the remaining section and correct any internal references accordingly.

On page 2, line 13 of the amendment, strike "This act" and insert "Sections 1 and 2 of this act"

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Patterson, Vognild, Madsen and Nelson, as amended, to Senate Bill No. 5432.

Debate ensued.

The striking amendment by Senators Patterson, Vognild, Madsen and Nelson, as amended, to Senate Bill No. 5432 was adopted by voice vote.

MOTIONS

On motion of Senator Patterson, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 43.08.250 and 43.84.090; creating a new section; and providing an effective date."

On page 2, line 20 of the title amendment, after "43.84.090;" insert "creating a new section;"

On motion of Senator Patterson, the rules were suspended, Engrossed Senate Bill No. 5432 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 5432.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5432 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Absent: Senator Bluechel - 1.

ENGROSSED SENATE BILL NO. 5432, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5555, by Senators Owen, Conner, Snyder, Metcalf, Jesernig, Amondson, Sutherland, Patterson, Hansen, Bailey, Rasmussen, von Reichbauer, Johnson, Pelz, West, Talmadge, A. Smith, Williams, L. Kreidler, Rinehart, Newhouse, Stratton, Gaspard, McMullen, Moore, Madsen, Bauer, Wojahn, Matson, Roach and L. Smith

Providing assistance for timber harvesting areas.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5555 was substituted for Senate Bill No. 5555 and the substitute bill was placed on second reading and read the second time.

Senator Owen moved that the following amendment by Senators Owen, McDonald, Snyder and Conner be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) Cutbacks in allowable sales of old growth timber in Washington state pose a substantial threat to the region and the state with massive layoffs, loss of personal income, and declines in state revenues;

(2) The timber-impacted communities are of critical significance to the state because of their leading role in the overall economic well-being of the state and their importance to the quality of life to all residents of Washington, and that this region requires a special state effort to diversify the local economy;

(3) There are key opportunities to broaden the economic base in the timber-impacted communities including agriculture, high-technology, tourism, and regional exports; and

(4) A coordinated state, local, and private sector effort offers the greatest potential to promote economic diversification and to provide support for new projects within the region.

The legislature further finds that if a special state effort does not take place the decline in allowable timber sales may result in a loss of six thousand logging and milling jobs; two hundred million dollars in direct wages and benefits; twelve thousand indirect jobs; and three hundred million dollars in indirect wages and benefits.

It is the intent of the legislature to develop comprehensive programs to provide diversified economic development and promote job creation and employment opportunities for the citizens of the timber-impacted communities.

NEW SECTION. Sec. 2. For the purposes of sections 1 through 10 of this act:

(1) "Department" means the department of trade and economic development;

(2) "Board" means the economic recovery coordination board;

(3) "Federal timber impact area" means a county or city or town located within a county meeting two of the following three criteria for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct lumber and wood products job loss of one hundred positions or more; or (c) an annual unemployment rate twenty percent above the state average.

NEW SECTION. Sec. 3. There is established the economic recovery coordination board. The board shall consist of one member from each economic development council in a timber impact area appointed by the governor, with representation from representatives of local businesses, labor organizations, local

governments, visitor and convention bureaus, local educational institutions, local associate development organizations, the agribusiness community, and local ports. In making the appointments, the governor shall endeavor to ensure that the appointees have experience in local diversification efforts. Vacancies shall be filled in the same manner as the original appointment.

The board shall review and provide recommendations on proposals for the diversification of the timber-impacted areas presented to it by the department.

The board shall appoint members to local recovery advisory committees in each timber impact area. In making the appointments the board shall endeavor to recruit members of the community with expertise in areas needed to create a revitalized economy. The advisory committee shall assist the recovery board with review and recommendations.

Members of the board and committees shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 4. The department of trade and economic development shall begin implementation of economic diversification programs.

In carrying out these programs, the department, in consultation with the economic recovery coordination board, shall determine which objectives are most likely to lead to economic recovery and diversification. Consideration shall be given to potential jobs and income benefits, generation of additional fiscal support, increased private sector participation, and market forces supporting the proposed objectives. The department shall further employ a project manager who will coordinate with the economic recovery board. The board shall consider such studies and governmental agencies which could support the priority goals determined under this section.

NEW SECTION. Sec. 5. The department shall designate a project manager to facilitate the department's activities within the timber-impacted regions. The manager's responsibilities shall include but not be limited to:

(1) Seeking to increase the use of existing state economic development programs in the timber-impacted regions;

(2) Helping to locate additional funds to be used for diversification and recovery activities;

(3) Seeking advice and recommendations from the board on activities within the priority areas;

(4) Coordinating evaluation of state programs in the region;

(5) Seeking to increase the effectiveness of existing efforts to incubate new enterprises in the timber-impacted areas and to increase the resources devoted to the incubation of new enterprises;

(6) Facilitating a new technology and research base in the region for local businesses, including efforts to increase: The availability and accessibility of venture capital in the timber-impacted areas, especially for the early stages of enterprise development and for the expansion of existing enterprises, the accessibility of legal expertise, especially in regard to licenses and patents, and the identification of and assistance to entrepreneurs with expertise in managing new product development; and

(7) Increasing the availability and coordination of resources devoted to the expansion, development, and modernization of enterprises in existing promising growth areas of the timber-impacted regional economy such as the industrial applications of advanced technology and recreational development.

NEW SECTION. Sec. 6. The department shall contract with local bodies to develop various programs to promote diversification, such as regional exporting, waterfront tourism, job retention, small business marketing and training, small business incubators, investment opportunities, and securing federal contracts. The department, after consultation with the board, shall establish guidelines for the awarding of contracts under this section.

NEW SECTION. Sec. 7. The department, in consultation with the board, shall:

(1) Gather, analyze, and disseminate information about the competitiveness of the wood products industry in this state and make that information available to the wood products industry, state government, and the general public.

(2) Encourage cooperation among wood products firms through the formation of business networks to develop solutions to technology and product development problems, acquire and disseminate marketing information, promote and market wood products of this state, and address other common industry problems.

(3) Receive assistance from the board in the department's efforts to increase the competitiveness of the industry and increase the production of value-added products by providing grants for feasibility studies and product research and development. The grants under this subsection shall:

(a) Be of general benefit to the industry rather than intended to benefit a specific firm;

(b) Be for such activities as identifying options, assessing markets, evaluating business and financial risks, addressing production issues, and assessing new technologies; and

(c) Be less than thirty five thousand dollars unless seventy-five percent of the department authorizes up to fifty thousand dollars.

(4) Work with state agencies, wood products firms, wood products industry associations, and institutions of higher education in this state to assure close coordination of all efforts to improve the competitiveness of the wood products industry in this state.

(5) Report periodically to the governor, the legislature, the wood products industry, and the general public on the competitive position of the wood products industry in this state, and make such recommendations as the department determines appropriate for public or private actions needed to improve the competitiveness of the wood products industry in this state.

In pursuing efforts to stimulate the growth of timber enterprises and to strengthen the timber economy, the state should identify opportunities to learn from and/or work with other states and provinces. A regional working session on value-added timber products, jointly sponsored by the Pacific Northwest economic region and the northwest policy center, shall be held in 1991. Washington state and its appropriate agencies are encouraged to participate in this working session.

NEW SECTION. Sec. 8. (1) The department shall develop an implementation plan for a forest products development center to be located in Forks, Washington, as a model public/private manufacturing partnership. The center plan shall determine methods to:

(a) Improve the technology in the timber industry by improving production methods and equipment to become more competitive;

(b) Work with private industry to improve the infrastructure to finance the capital expenditures necessary for public facilities such as roads and utilities;

(c) Train new production workers to be more sophisticated production workers by offering training opportunities allowing workers to adapt to a changing workplace;

(d) Provide updated knowledge of the consumer and industry trends around the world to identify markets; and

(e) Serve as a model to demonstrate environmental compliance techniques allowing efficient, profitable production to be sustained at all times.

(2) This plan shall be submitted to the legislature by July 1, 1992.

NEW SECTION. Sec. 9. The department, in consultation with the board, shall conduct long-range policy planning surveys to determine the best options and alternative economic programs for long-term development in the timber-impacted counties of the state of Washington. These surveys are to include:

(1) A survey of the feasibility of developing tele-commuting businesses;

(2) A growers' marketing cooperative for alternative forest products;

(3) Strengthening the business assistance center concept in the timber-impacted areas to insure expanding and new businesses will be able to have all inquiries answered at one governmental agency;

(4) A survey and recommendation by the department to develop small business relocation grants to encourage the influx of new business to the timber-impacted counties;

(5) Expansion of the Washington market place program including: The development of a wood products manufacturers network to encourage cooperative product marketing and expanded export assistance;

(6) The department and the board shall conduct a survey to determine the actual future employment needs and jobs skills in the timber-impacted areas.

The Washington state air transportation commission shall conduct a study of the possibility of locating an airport facility designed to relieve air traffic overflow from Seattle-Tacoma international airport in Grays Harbor county.

The commission shall consider airport facilities currently in use in Grays Harbor county, the property set aside at the uncompleted Satsop nuclear site, the distance from operating port facilities, the desires of the community, and linkage with the Interstate 5 corridor by rapid transit rail service.

NEW SECTION. Sec. 10. (1) Through an interagency agreement with the department, the employment security department shall provide enhanced retraining, support services, and job search assistance, including an out-of-area job search and relocation component, if needed, for dislocated workers in the timber-impacted areas. For the purpose of this section "dislocated workers" means workers in the timber-impacted areas who (a) have been terminated or laid off, or received a notice of termination or layoff from employment and are eligible for or have exhausted their entitlement to benefits under Title 50 RCW; (b) have been terminated as a result of any permanent plant closure; (c) are long-term unemployed and are unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for their skills in that occupation or industry; or (d) are farmers or other self-employed individuals who have been displaced due to economic conditions or natural disasters. Training and retraining assistance shall be designed to contribute to the diversification of the economy of the timber-impacted areas or to relieve economic dislocation and distress in the timber-impacted areas resulting from the sudden and severe loss of local sources of employment.

(2) The employment security department shall consult with and may subcontract with local educational institutions, local businesses, local labor organizations, local associate development organizations, local private industry councils, local social service organizations, and local governments in carrying out this program of training and services for dislocated workers in the timber-impacted areas.

(3) Training and retraining assistance provided under sections 1 through 10 of this act should include but need not be limited to the following areas: Entrepreneurial development and training; short-term job creation; training in the incubation of new business enterprises and training at incubator facilities; agriculture, agricultural processing, and agricultural services; the industrial applications of advanced technology; recreational and tourism development; and training through the self-employment and enterprise development (SEED) program. The department of social and health services shall help families and workers make the transition through economic difficulties and provide workers with marketable skills. Funding shall be coordinated through the board which will establish a fund to provide child care assistance, mortgage assistance, and counseling which cannot be met through current programs.

(4) Such services shall be either direct or referral services to the unemployed, and should include, but need not be limited to: Credit counseling; social services including marital counseling; psychotherapy or psychological counseling; mortgage foreclosures

and utilities problems counseling; drug and alcohol abuse services; medical services; and residential heating and food acquisition.

(5) The employment security department shall coordinate the services provided in this section with all other services provided by the department and with the other economic recovery efforts undertaken by state and local government agencies on behalf of the timber-impacted areas.

(6) Subcontractors shall conduct outreach efforts to encourage the unemployed to seek assistance.

(7) The department shall make every effort to procure additional federal and other moneys for the efforts enumerated in this section.

NEW SECTION. Sec. 11. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 12 through 16 of this act:

(1) "Department" means the employment security department.

(2) "Timber worker" means any person employed in industries within the standard industrial classification code numbers 8, 24, and 26.

(3) "Federal timber impact area" means a county or city or town located within a county meeting two of the following three criteria for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct lumber and wood products job loss of one hundred positions or more; or (c) an annual unemployment rate twenty percent above the state average.

(4) "Program" or "counter-cyclical program" means the program for dislocated timber workers administered by the employment security department in conjunction with the department of natural resources.

(5) "Enrollee" means any person enrolled in the counter-cyclical program.

NEW SECTION. Sec. 12. (1) The counter-cyclical program for dislocated timber workers is established in the department. The program shall provide forest-related employment and job retraining assistance to unemployed timber workers residing in federal timber impact areas. The department shall notify timber workers receiving unemployment benefits, or who have exhausted unemployment benefits of their eligibility for the program.

(2) A person is considered a dislocated timber worker and eligible to participate in this program:

(a) Upon exhaustion of unemployment insurance benefits received upon termination of employment from industries within the standard industrial classification code numbers 8, 24, and 26; or

(b) If currently unemployed, employed part time, or if employment has been terminated within one year previous to the effective date of this act.

(3) The department of natural resources shall employ candidates for the counter-cyclical program from a pool of eligible workers developed by the department.

NEW SECTION. Sec. 13. The department shall contract with the department of natural resources to provide employment opportunities for not less than two hundred eligible enrollees. Employment opportunities under the counter-cyclical program shall consist of activities that improve the value of state lands and waters managed by the department of natural resources. These activities may include, but are not limited to, thinning and precommercial thinning, pruning, slash removal, reforestation, fire suppression, trail maintenance, maintenance of recreational facilities, dike repair, development and maintenance of tourist facilities, stream enhancement.

NEW SECTION. Sec. 14. Enrollees in the counter-cyclical program shall receive medical and dental benefits as provided under chapter 41.05 RCW, but are exempt from the provisions of chapter 41.06 RCW. Compensation for the counter-cyclical program shall be at least nine dollars per hour of employment. Employees shall not work more than thirty-two hours each week in this program and must agree to participate in the career orientation program established in this chapter, under the

department. Participation in the counter-cyclical program is limited to six months. Employment under the program shall not result in the displacement or partial displacement of currently employed workers. This includes, but is not limited to, state employees or currently or normally contracted service employees.

NEW SECTION. Sec. 15. The department shall develop a career orientation program for enrollees in the counter-cyclical program. The department shall provide at least eight hours of career counseling each week for enrollees in this program. The career orientation program shall include, but is not limited to, counseling on employment options and assistance in accessing retraining programs, and assistance in accessing social service programs.

NEW SECTION. Sec. 16. The department of natural resources shall provide compensation for enrollees in this program as provided under section 14 of this act.

NEW SECTION. Sec. 17. A new section is added to chapter 50.22 RCW to read as follows:

A program to provide training and extended benefits for unemployed forest products workers is established. The program shall begin on the third Sunday after the effective date of this section. The program shall provide that:

(1) To be eligible for the program, a person must:

(a) Be certified by his or her employer to be permanently or indefinitely unemployed due to lack of work caused by a curtailment of timber harvesting or a shortage of raw materials resulting from compliance with environmental laws or rules; and

(b) Have one thousand three hundred sixty hours of employment in the forest products industry in the first eight of the last nine completed calendar quarters prior to his or her application for unemployment compensation benefits.

(2) The department shall notify potentially eligible persons who apply for unemployment compensation benefits of the provisions of this section.

(3) Eligible persons shall develop individual training plans and submit the plans to the commissioner for approval.

(4) If a training plan is approved by the commissioner within the first sixteen weeks of a person's unemployment compensation claim or within sixteen weeks of the effective date of this act, whichever is later, the person shall be eligible for extended benefits under subsection (5) of this section and for tuition waivers under section 18 of this act.

(5) Persons eligible under subsections (1) and (4) of this section who are either enrolled in a training course that has been approved by the commissioner or have applied to and are waiting for admission into an approved training course are eligible for extended benefits for an additional twenty-six weeks. Total unemployment compensation benefits may not exceed fifty-two times the eligible person's weekly benefit amount reduced by other state or federal unemployment benefits available for the same weeks of unemployment.

(6) Benefits paid pursuant to this section shall be paid under the same terms and conditions as extended benefits and shall not be charged to the experience rating accounts of individual employers.

(7) The commissioner shall adopt rules as necessary to implement this section.

NEW SECTION. Sec. 18. A new section is added to chapter 28B.15 RCW to read as follows:

Unemployed forest workers eligible for benefits under section 17 of this act who comply with all requirements for admittance shall be admitted to and may attend any public four-year institution of higher education, community college, or vocational-technical institution that has space available without paying tuition and service and activity fees for courses approved by the commissioner of employment security under section 17 of this act. A tuition waiver is limited to a maximum of six academic quarters, four semesters, or the equivalent of two academic years of full-time study.

This section shall expire on June 30, 1996.

Sec. 19. RCW 28B.15.740 and 1989 c 340 s 2 are each amended to read as follows:

(1) The boards of trustees or regents of each of the state's regional universities, The Evergreen State College, or state universities, and the various community colleges, consistent with regulations and procedures established by the state board for community college education, may waive, in whole or in part, tuition and services and activities fees subject to the limitations set forth in subsections (2) and (3) of this section.

(2) Except as provided in subsection (3) of this section, the total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, shall not exceed four percent, and for the community colleges considered as a whole, such amount shall not exceed three percent of an amount determined by estimating the total collections from tuition and services and activities fees had no such waivers been made and deducting the portion of that total amount which is attributable to the difference between resident and nonresident fees: PROVIDED, That at least three-fourths of the dollars waived shall be for needy students who are eligible for resident tuition and fee rates pursuant to RCW 28B.15.012 through 28B.15.015: PROVIDED FURTHER, That the remainder of the dollars waived, not to exceed one-fourth of the total, may be applied to other students at the discretion of the board of trustees or regents, except on the basis of participation in intercollegiate athletic programs: PROVIDED FURTHER, That the waivers for undergraduate and graduate students of foreign nations under RCW 28B.15.556 and the waivers for unemployed forest industry workers under section 18 of this act are not subject to the limitation under this section.

(3) In addition to the tuition and fee waivers provided in subsection (2) of this section and subject to the provisions of RCW 28B.15.455 and 28B.15.460, a total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, not to exceed one percent, as calculated in subsection (2) of this section, may be used for the purpose of achieving or maintaining gender equity in intercollegiate athletic programs. At any institution that has an underrepresented gender class in intercollegiate athletics, any such waivers shall be awarded:

(a) First, to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; and

(b) Second, (i) to nonmembers of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for members of the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; or (ii) to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers do not result in any saved or displaced money that can be used for athletic programs for members of the underrepresented gender class.

Sec. 20. RCW 70.47.010 and 1987 1st ex.s. c 5 s 3 are each amended to read as follows:

(1) The legislature finds that:

(a) A significant percentage of the population of this state does not have reasonably available insurance or other coverage of the costs of necessary basic health care services;

(b) This lack of basic health care coverage is detrimental to the health of the individuals lacking coverage and to the public welfare, and results in substantial expenditures for emergency and remedial health care, often at the expense of health care providers, health care facilities, and all purchasers of health care, including the state; and

(c) The use of managed health care systems has significant potential to reduce the growth of health care costs incurred by the people of this state generally, and by low-income pregnant women who are an especially vulnerable population, along with their children, and who need greater access to managed health care.

(2) The purpose of this chapter is to provide necessary basic health care services in an appropriate setting to working persons and others who lack coverage, at a cost to these persons that does not create barriers to the utilization of necessary health care services. To that end, this chapter establishes a program to be made available to those residents under sixty-five years of age not otherwise eligible for medicare with gross family income at or below two hundred percent of the federal poverty guidelines or who have been dislocated from their jobs as a result of changes in the local economy where they work, who share in the cost of receiving basic health care services from a managed health care system.

(3) It is not the intent of this chapter to provide health care services for those persons who are presently covered through private employer-based health plans, nor to replace employer-based health plans. Further, it is the intent of the legislature to expand, wherever possible, the availability of private health care coverage and to discourage the decline of employer-based coverage.

(4) The program authorized under this chapter is strictly limited in respect to the total number of individuals who may be allowed to participate and the specific areas within the state where it may be established. All such restrictions or limitations shall remain in full force and effect until quantifiable evidence based upon the actual operation of the program, including detailed cost benefit analysis, has been presented to the legislature and the legislature, by specific act at that time, may then modify such limitations.

Sec. 21. RCW 70.47.020 and 1987 1st ex.s. c 5 s 4 are each amended to read as follows:

As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator.

(3) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system.

(4) "Enrollee" means an individual, or an individual plus the individual's spouse and/or dependent children, all under the age of sixty-five and not otherwise eligible for medicare, who resides in an area of the state served by a managed health care system participating in the plan, whose gross family income at the time of enrollment does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services, or who has been dislocated from his or her job as a result of changes in the local economy where he or she works, who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan.

(5) "Subsidy" means the difference between the amount of periodic payment the administrator makes, from funds appropriated from the basic health plan trust account, to a managed health care system on behalf of an enrollee and the amount determined to be the enrollee's responsibility under RCW 70.47.060(2).

(6) "Premium" means a periodic payment, based upon gross family income and determined under RCW 70.47.060(2), which an enrollee makes to the plan as consideration for enrollment in the plan.

(7) "Rate" means the per capita amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of enrollees in the plan and in that system.

(8) "Dislocated workers" means workers in timber-impacted areas who (a) have been terminated or laid off or received a notice of termination or layoff from employment and are eligible for or have exhausted their entitlement to benefits under Title 50 RCW; (b) have been terminated as a result of any permanent plant closure; or (c) are long-term unemployed and are unlikely to return to employment in a timber-related occupation because of a diminishing demand for their skills in that occupation.

Sec. 22. RCW 70.47.060 and 1987 1st ex.s. c 5 s 8 are each amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, and other services that may be necessary for basic health care, which enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care, shall include all services necessary for prenatal, postnatal, and well-child care, and shall include a separate schedule of basic health care services for children, eighteen years of age and younger, for those enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the administrator deems appropriate.

(2) To design and implement a structure of periodic premiums due the administrator from enrollees that is based upon gross family income, giving appropriate consideration to family size as well as the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan.

(3) To design and implement a structure of nominal copayments due a managed health care system from enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(4) To design and implement, in concert with a sufficient number of potential providers in a discrete area, an enrollee financial participation structure, separate from that otherwise established under this chapter, that has the following characteristics:

(a) Nominal premiums that are based upon ability to pay, but not set at a level that would discourage enrollment;

(b) A modified fee-for-services payment schedule for providers;

(c) Coinsurance rates that are established based on specific service and procedure costs and the enrollee's ability to pay for the care. However, coinsurance rates for families with incomes below one hundred twenty percent of the federal poverty level shall be nominal. No coinsurance shall be required for specific proven prevention programs, such as prenatal care. The coinsurance rate levels shall not have a measurable negative effect upon the enrollee's health status; and

(d) A case management system that fosters a provider-enrollee relationship whereby, in an effort to control cost, maintain or improve the health status of the enrollee, and maximize patient involvement in her or his health care decision-making process, every effort is made by the provider to inform the enrollee of the cost of the specific services and procedures and related health benefits.

The potential financial liability of the plan to any such providers shall not exceed in the aggregate an amount greater than that which might otherwise have been incurred by the plan on the basis of the number of enrollees multiplied by the average of the prepaid capitated rates negotiated with participating managed health care systems under RCW 70.47.100 and reduced by any sums charged enrollees on the basis of the coinsurance rates that are established under this subsection.

(5) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists.

(6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080.

In the selection of any area of the state for the initial operation of the plan, the administrator shall take into account the levels and rates of unemployment in different areas of the state, the need to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks such coverage, and the need for geographic, demographic, and economic diversity.

Before July 1, 1988, the administrator shall endeavor to secure participation contracts with managed health care systems in discrete geographic areas within at least five congressional districts.

(7) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state.

(8) To receive periodic premiums from enrollees, employers, and the department of labor and industries, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(9) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least annually thereafter, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums or status as a dislocated worker. An enrollee who remains current in payment of the sliding-scale premium, as determined under subsection (2) of this section, and whose gross family income has risen above twice the federal poverty level or whose status as a dislocated worker has changed, may continue enrollment unless and until the enrollee's gross family income has remained above ~~((twice))~~ four times the poverty level for six consecutive months, by making payment at the unsubsidized rate required for the managed health care system in which he or she may be enrolled. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level, who is a dislocated worker, or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to re-enroll in the plan.

(10) To require that prospective enrollees who may be eligible for categorically needy medical coverage under RCW 74.09.510 or whose income does not exceed the medically needy income level under RCW 74.09.700 apply for such coverage, but the administrator shall enroll the individuals in the plan pending the determination of eligibility under chapter 74.09 RCW.

(11) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

(12) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the administrator. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the ~~((hospital commission))~~ department of health, to minimize duplication of effort.

(13) To monitor the access that state residents have to adequate and necessary health care services, determine the extent of any unmet needs for such services or lack of access that may exist from time to time, and make such reports and recommendations to the legislature as the administrator deems appropriate.

(14) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(15) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(16) To provide, consistent with available resources, technical assistance for rural health activities that endeavor to develop needed health care services in rural parts of the state.

Sec. 23. RCW 70.47.080 and 1987 1st ex.s. c 5 s 10 are each amended to read as follows:

On and after July 1, 1988, the administrator shall accept for enrollment applicants eligible to receive covered basic health care services from the respective managed health care systems which are then participating in the plan. The administrator shall not allow the total enrollment of those eligible for subsidies to exceed thirty thousand.

Thereafter, total enrollment shall not exceed the number established by the legislature in any act appropriating funds to the plan.

Before July 1, 1988, the administrator shall endeavor to secure participation contracts from managed health care systems in discrete geographic areas within at least five congressional districts of the state and in such manner as to allow residents of both urban and rural areas access to enrollment in the plan. The administrator shall make a special effort to secure agreements with health care providers in one such area that meets the requirements set forth in RCW 70.47.060(4).

The administrator shall at all times closely monitor growth patterns of enrollment so as not to exceed that consistent with the orderly development of the plan as a whole, in any area of the state or in any participating managed health care system.

This section shall not apply to those areas where there are enrollees designated as dislocated workers.

NEW SECTION. Sec. 24. (1) The Pacific Northwest export assistance project is hereby created for the following purposes:

(a) To assist small to medium-sized manufacturers relatively new to exporting with gross annual revenues less than twenty-five million dollars with comprehensive services for designing and managing introductory export strategies and in securing financing and credit guarantees for export transactions;

(b) To provide, in cooperation with the export promotion services offered by the department of trade and economic development and the Washington state department of agriculture, information and assistance to businesses with gross annual revenues less than twenty-five million dollars about the methods and procedures of structuring company specific export financing and credit guarantee alternatives; or

(c) To provide information to their clients about opportunities in organizing cooperative export networks, foreign sales corporations, or export trading companies under the United States export trading company act of 1982, for the purpose of increasing their comparative sales volume and ability to export their products to foreign markets.

(2) The Pacific Northwest export assistance project is a separate branch of the small business export finance assistance center for accounting and auditing purposes.

(3) The Pacific Northwest export assistance project is subject to the authority of the small business export finance assistance center, under RCW 43.210.020, and shall be governed and managed by the board of directors, under RCW 43.210.030.

NEW SECTION. Sec. 25. (1) The small business export finance assistance center has the following powers and duties when exercising its authority under section 24(3) of this act:

(a) Solicit and accept grants, contributions, and any other financial assistance from the federal government, federal agencies, and any other public or private sources to carry out its purposes;

(b) Offer comprehensive export assistance and counseling to manufacturers relatively new to exporting with gross annual revenues less than twenty-five million dollars. As close to ninety percent as possible of each year's new cadre of clients must have gross annual revenues of less than five million dollars at the time of their initial contract. Counseling may include, but not be limited to, helping clients obtain debt or equity financing, in constructing competent proposals, and assessing federal guarantee and/or insurance programs that underwrite exporting risk; assisting clients in evaluating their international marketplace by developing marketing materials, assessing and selecting targeted markets; assisting firms in finding foreign customers by conducting foreign market research, evaluating distribution systems, selecting and assisting in identification of and/or negotiations with foreign agents, distributors, retailers, and by promoting products through attending trade shows abroad; advising companies on their products, guarantees, and after sales service requirements necessary to compete effectively in a foreign market; designing a competitive strategy for a firm's products in targeted markets and methods of minimizing their commercial and political risks; securing for clients specific assistance as needed, outside the center's field of expertise, by referrals to other public or private organizations. The Pacific Northwest export assistance project shall focus its efforts on facilitating export transactions for its clients, and in doing so, provide such technical services as are appropriate to accomplish its mission either with staff or outside consultants;

(c) Sign three-year counseling agreements with its clients that provide for termination if adequate funding for the Pacific Northwest export assistance project is

not provided in future appropriations. Counseling agreements shall not be renewed unless there are compelling reasons to do so, and under no circumstances shall they be renewed for more than two additional years. A counseling agreement may not be renewed more than once. The counseling agreements shall have mutual performance clauses, that if not met, will be grounds for releasing each party, without penalty, from the provisions of the agreement. Clients shall be immediately released from a counseling agreement with the Pacific Northwest export assistance project, without penalty, if a client wishes to switch to a private export management service and produces a valid contract signed with a private export management service, or if the president of the small business export finance assistance center determines there are compelling reasons to release a client from the provisions of the marketing agreement;

(d) May contract with private or public international trade education services to provide Pacific Northwest export assistance project clients with training in international business. The president and board of directors shall decide the amount of funding allocated for educational services based on the availability of resources in the operating budget of the budget of the Pacific Northwest export assistance project;

(e) May contract with the Washington state international trade fair to provide services for Pacific Northwest export assistance project clients to participate in one trade show annually. The president and board of directors shall decide the amount of funding allocated for trade fair assistance based on the availability of resources in the operating budget of the Pacific Northwest export assistance project;

(f) Provide biennial assessments of its performance. The Pacific Northwest export assistance project is an innovative program for the promotion of international trade. As such, the project personnel shall work with the department of revenue and employment security department to confidentially track the performance of the project's clients in increasing tax revenues to the state, increasing gross sales revenues and volume of products destined to foreign clients, and in creating new jobs for Washington citizens. A biennial report shall be prepared for the governor and legislature to assess the costs and benefits to the state from creating the project. The president of the small business export finance assistance center shall design an appropriate methodology for biennial assessments in consultation with the director of the department of trade and economic development and the director of the Washington state department of agriculture. The department of revenue and the employment security department shall provide data necessary to complete this biennial evaluation, if the data being requested is available from existing data bases. Client-specific information generated from the files of the department of revenue and the employment security department for the purposes of this evaluation shall be kept strictly confidential by each department and the small business export finance assistance center;

(g) Take whatever action may be necessary to accomplish the purposes set forth in sections 24 through 27 of this act; and

(h) Limit its assistance to promoting the exportation of value-added manufactured goods. The project shall not provide counseling or assistance, under any circumstances, for the importation of foreign made goods into the United States.

(2) The Pacific Northwest export assistance project shall not, under any circumstances, assume ownership or take title to the goods of its clients.

(3) The Pacific Northwest export assistance project may not use any Washington state funds which come from the public treasury of the state of Washington to make loans or to make any payment under a loan guarantee agreement. Under no circumstances may the center use any funds received under RCW 43.210.050 to make or assist in making any loan or to pay or assist in paying any amount under a loan guarantee agreement. Debts of the center shall be center debts only and may be satisfied only from the resources of the center. The state of Washington shall not in any way be liable for such debts.

(4) The Pacific Northwest export assistance project shall make every effort to seek nonstate funds to supplement its operations.

(5) The Pacific Northwest export assistance project shall take whatever steps are necessary to provide its services, if requested, to the states of Oregon, Idaho, Montana, Alaska, and the Canadian provinces of British Columbia and Alberta. Interstate services shall not be provided by the Pacific Northwest export assistance project during its first biennium of operation. The provision of services may be temporary and subject to the payment of fees, or each state may request permanent services contingent upon a level of permanent funding adequate for services provided. Temporary services and fees may be negotiated by the small business export finance assistance center's president subject to approval of the board of directors. The president of the small business export finance assistance center may enter into negotiations with neighboring states to contract for delivery of the project's services. Final contracts for providing the project's counseling and services outside of the state of Washington on a permanent basis shall be subject to approval of the governor, appropriate legislative oversight committees, and the small business export finance assistance center's board of directors.

(6) The small business export finance assistance center may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the Pacific Northwest export assistance project and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

(7) The president of the small business export finance assistance center, in consultation with the board of directors, may use the following formula in determining the number of clients that can be reasonably served by the Pacific Northwest export assistance project relative to its appropriation. Divide the amount appropriated for administration of the Pacific Northwest export assistance project by the marginal cost of adding each additional Pacific Northwest export assistance project client. For the purposes of this calculation, and only for the first biennium of operation, the biennial marginal cost of adding each additional Pacific Northwest export assistance project client shall be fifty-seven thousand ninety-five dollars. The biennial marginal cost of adding each additional client after the first biennium of operation shall be established from the actual operating experience of the Pacific Northwest export assistance project.

(8) All receipts from the Pacific Northwest export assistance project shall be deposited into the general fund.

NEW SECTION. Sec. 26. The department of trade and economic development shall adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of sections 24 through 27 of this act.

NEW SECTION. Sec. 27. The small business export finance assistance center fund is created in the custody of the state treasurer. Expenditures from the fund may be used only for the purposes of funding the services of the small business export finance assistance center and its projects under this chapter. Only the director of the department of trade and economic development or the director's designee may authorize expenditures from the fund. The director of the department of trade and economic development shall not withhold funds appropriated for the administration of the small business export finance assistance center and its projects, if the small business export finance assistance center complies with the provisions of its contract under RCW 43.210.050 and section 24 of this act. Funding appropriated by the state of Washington shall not be used to provide services to other states or provinces. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

Sec. 28. RCW 43.210.030 and 1985 c 231 s 3 are each amended to read as follows:

The small business export finance assistance center and its branches shall be governed and managed by a board of (~~seventeen~~) nineteen directors appointed by the

governor and confirmed by the senate. The directors shall serve terms of six years except that two of the original directors shall serve for two years and two of the original directors shall serve for four years. The directors may provide for the payment of their expenses. The directors shall include a representative of a not-for-profit corporation formed for the purpose of facilitating economic development, at least two representatives of state financial institutions engaged in the financing of export transactions, a representative of a port district, and a representative of organized labor. Of the remaining board members, there shall be ~~((a representative of the governor,))~~ one representative of business from the area west of Puget Sound, one representative of business from the area east of Puget Sound and west of the Cascade range, one representative of business from the area east of the Cascade range and west of the Columbia river, ~~((and))~~ one representative of business from the area east of the Columbia river, the director of the department of trade and economic development, and the director of the department of agriculture. One of the directors shall be a representative of the public selected from the area in the state west of the Cascade mountain range and one director shall be a representative of the public selected from that area of the state east of the Cascade mountain range. One director shall be a representative of the public at large. The directors shall be broadly representative of geographic areas of the state, and the representatives of businesses shall represent at least four different industries in different sized businesses as follows: (a) One representative of a company employing fewer than one hundred persons; (b) one representative of a company employing between one hundred and five hundred persons; ~~((and))~~ (c) ~~((two))~~ one representative~~((s))~~ of companies employing more than five hundred persons; (d) one representative from an export management company; and (e) one representative from an agricultural or food processing company. Any vacancies on the board due to the expiration of a term or for any other reason shall be filled by appointment by the governor for the unexpired term.

Sec. 29. RCW 43.210.050 and 1985 c 466 s 64 and 1985 c 231 s 5 are each reenacted and amended to read as follows:

The small business export finance assistance center formed under RCW 43.210.020 and 43.210.030 ~~((is eligible to receive consideration for))~~ shall enter into a contract under this chapter ~~((from the))~~ with the department of trade and economic development or its statutory successor. The contract shall require the center to provide export assistance services, ~~((may not have a duration of longer than two years,))~~ consistent with sections 24 through 27 of this act, shall have a duration of two years, and shall require the center to aggressively seek to fund its continued operation from nonstate funds. The contract shall also require the center to report ~~((at least twice))~~ annually to the department on its success in obtaining nonstate funding. Upon expiration of the contract, any provisions within the contract applicable to the Pacific Northwest export assistance project shall be automatically renewed without change provided the legislature appropriates funds for administration of the small business export assistance center and the Pacific Northwest export assistance project. The provisions of the contract related to the Pacific Northwest export assistance project may be changed at any time if the director of the department of trade and economic development or the president of the small business export finance assistance center present compelling reasons supporting the need for a contract change to the board of directors and a majority of the board of directors agrees to the changes. The department of agriculture shall be included in the contracting negotiations with the department of trade and economic development and the small business export finance assistance center when the Pacific Northwest export assistance project provides export services to industrial sectors within the administrative domain of the Washington state department of agriculture. The department of trade and economic development, the small business export finance assistance center, and, if appropriate, the department of

agriculture, shall report annually, as one group, to the appropriate legislative oversight committees on the progress of the Pacific Northwest export assistance project.

NEW SECTION. Sec. 30. The following acts or parts of acts are each repealed:

- (1) RCW 43.131.325 and 1985 c 231 s 10; and
- (2) RCW 43.131.326 and 1985 c 231 s 11.

NEW SECTION. Sec. 31. A new section is added to chapter 43.131 RCW to read as follows:

The Pacific Northwest export assistance project shall be terminated on June 30, 1996, as provided in section 32 of this act.

NEW SECTION. Sec. 32. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1997:

- (1) Section 24 of this act;
- (2) Section 25 of this act;
- (3) Section 26 of this act; and
- (4) Section 27 of this act.

Sec. 33. RCW 82.60.020 and 1988 c 42 s 16 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; or (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent. Applications under this subsection (3)(b) shall be filed by April 30, 1989. However, counties eligible under section 2 of this act may file an application by July 1, 1993.

(4)(a) "Eligible investment project" means that portion of an investment project which:

(i) Is directly utilized to create at least one new full-time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested; and

(ii) Either initiates a new operation, or expands or diversifies a current operation by expanding or renovating an existing building with costs in excess of twenty-five percent of the true and fair value of the plant complex prior to improvement; or

(iii) Acquires machinery and equipment to be used for either manufacturing or research and development if the machinery and equipment is housed in a new leased structure: PROVIDED, That the lessor/owner of the structure is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person.

(b) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5) or investment projects which have already received deferrals under this chapter.

(5) "Investment project" means an investment in qualified buildings and qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result

thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means new structures used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(10) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(11) "Recipient" means a person receiving a tax deferral under this chapter.

(12) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

Sec. 34. RCW 82.62.010 and 1988 c 42 s 17 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; or (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent. Applications under this subsection (3)(b) shall be filed by April 30, 1989. However, counties eligible under section 2 of this act may file an application by July 1, 1993.

(4)(a) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility: PROVIDED, That the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which the credit is being sought than the applicant's average full-time qualified employment positions at the same facility in the immediately preceding year.

(b) "Eligible business project" does not include any portion of a business project undertaken by a light and power business as defined in RCW 82.16.010(5) or that

portion of a business project creating qualified full-time employment positions outside an eligible area or those recipients of a sales tax deferral under chapter 82.61 RCW.

(5) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(6) "Person" has the meaning given in RCW 82.04.030.

(7) "Qualified employment position" means a permanent full-time employee employed in the eligible business project during the entire tax year.

(8) "Tax year" means the calendar year in which taxes are due.

(9) "Recipient" means a person receiving tax credits under this chapter.

(10) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

Sec. 35. RCW 43.168.020 and 1988 c 42 s 18 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Committee" means the Washington state development loan fund committee.

(2) "Department" means the department of community development.

(3) "Director" means the director of the department of community development.

(4) "Distressed area" means: (a) A county which has an unemployment rate which is twenty percent above the state average for the immediately previous three years; (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent. Applications under this subsection (4)(b) shall be filed by April 30, 1989; ((or)) (c) an area within a county, which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate; or (d) a county designated as a timber impact area under section 2 of this act if an application is filed by July 1, 1993. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(5) "Fund" means the Washington state development loan fund.

(6) "Local development organization" means a nonprofit organization which is organized to operate within an area, demonstrates a commitment to a long-standing effort for an economic development program, and makes a demonstrable effort to assist in the employment of unemployed or underemployed residents in an area.

(7) "Project" means the establishment of a new or expanded business in an area which when completed will provide employment opportunities. "Project" also means the retention of an existing business in an area which when completed will provide employment opportunities.

NEW SECTION. Sec. 36. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 37 through 40 of this act.

(1) "Timber-dependent community" means a community in which thirty percent or more of the work force is employed in the timber industry.

(2) "Permanent residence" means the residence in which an individual resides on the effective date of this act on a full-time basis, including detached, semi-detached, or townhouse units; modular homes; condominium units or manufactured housing units which meet the program standards.

(3) "Program" means the emergency mortgage assistance program.

NEW SECTION. Sec. 37. The department shall establish and administer the emergency mortgage assistance program under the following general guidelines:

(1) A loan provided under the program shall not exceed an amount equal to twenty-four months of mortgage payments.

(2) The maximum loan amount allowed under the program shall not exceed twenty thousand dollars.

(3) Loans shall be made to applicants who meet specific income guidelines established by the department.

(4) Loans shall be granted on a first-come, first-served basis.

(5) Loan payments shall be made directly to the mortgage lender by the department.

(6) Repayment of loans provided under the program must not take more than twenty years.

(7) The department may provide for emergency short-term loans.

NEW SECTION. Sec. 38. The goals of the program are to:

(1) Provide up to twenty-four months of emergency assistance loans to households who, because of their loss of employment in the timber industry for a period of six consecutive months, are unable to make current mortgage payments on their permanent residence and are likely to face imminent home mortgage or other home loan foreclosure proceedings;

(2) Prevent the dislocation of individuals and families from their permanent residences and their communities; and

(3) Maintain the economic and social stability of timber-dependent communities.

NEW SECTION. Sec. 39. To become eligible to receive emergency mortgage assistance loans provided for under sections 36 through 40 of this act, an applicant must:

(1) Be unable to keep payments on his or her home mortgage current, due to a temporary loss of employment in the timber industry, and shall be at significant risk of forfeiting the title to his or her home;

(2) Have his or her permanent residence located in a timber-dependent community and be the owner of an equitable interest in such residence;

(3) Intend to reside in the home being financed;

(4) Be actively seeking new employment or be enrolled in a training program approved by the director; and

(5) With the assistance of the applicant's lender or other financial adviser, submit an application by June 30, 1996, to the department requesting assistance from the program.

NEW SECTION. Sec. 40. The department shall carry out the following duties:

(1) Administer and implement the program;

(2) Develop and adopt the necessary rules for implementation of the program;

(3) Establish the interest rate for repayment of loans at two percent below the market rate;

(4) Work with lending institutions in timber-dependent communities to assure that all eligible homeowners are informed about the program;

- (5) Utilize federal and state programs that complement or facilitate carrying out the program;
- (6) Evaluate the program effectiveness;
- (7) Submit a report to the senate commerce and labor committee by January 31, 1992.

Sec. 41. RCW 43.160.010 and 1989 c 431 s 61 are each amended to read as follows:

(1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs additionally advances the state's purpose to improve economic vitality. Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

- (a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;
- (b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;
- (c) Encouraging wider access to financial resources for both large and small industrial development projects;
- (d) Encouraging new economic development or expansions to maximize employment;
- (e) Encouraging the retention of viable existing firms and employment; and
- (f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways in the vicinity of new industries considering locating in this state or existing industries that are considering significant expansion.

(a) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

(b) It is the intent of the legislature to create an economic development account within the motor vehicle fund from which expenditures can be made by the department of transportation for state highway improvements necessitated by planned economic development. All such improvements must first be approved by the state transportation commission and the community economic revitalization board in accordance with the procedures established by RCW 43.160.074 and 47.01.280. It is further the intent of the legislature that such improvements not jeopardize any other planned highway construction projects. The improvements are intended to be of limited size and cost, and to include such items as additional turn lanes, signalization, illumination, and safety improvements.

(3) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials are eligible for consideration from the board.

(4) The legislature finds that sharing economic growth state-wide is important to the welfare of the state. Distressed areas and timber-dependent counties do not share in the economic vitality of the Puget Sound region. Infrastructure is one of several ingredients that are critical for economic development. Distressed areas and timber-dependent counties generally lack the infrastructure necessary to diversify and revitalize their economies. It is, therefore, the intent of the legislature to increase the availability of funds to help provide infrastructure to distressed areas and timber-dependent counties.

Sec. 42. RCW 43.160.020 and 1985 c 466 s 58 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) "Department" means the department of trade and economic development or its successor with respect to the powers granted by this chapter.

(4) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

(5) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

(6) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

(7) "Local government" means any port district, county, city, or town.

(8) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

(9) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

(10) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

(11) "Federal timber impact area" means a county or a city or town located within a county meeting two of the following three criteria for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average, (b) a direct lumber and wood products job loss of one hundred or more, or (c) an annual unemployment rate twenty percent above the state average.

NEW SECTION. Sec. 43. A new section is added to chapter 43.160 RCW to read as follows:

(1) The economic development account is created within the public facilities construction loan revolving fund under RCW 43.160.080. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for

the purposes of RCW 43.160.010(4) and this section. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) Applications under this section for assistance from the economic development account are subject to all of the applicable criteria set forth under this chapter, as well as procedures and criteria established by the board, except as otherwise provided.

(3) Eligible applicants under this section are limited to political subdivisions of the state in federal timber impact areas that demonstrate, to the satisfaction of the board, the local economy's dependence on the forest products industry.

(4) Applicants must demonstrate that their request is part of an economic development plan consistent with applicable state planning requirements. Industrial projects must be approved by the local government and the associate development organization. Applicants must demonstrate that small scale tourism projects have been approved by the local government and are part of a regional tourism plan approved by the local and regional tourism organizations.

(5) Publicly owned projects may be financed under this section upon proof by the applicant that the public project is a necessary component of, or constitutes in whole, a small scale tourism project.

(6) Applications must demonstrate local match and participation. Such match may include: Land donation, other public or private funds or both, or other means of local commitment to the project.

(7) Board financing for feasibility studies shall not exceed twenty-five thousand dollars per study. Board funds for feasibility studies may be provided as a grant and require a dollar for dollar match with up to one-half in-kind match allowed.

(8) Board financing for small scale tourism projects shall not exceed two hundred fifty thousand dollars. Other public facility projects under this section shall not exceed five hundred thousand dollars. Loans with flexible terms and conditions to meet the needs of the applicants shall be provided. Grants may also be authorized, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

(9) The board shall develop guidelines for allowable local match and feasibility studies.

(10) Applications under this section need not demonstrate evidence that specific private development or expansion is ready to occur or will occur if funds are provided.

NEW SECTION. **Sec. 44.** A new section is added to chapter 43.160 RCW to read as follows:

The board shall establish guidelines for making grants and loans to ensure that the requirements of this chapter are complied with. The guidelines shall include:

(1) A process to equitably compare and evaluate applications from competing communities.

(2) Criteria to ensure that approved projects will have a high probability of success and are likely to provide long-term economic benefits to the community. The criteria shall include: (a) A minimum amount of local participation, determined by the board per application, to verify community support for the project; (b) an analysis that establishes the project is feasible using standard economic principles; and (c) an explanation from the applicant regarding how the project is consistent with the communities', economic strategy and goals.

(3) A method of evaluating the impact of the loans or grants on the economy of the community and whether the loans or grants achieved their purpose.

Sec. 45. RCW 43.160.076 and 1985 c 446 s 6 are each amended to read as follows:

(1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for loans and grants, the board shall spend at least ~~((twenty))~~ fifty percent for grants and loans for projects in distressed counties or federal timber impact areas. For purposes of this section, the term "distressed counties"

includes any county, in which the average level of unemployment for the three years before the year in which an application for a loan or grant is filed, exceeds the average state employment for those years by twenty percent or federal timber impact areas.

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in distressed counties or federal timber impact areas are clearly insufficient to use up the ~~((twenty))~~ fifty percent allocation, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for loans and grants for projects not located in distressed counties or federal timber impact areas.

NEW SECTION. Sec. 46. (1) For the period beginning July 1, 1991, and ending June 30, 1993, in those areas designated by the department of community development as timber impact areas under section 2 of this act, the public works board may award low-interest or interest-free loans to local governments for construction of new public works facilities that stimulate economic growth or diversification.

(2) For the purposes of this section and section 47 of this act, "public facilities" means bridge, road and street, domestic water, sanitary sewer, and storm sewer systems.

(3) The loans may have a deferred payment of up to five years but shall be repaid within twenty years. The community economic revitalization board may require other terms and conditions and may charge such rates of interest on its loans as it deems appropriate to carry out the purposes of this section. Repayments shall be made to the public works assistance account.

(4) The board may make such loans irrespective of the annual loan cycle and reporting required in RCW 43.155.070.

NEW SECTION. Sec. 47. (1) As authorized by section 46 of this act, the board shall establish criteria for awarding loans to local governments including, but not limited to, the following:

(a) If a county or city, the local government must be imposing the tax authorized by chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have in place a capital improvement plan meeting standards established by the board and an economic development plan meeting standards established by the department;

(c) The local economy must have experienced or be about to experience employment losses due to the timber economy;

(d) The proposed project must provide an opportunity to create or retain jobs within the local economy. Priority may be given to those projects that provide an opportunity to retain or create jobs for the pool of local workers affected by the timber economy;

(e) The local government must provide reasonable assurances of its ability to repay the debt; and

(f) The local government must meet any additional guidelines and criteria established by the board for awarding loan funds.

(2) Existing debt or other financial obligations of the local government shall not be refinanced under this section and section 46 of this act.

(3) The board shall award loans only to those projects that meet the criteria and will fulfill the purpose of this section and section 46 of this act. Any funds not obligated at the close of the biennium shall be returned to the public works assistance account.

NEW SECTION. Sec. 48. The board shall provide to the office of financial management and the legislative fiscal committees a report by January 15, 1994, on the loans awarded through the biennium ending June 30, 1993.

NEW SECTION. Sec. 49. To the extent that funds are specifically appropriated therefor, the state board for community college education shall provide training and retraining in timber-dependent communities as follows:

(1) Disbursement of funds to individual community colleges for supplemental slots in cases where enrollment demand exceeds allocation;

(2) Pilot projects for innovative approaches to literacy and employment training;

(3) Personnel and equipment for cranberry industry research;

(4) Grays Harbor Community College shall establish a program to train displaced timber workers to fill positions as safety training and vessel inspectors. They shall contract with those organizations deemed appropriate to carry out this program;

(5) Skagit Valley Community College shall establish a program to train displaced timber workers in natural resources technical programs in stream enhancement, including waters upstream or downstream as well as adjacent to state lands; water quality enhancement; irrigation repair; and the building of shellfish beds;

(6) Agricultural development, diversification, marketing, and processing programs in timber-impacted areas under sections 1 through 10 of this act. The department of trade and economic development shall contract with local organizations, institutions, or agencies to:

(a) Seek to increase the utilization of existing federal, state, and local programs for agricultural development, diversification, marketing, and processing in the timber-impacted regions;

(b) Seek to increase the coordination and effectiveness of existing federal, state, and local programs for agricultural development, diversification, marketing, and processing in the timber-impacted areas; and

(c) Undertake efforts to promote and further the existing strengths of the timber-impacted areas in the value-added program. To accomplish this the department shall provide a targeted industry strategy to increase the amount of value added to each board foot of timber harvested. The department shall provide technical assistance, plant-specific feasibility studies, additional industrial extension and outreach efforts, plus market development.

No contract may be entered into under this section until the department has consulted with the board.

For the purpose of this section, enrollment restrictions shall not apply in the community colleges in timber-impacted communities.

NEW SECTION. Sec. 50. To the extent that funds are specifically appropriated therefor, the department of community development shall develop a community assistance program to enable communities to build local capacity for sustainable economic development efforts. The focus of this effort is to provide resources and technical assistance to local community leaders to carry out locally determined economic development projects.

NEW SECTION. Sec. 51. To the extent that funds are specifically appropriated therefor, the employment security department shall establish and maintain a job service message center for displaced workers without phone service. The voice-mail service shall allow twenty-four hour access to phone messages from employers for job prospects and from case managers who provide essential employment and support services.

NEW SECTION. Sec. 52. To the extent that funds are specifically appropriated therefor, the department of community development shall enhance the two reemployment centers in timber-dependent communities in order to continue providing referral services, counseling, and support.

NEW SECTION. Sec. 53. To the extent that funds are specifically appropriated therefor, the University of Washington shall establish a research center for natural resources on the Olympic Peninsula. The center shall conduct research for forest resources and marine resources and shall coordinate research in marine resources with Grays Harbor and Peninsula Community Colleges.

NEW SECTION. Sec. 54. If specific funding for the purposes of sections 3 through 10 of this act, referencing sections 3 through 10 of this act by bill and section

number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 3 through 10 of this act shall be null and void.

NEW SECTION. Sec. 55. If specific funding for the purposes of sections 11 through 16 of this act, referencing sections 11 through 16 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 11 through 16 of this act shall be null and void.

NEW SECTION. Sec. 56. If specific funding for the purposes of section 17 of this act, referencing section 17 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 17 of this act shall be null and void.

NEW SECTION. Sec. 57. If specific funding for the purposes of sections 20 through 23 of this act, referencing sections 20 through 23 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 20 through 23 of this act shall be null and void.

NEW SECTION. Sec. 58. If specific funding for the purposes of sections 24 through 32 of this act, referencing sections 24 through 32 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 24 through 32 of this act shall be null and void.

NEW SECTION. Sec. 59. If specific funding for the purposes of sections 36 through 40 of this act, referencing sections 36 through 40 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 36 through 40 of this act shall be null and void.

NEW SECTION. Sec. 60. If specific funding for the purposes of sections 41 through 45 of this act, referencing sections 41 through 45 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 41 through 45 of this act shall be null and void.

NEW SECTION. Sec. 61. If specific funding for the purposes of sections 46 through 48 of this act, referencing sections 46 through 48 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 46 through 48 of this act shall be null and void.

NEW SECTION. Sec. 62. (1) Sections 1 through 10 of this act are each added to chapter 43.31 RCW.

(2) Sections 11 through 16 of this act shall constitute a new chapter in Title 50 RCW.

(3) Sections 24 through 27 of this act are each added to chapter 43.210 RCW.

(4) Sections 36 through 40 of this act are each added to chapter 43.63A RCW.

NEW SECTION. Sec. 63. Sections 46 through 48 of this act expire on June 30, 1994.

NEW SECTION. Sec. 64. Sections 18, 19, 33 through 35, 49 through 51, and 54 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Owen, McDonald, Snyder and Conner to Substitute Senate Bill No. 5555.

The motion by Senator Owen carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Amondson, the following title amendment was adopted:

On page 1, line 2 of the title, after "state;" strike the remainder of the title and insert "amending RCW 28B.15.740, 70.47.010, 70.47.020, 70.47.060, 70.47.080, 43.210.030, 82.60.020, 82.62.010, 43.168.020, 43.160.010, 43.160.020, and 43.160.076; reenacting and amending RCW 43.210.050; adding new sections to chapter 43.31 RCW; adding a new section to chapter 50.22 RCW; adding a new section to chapter 28B.15 RCW; adding new sections to chapter 43.210 RCW; adding new sections to chapter 43.131 RCW; adding new sections to chapter 43.63A RCW; adding new sections to chapter 43.160 RCW; adding a new chapter to Title 50 RCW; creating new sections; repealing RCW 43.131.325 and 43.131.326; providing an expiration date; and declaring an emergency."

On motion of Senator Amondson, the rules were suspended, Engrossed Substitute Senate Bill No. 5555 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Matson: "Senator Owen, when we first started discussing this bill some two months ago, I expressed some concern about the broad base of areas that might avail themselves of some of this help. In this fifty-seven page amendment, is there anything to change that?"

Senator Owen: "No, your concern was that the areas, when we discussed that before, that Tier one and Tier two counties be eligible for some of the assistance in the program and also that the community colleges and the communities that have displaced timber workers be eligible for some of those funds. There are some specific things in the bill, but there are also, for instance in the case of the community colleges--the money will go into a fund--then your community college will apply, after demonstrating that you have displaced timber workers in that area. Nothing has changed in that area. Our intent is to provide assistance state-wide to those areas that are affected by the federal forest service decision."

Senator Matson: "Can you briefly list for me those statutory things that you mentioned?"

Senator Owen: "No, but I will sure get together with you and the staff afterwards to go through them, because I could not cite them for you."

Senator Matson: "You want me to take that on faith after the bill has passed?"

Senator Owen: "Trust me."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5555.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5555 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Voting nay: Senator Anderson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5555, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:02 p.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:04 p.m. by President Pritchard.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9145, Pleas Green, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF PLEAS GREEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 5; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senators Conner, Matson, Nelson, Owen, Stratton - 5.

SECOND READING

SENATE BILL NO. 5560, by Senators McDonald, Owen, Craswell and Niemi

Transferring power and duty to enforce cigarette and tobacco laws to the liquor control board.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, Senate Bill No. 5560 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5560 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Sutherland, Thorsness, von Reichbauer, West - 32.

Voting nay: Senators Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, Moore, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Talmadge, Vognild, Williams, Wojahn - 16.

Absent: Senator Conner - 1.

SENATE BILL NO. 5560, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5801, by Senators Patterson and Vognild

Revising state highway routes.

The bill was read the second time.

MOTIONS

On motion of Senator Patterson, the following Committee on Transportation amendments were considered simultaneously and were adopted:

On page 4, beginning on line 23, strike all of section 13, renumber the remaining sections consecutively, and correct internal references accordingly.

On page 7, beginning on line 25, strike all of section 24, renumber the remaining sections consecutively, and correct internal references accordingly.

On page 12, beginning on line 1, strike all of section 39, renumber the remaining sections consecutively, and correct internal references accordingly.

On page 12, beginning on line 24, strike all of section 41, renumber the remaining sections consecutively, and correct internal references accordingly.

On page 14, line 10, after "number" strike "~~((528 in Marysville))~~ 5 in the vicinity of Ebey Slough" and insert "528 in Marysville"

On page 14, line 24, after "number" strike "5" and insert "9"

On page 16, beginning on line 1, strike all of section 52, renumber the remaining sections consecutively, and correct internal references accordingly.

On page 17, line 18, after "(4)" strike "~~((State route number 10, beginning at Teanaway junction, thence easterly to a junction with state route number 97 west of Ellensburg;~~

(5))" and insert "State route number 10, beginning at Teanaway junction, thence easterly to a junction with state route number 97 west of Ellensburg;

(5)"

On page 18, line 1, strike "~~((6))~~ (5)" and insert "(6)"

On page 18, line 8, strike "~~((7))~~ (6)" and insert "(7)"

On page 18, line 15, strike "~~((8))~~ (7)" and insert "(8)"

On page 19, line 8, strike "~~((9))~~ (8)" and insert "(9)"

On page 19, line 12, strike "~~((10))~~ (9)" and insert "(10)"

On page 19, line 17, strike "~~((11))~~ (10)" and insert "(11)"

On page 19, line 21, strike "~~((12))~~ (11)" and insert "(12)"

On page 20, line 4, strike "~~((13))~~ (12)" and insert "(13)"

On page 20, line 10, strike "~~((14))~~ (13)" and insert "(14)"

On page 20, line 17, strike "~~((15))~~ (14)" and insert "(15)"

On page 20, line 20, strike "~~((16))~~ (15)" and insert "(16)"

On page 20, line 25, strike "~~((17))~~ (16)" and insert "(17)"

On page 21, line 3, after "~~((19))~~" strike "(17)" and insert "(18)"

On page 21, line 7, after "~~((20))~~" strike "(18)" and insert "(19)"

On page 21, line 14, after "~~((21))~~" strike "(19)" and insert "(20)"

On page 21, line 19, after "~~((22))~~" strike "(20)" and insert "(21)"

On page 21, line 27, after "~~((23))~~" strike "(21)" and insert "(22)"

On page 22, line 1, after "~~((24))~~" strike "(22)" and insert "(23)"

On page 22, line 5, after "~~((25))~~" strike "(23)" and insert "(24)"

On page 22, line 9, after "~~((26))~~" strike "(24)" and insert "(25)"

On page 22, line 13, after "~~((27))~~" strike "(25)" and insert "(26)"

On page 22, line 17, after "~~((28))~~" strike "(26)" and insert "(27)"

On page 22, line 19, after "to the" strike "~~(west)~~ east" and insert "west"

On page 22, line 20, after "number" strike "~~((908))~~ 202" and insert "908"

On page 22, line 20, after "Redmond." strike "~~((If the description of state route number 901 is changed after June 7, 1990, the revised route shall retain its status as part of the scenic and recreational highway system.))"~~ and insert "If the description of state route number 901 is changed after June 7, 1990, the revised route shall retain its status as part of the scenic and recreational highway system."

On page 23, beginning on line 7, strike "Ebey Slough Bridge WN-52900062100"

On page 30, beginning on line 15, strike all of subsection (1) and renumber the remaining subsections consecutively.

On page 30, line 19, strike all of subsection (4) and renumber the remaining subsections consecutively.

On page 30, line 29, strike all of subsection (14) and renumber the remaining subsections consecutively.

On page 31, line 1, strike all of subsection (15) and renumber the remaining subsections consecutively.

On page 31, line 4, strike all of subsection (17) and renumber the remaining subsections consecutively.

On page 31, line 5, strike subsection (18) through "161;" and renumber the remaining subsections consecutively.

On page 31, line 8, after "33," strike "41,"

On motion of Senator Patterson, the following title amendments were considered simultaneously and were adopted:

On line 2 of the title, after "47.17.225," strike "47.17.240,"

On line 3 of the title, after "47.17.410," strike "47.17.445,"
 On line 5 of the title, before "47.17.680," strike "47.17.670,"
 On page 6 of the title, after "42.17.825," strike "42.17.830,"
 On line 9 of the title, after "RCW" strike "47.17.045,"
 On line 9 of the title, after "47.17.270," strike "47.17.350,"
 On line 11 of the title, after "47.17.620," strike "47.17.665,"
 On line 11 of the title, after "47.17.665," strike "47.17.675,"
 On line 12 of the title, before "47.17.800," strike "47.17.765,"
 On line 12 of the title, after "47.17.765," strike "47.17.800,"

MOTION

On motion of Senator Patterson, the rules were suspended, Engrossed Senate Bill No. 5801 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Murray, Senator Conner was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5801.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5801 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Absent: Senator Conner - 1.

ENGROSSED SENATE BILL NO. 5801, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5858, by Senators Matson and Moore

Prohibiting actions for damages by injured workers against contractors with joint supervision and control of the premises.

MOTIONS

On motion of Senator Matson, Substitute Senate Bill No. 5858 was substituted for Senate Bill No. 5858 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Matson, the rules were suspended, Substitute Senate Bill No. 5858 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5858.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5858 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Hansen, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Oke, Owen, Patterson, Roach, Saling, Sellar, L. Smith, Stratton, Sutherland, Thorsness, West - 30.

Voting nay: Senators Conner, Gaspard, Jesernig, L. Kreidler, Madsen, McMullen, Murray, Niemi, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Talmadge, Vognild, von Reichbauer, Williams, Wojahn - 19.

SUBSTITUTE SENATE BILL NO. 5858, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5716, by Senators Barr, Madsen, Williams, Hansen, Newhouse and Bailey (by request of Joint Select Committee on Water Resource Policy)

Extending the joint select committee on water resource policy.

MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 5716 was substituted for Senate Bill No. 5716 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, the rules were suspended, Substitute Senate Bill No. 5716 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5716.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5716 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 5716, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5818, by Senators Metcalf and Owen

Providing for locally determined property tax assessment levels.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 5818 was substituted for Senate Bill No. 5818 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5818 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5818.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5818 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hansen, Hayner, Jesernig, Johnson, Madsen, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, A. Smith, L. Smith, Thorsness, von Reichbauer, West - 30.

Voting nay: Senators Bauer, Conner, Gaspard, L. Kreidler, McMullen, Moore, Murray, Niemi, Pelz, Rinehart, Skratek, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 18.

Absent: Senator Matson - 1.

SUBSTITUTE SENATE BILL NO. 5818, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5559, by Senators Nelson, Madsen, Matson, Thorsness and Rasmussen

Declaring landlord-tenant duties as being state-wide.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5559 was substituted for Senate Bill No. 5559 and the substitute bill was placed on second reading and read the second time.

Senator Talmadge moved that the following amendment be adopted:

On page 2, after line 3, insert a new section to read as follows:

NEW SECTION. Sec. 2. Any violation of this chapter is a violation of chapter 19.86 RCW.

POINT OF ORDER

Senator Nelson: "Mr. President, I rise to a point of order. I would like to have you rule on the scope and object of this amendment which now tacks the Consumer Protection Act in 19.86 as a new addition to the Landlord/Tenant Act and I would bring to the President's attention that the act before us, Senate Bill No. 5559, is basically to declare that the state residential Landlord/Tenant Act will prohibit all the local governments from making additional laws to change the duties of the Landlord/Tenant Act and not to provide additional efforts at punitive actions by consumers. This is intended strictly to provide some rules of the road on the relationships of landlords and tenants in a uniform consistent fashion throughout the state."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5559 was deferred.

President Pro Tempore Craswell assumed the Chair.

SECOND READING

SENATE BILL NO. 5661, by Senators McDonald, A. Smith and Bluechel

Adding a business and occupation tax deduction.

The bill was read the second time.

MOTION

On motion of Senator Bluechel, the rules were suspended, Senate Bill No. 5661 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5661.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5661 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, von Reichbauer, West - 38.

Voting nay: Senators Anderson, Bauer, Madsen, Moore, Murray, Pelz, Skratek, Stratton, Vognild, Williams, Wojahn - 11.

SENATE BILL NO. 5661, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5295, by Senators Conner, Patterson, Stratton and Nelson

Requiring identification on big trucks.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5295 was substituted for Senate Bill No. 5295 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5295 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5295.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5295 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Saling, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 40.

Voting nay: Senators Barr, Craswell, Erwin, McCaslin, Newhouse, Patterson, Roach, Sellar, L. Smith - 9.

SUBSTITUTE SENATE BILL NO. 5295, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER OF BUSINESS

On motion of Senator Newhouse, Senate Bill No. 5849 was made a special order of business for 4:55 p.m. today.

SECOND READING

SENATE BILL NO. 5536, by Senators Thorsness, Rasmussen, Madsen, L. Kreidler, A. Smith, Erwin, Newhouse, Jesernig, Sutherland, Saling, Bauer and Stratton

Studying the state's telecommunication services for the hearing impaired.

MOTIONS

On motion of Senator Thorsness, Substitute Senate Bill No. 5536 was substituted for Senate Bill No. 5536 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thorsness, the rules were suspended, Substitute Senate Bill No. 5536 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5536.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5536 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 5536, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:22 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 2:57 p.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 5629, by Senators Bailey, Conner, Metcalf, Patterson, McCaslin, Hansen, Bauer, Anderson, Barr, Vognild, McMullen, Madsen, Rasmussen and Newhouse

Prohibiting unauthorized acts against animal facilities.

MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 5629 was substituted for Senate Bill No. 5629 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the following amendment by Senators Bailey, Barr and Hansen was adopted:

On page 3, after line 4, strike NEW SECTION. Sec. 3 and insert:

NEW SECTION. Sec. 3. It shall be unlawful for any person:

- (1) To release, steal, or otherwise intentionally cause the death, injury, or loss of any animal of, at, or from an animal facility and not authorized by that facility;
- (2) To damage, vandalize, or steal any property in, of, or on an animal facility;
- (3) To unlawfully enter or to remain unlawfully on an animal facility with the intent to perform illegal acts, including the unauthorized destruction, alteration, duplication, or possession of records, data, materials, equipment, or animals; or
- (4) To interfere with the agricultural production or scientific or biomedical research work of an owner, operator, or employee of an animal facility at an animal facility.

MOTION

On motion of Senator Barr, the rules were suspended, Engrossed Substitute Senate Bill No. 5629 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5629.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5629 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Voting nay: Senators Saling, Stratton - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5629, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5559 and the pending amendment by Senator Talmadge on page 2, after line 3, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling on the point of order raised by Senator Nelson, the President finds that Substitute Senate Bill No. 5559 is a measure which preempts local laws which are inconsistent or more restrictive than the state landlord-tenant law.

"The amendment proposed by Senator Talmadge would make violations of the landlord-tenant law violations of the Consumer Protection Act.

"The President, therefore, finds the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Talmadge on page 2, after line 3, to Substitute Senate Bill No. 5559 was ruled out of order.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5559 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5559.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5559 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Sutherland, Thorsness, von Reichbauer, West - 35.

Voting nay: Senators Gaspard, L. Kreidler, McMullen, Moore, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Talmadge, Vognild, Williams, Wojahn - 14.

SUBSTITUTE SENATE BILL NO. 5559, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Rasmussen moved to immediately consider Senate Bill No. 5149. Debate ensued.

MOTION

Senator Rasmussen moved that Senate Bill No. 5149 be made a special order of business for 4:58 p.m. today.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Rasmussen to make Senate Bill No. 5149 a special order of business for 4:58 p.m. today.

ROLL CALL

The Secretary called the roll and the motion to make Senate Bill No. 5149 a special order of business at 4:58 p.m. failed by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Thorsness, von Reichbauer, West - 25.

PERSONAL PRIVILEGE

Senator Talmadge: "I rise to a point of personal privilege, Mr. President. I had hoped that when we considered the Senate Rules and defeated an amendment to the Senate Rules, it would have taken up the limitation on gifts to the members that we would have taken up this bill. The bill was supposedly going to be taken up in lieu of an amendment to the Senate Rules and frankly I am very disappointed that the Senate would not take up such an important piece of legislation requested by the Public Disclosure Commission."

SECOND READING

SENATE BILL NO. 5765, by Senators Barr, Madsen and Bailey

Changing provisions regarding water management.

MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 5765 was substituted for Senate Bill No. 5765 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, the following amendment was adopted:

On page 6, after line 22, insert the following:

NEW SECTION. Sec. 8. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

MOTIONS

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 2 of the title, after "RCW;" insert "creating a new section;"

On motion of Senator Barr, the rules were suspended, Engrossed Substitute Senate Bill No. 5765 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5765.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5765 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, von Reichbauer, West - 39.

Voting nay: Senators L. Kreidler, Murray, Niemi, Pelz, Rinehart, Skratek, Talmadge, Vognild, Williams, Wojahn - 10.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5765, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 5226, deferred March 18, 1991, after suspension of rules and the motion carried to reconsider the vote by which the amendments by Senator Talmadge on page 2, lines 6, 7, 20 and 21, were adopted.

No action was taken on the reconsideration of the amendments by Senator Talmadge.

MOTION

Senator Metcalf moved that the following amendment by Senators Metcalf and Thorsness be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.01.010 and 1965 c 8 s 43.01.010 are each amended to read as follows:

(1) The governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands, and insurance commissioner, shall hold office for the term of four years, and until their successors are elected and qualified; and the term shall commence on the Wednesday after the second Monday of January following their election.

(2) No person may hold any office listed in subsection (1) of this section for more than twelve years, whether such office is held consecutively or nonconsecutively. A person may not file for or be appointed to any office listed in subsection (1) of this section if serving the term or remainder of the term would violate the twelve-year limitation of this subsection. Service in any of the offices listed in subsection (1) of this section before Wednesday after the second Monday in January 1993 shall not be used when applying the twelve-year limitation of this subsection.

Sec. 2. RCW 44.04.021 and 1987 c 13 s 1 are each amended to read as follows:

(1) The regular term of office of each senator and representative shall commence on the second Monday in January following the date of election.

(2) No person may hold the office of senator or representative for more than twelve years, whether such office is held consecutively or nonconsecutively. A person may not file for or be appointed to the office of senator or representative if serving the term or remainder of the term would violate the twelve-year limitation of this subsection. Service in the office of senator or representative before the second Monday in January 1993 shall not be used when applying the twelve-year limitation of this subsection.

NEW SECTION. Sec. 3. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

POINT OF ORDER

Senator Talmadge: "A point of order, Mr. President. I raise the point of order as to whether or not the present bill is properly before the Senate. I raise the point of order in light of the question of whether or not the Senate could, by a majority vote, suspend the rules and permit this bill to be considered, moving it from the third reading calendar to the second reading calendar.

"Specifically, Mr. President, my concern is that Rule 62 of the Senate Rules permits the suspension of the three day rule, that is the bill must be read on three separate days, and facilitates action by the Senate prior to the cut-off on the final consideration of a piece of legislation. What we are talking here is not that, but rather we are talking about suspending the rules to enable the Senate to consider further amendments to a piece of legislation, which I believe falls within the normal suspension of the rules requirements of Rule 35. Therefore, it would be my contention, Mr. President, that this bill absent of a two-thirds vote of the Senate was not properly before the Senate on second reading."

REPLY BY THE PRESIDENT

President Pritchard: "Well, it was moved to second reading and I was informed by our able staff here that we are back on second reading. The motion was made to move it back to second reading and it was carried at an earlier time--when we moved it back to second reading--before we brought it back up on the eighteenth. That is according to Mary and I guess she has gone out to check it."

Senator Talmadge: "Mr. President, if I could, I would note that an objection was made with respect to the suspension of the rules. An objection was lodged on this side of the aisle to suspend the rules and take the matter back to the second reading calendar."

President Pritchard: "Senator Talmadge, Rule 62 says a majority may suspend within three days before cut-off. The Senate has always interpreted that this is allowing a majority to suspend and return a bill to second reading. I am informed that has been the custom in the past here in the Senate."

MOTION

Senator Talmadge moved that the following amendments to the striking amendment by Senators Metcalf and Thorsness be considered simultaneously and be adopted:

On page 1, line 17 of the amendment, after "subsection." strike all material down through and including "subsection." on line 20.

On page 1, line 31 of the amendment, after "subsection." strike all material down to and including "subsection." on line 34

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained. Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Talmadge on page 1, lines 17 and 31, to the striking amendment by Senators Metcalf and Thorsness to Senate Bill No. 5226.

ROLL CALL

The Secretary called the roll and the amendments to the striking amendment were not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Thorsness, von Reichbauer, West - 25.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Metcalf and Thorsness to Senate Bill No. 5226.

The motion by Senator Metcalf carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, line 2 of the title, after "44.04.021" insert "; and providing for submission of this act to a vote of the people"

On motion of Senator Metcalf, the rules were suspended, Reengrossed Senate Bill No. 5226 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator McCaslin: "Senator Snyder, my attention was diverted there, I think, because of the Page and then your remarking about Senator Sellar. Was that a public endorsement of Senator Sellar?"

Senator Snyder: "I think Senator Sellar has served his district too well and they ought to be given an opportunity if they want him to serve or not. Maybe, they will turn him down. That is up to the voters in his district."

Senator McCaslin: "Oh, I see. I thought maybe you were making a public endorsement and that we could use it in his brochure the next time he ran."

Senator Snyder: "I'll be glad to talk to you about that on the side."

Senator McCaslin: "Oh, on the side? You don't want it in the public record; you are just complimenting him superficially and not permanently?"

Senator Snyder: "I said that the voters, evidently, in his district have done a fine job and they should have the opportunity to continue to do that. That is why I think this is a lousy bill and you should join me in voting 'no.'"

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Senate Bill No. 5226.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 5226 and the bill failed to pass the Senate by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Cantu, Erwin, Hayner, Johnson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Roach, Saling, Sellar, Stratton, Thorsness, von Reichbauer, West - 21.

Voting nay: Senators Bauer, Bluechel, Conner, Craswell, Gaspard, Hansen, Jesernig, L. Kridler, Madsen, Matson, McMullen, Moore, Murray, Niemi, Owen, Patterson, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Vognild, Williams, Wojahn - 28.

REENGROSSED SENATE BILL NO. 5226, having failed to receive the constitutional majority, was declared lost.

There being no objection, the Senate resumed consideration of Senate Bill No. 5824, deferred on second reading after the amendment by Senators Skratek, Bluechel, Cantu, Owen and Jesernig on page 2, line 13, was adopted earlier today.

MOTION

Senator Saling moved that the following amendment by Senators Saling, Bauer, Anderson, Stratton, Patterson, Hansen, Nelson, Bailey and Hayner be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.15 RCW to read as follows:

(1) The boards of trustees of the community college districts may operate summer schools on either a self-supporting or a state-funded basis.

If summer school is operated on a self-supporting basis, the fees charged shall be retained by the colleges, and shall be sufficient to cover the direct costs, which are instructional salaries and related benefits, supplies, publications, and records.

Community colleges that have self-supporting summer schools shall continue to receive general fund state support for vocational programs that require that students enroll in a four quarter sequence of courses that includes summer quarter due to clinical or laboratory requirements and for ungraded courses limited to adult basic education, vocational apprenticeship, aging and retirement, small business management, industrial first aid, and parent education.

(2) The boards of trustees of the community college districts may exceed state-funded, full-time equivalent enrollment limits by four percent each fiscal year and charge those students a fee equivalent to the amount of tuition and fees that are charged students enrolled in state-funded courses. These fees shall be retained by the colleges.

Any community college which in 1990-91 has excess enrollments which are less than the four percent limit in this subsection may increase its excess enrollments to the four percent limit in this subsection.

Community colleges that currently have excess enrollments more than four percent above the state-funded limit, by means of enrollments that would have otherwise been eligible for state funding, shall reduce those excess enrollments to four percent above the state-funded full-time equivalent enrollment limits by September 1, 1995, in at least equal annual reductions, commencing with the 1991-92 fiscal year.

Should the number of student supported, full-time equivalent enrollments exceed in any fiscal year the limits established in this section, the colleges shall return by September 1st to the state general fund, an amount equal to the college's full average state appropriations per full-time equivalent student for such student funded full-time equivalent in excess of the limit.

(3) The state board for community college education shall ensure compliance with this section.

Sec. 2. RCW 28B.15.502 and 1985 c 390 s 25 are each amended to read as follows:

Tuition fees and services and activities fees at each community college other than at summer quarters shall be as follows:

(1) For full time resident students, the total tuition fees shall be twenty-three percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be one hundred and twenty-seven dollars and fifty cents.

(2) For full time nonresident students, the total tuition fees shall be one hundred percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be four hundred and three dollars and fifty cents.

(3) The boards of trustees of each of the state community colleges shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) and (2) hereof a services and activities fee which for each year of the 1981-83 biennium shall not exceed sixty-four dollars and fifty cents. In subsequent biennia the board of trustees may increase the existing fee, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the percentage increase in tuition fees authorized in subsection (1) above: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

(4) Tuition and services and activities fees consistent with the above schedule will be fixed by the state board for community colleges for summer school students unless the community college charges fees in accordance with section 1 of this 1991 act.

The board of trustees shall charge such fees for ungraded courses, noncredit courses, community services courses, and self-supporting short courses as it, in its discretion, may determine, not inconsistent with the rules and regulations of the state board for community college education.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 15, 1991.

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senators Saling, Bauer, Anderson, Stratton, Patterson, Hansen, Nelson, Bailey and Hayner to Senate Bill No. 5824.

ROLL CALL

The Secretary called the roll and the striking amendment was adopted by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Craswell, Erwin, Hansen, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Stratton, Thorsness, West - 25.

Voting nay: Senators Bluechel, Cantu, Conner, Gasparq, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Vognil, von Reichbauer, Williams, Wojahn - 24.

MOTIONS

On motion of Senator Saling, the following title amendment was adopted:
On page 1, line 1 of the title, after "enrollments;" strike the remainder of the title

and insert "amending RCW 28B.15.502; adding a new section to chapter 28B.15 RCW; providing an effective date; and declaring an emergency."

On motion of Senator Saling, the rules were suspended, Engrossed Senate Bill No. 5824 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5824.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5824 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, West - 32.

Voting nay: Senators Bluechel, Cantu, Conner, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Talmadge, von Reichbauer, Williams, Wojahn - 17.

ENGROSSED SENATE BILL NO. 5824, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5158, by Senators Owen, Craswell, Oke, Sutherland and Conner

Providing for Hood Canal salmon management.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 5158 was substituted for Senate Bill No. 5158 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 5158 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5158.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5158 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Hansen, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, Metcalf, Nelson,

Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Saling, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Wojahn - 31.

Voting nay: Senators Anderson, Bluechel, Erwin, Gaspard, Hayner, McCaslin, McMullen, Moore, Murray, Newhouse, Roach, Sellar, Skratek, Snyder, Vognild, von Reichbauer, West, Williams - 18.

SUBSTITUTE SENATE BILL NO. 5158, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5124, by Senators Erwin, Gaspard, Amondson, Matson, Owen, Snyder, Nelson, von Reichbauer, Thorsness, Sellar, Johnson, Murray, McMullen, Bailey, Anderson and Talmadge

Licensing private security guards.

MOTIONS

On motion of Senator Erwin, Second Substitute Senate Bill No. 5124 was substituted for Senate Bill No. 5124 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Erwin, the rules were suspended, Second Substitute Senate Bill No. 5124 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5124.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5124 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Voting nay: Senator McCaslin - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5124, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5070, by Senators Nelson, Oke and Craswell

Redefining terms for industrial insurance compensation.

MOTIONS

On motion of Senator Matson, Substitute Senate Bill No. 5070 was substituted for Senate Bill No. 5070 and the substitute bill was placed on second reading and read the second time.

Senator Rasmussen moved that the following amendment be adopted:

On page 3, after line 26, insert:

Sec. 3. RCW 2.36.150 and 1987 c 202 s 105 are each amended to read as follows:

Jurors shall receive for each day's attendance, besides mileage at the rate determined under RCW 43.03.060, (~~the following~~) compensation(:

~~(1) Grand jurors may receive up to twenty five dollars but in no case less than ten dollars;~~

~~(2) Petit jurors may receive up to twenty five dollars but in no case less than ten dollars;~~

~~(3) Coroner's jurors may receive up to twenty five dollars but in no case less than ten dollars;~~

~~(4) District court jurors may receive up to twenty five dollars but in no case less than ten dollars:~~

~~PROVIDED, That)) at not less than the state minimum wage. A person excused from jury service at his or her own request shall be allowed not more than a per diem and such mileage, if any, as to the court shall seem just and equitable under all circumstances(:(- PROVIDED FURTHER, That)). The state shall fully reimburse the county in which trial is held for all jury fees and witness fees related to criminal cases which result from incidents occurring within an adult or juvenile correctional institution(:(- PROVIDED FURTHER, That)). The compensation paid jurors shall be determined by the county legislative authority and shall be uniformly applied within the county.~~

Renumber the remaining sections.

POINT OF ORDER

Senator West: "Somewhat reluctantly, I would like to challenge the scope and object of this amendment. Raising a point of order, I would like to challenge the scope and object. The underlying bill deals with industrial insurance compensation. The appropriate sections do not apply to this amendment and so, I would question the scope."

Further debate ensued.

RULING BY THE PRESIDENT

President Pritchard: "In ruling on the point of order raised by Senator West, the President finds that Substitute Senate Bill No. 5070 is a measure which makes definitional changes related to witnesses and jurors for purposes of industrial insurance coverage.

"The amendment proposed by Senator Rasmussen would make the state minimum wage applicable to jurors.

"The President, therefore, finds the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Rasmussen on page 3, after line 26, to Substitute Senate Bill No. 5070 was ruled out of order.

MOTION

On motion of Senator Matson, the rules were suspended, Substitute Senate Bill No. 5070 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5070.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5070 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Roach, Saling, Sellar, L. Smith, Stratton, Thorsness, Vognild, von Reichbauer, West - 31.

Voting nay: Senators Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, Moore, Murray, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Williams, Wojahn - 18.

SUBSTITUTE SENATE BILL NO. 5070, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5650, by Senators West, Wojahn, L. Smith, Niemi, Johnson, L. Kreidler, Amondson, Barr, Sutherland and Bauer

Establishing pilot local community outreach for health programs.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5650 was substituted for Senate Bill No. 5650 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5650 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5650.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5650 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 5650, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8004, by Senators Metcalf, Conner and Moore

Requiring a complete audit of the Federal Reserve System.

The joint memorial was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Joint Memorial No. 8004 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8004.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8004 and the joint memorial passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SENATE JOINT MEMORIAL NO. 8004, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5580, by Senators Anderson, Bailey, L. Smith, McCaslin, Wojahn and A. Smith

Establishing community-based child care resource and referral agencies.

MOTIONS

On motion of Senator Anderson, Substitute Senate Bill No. 5580 was substituted for Senate Bill No. 5580 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Anderson, the rules were suspended, Substitute Senate Bill No. 5580 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Anderson, the question that I have about this bill is this is a bill that purports to enhance the network for referrals of people for child care. The cost is one point six million dollars, as I recall. Wouldn't it be more appropriate to spend one point six million dollars for actual provision of child care rather than telling people where they need to go to get it?"

Senator Anderson: "Senator Talmadge, that has been discussed in committee. The proponents of the bill and, indeed, I am in support of the concept to establish a resource and referral in each of the thirty-nine counties and make sure that they are going strong. They, then, can work with the local communities and enhance child care without direct state dollars, so I think we are getting more for our money by enhancing the resource and referrals."

Further debate ensued.

POINT OF ORDER
SPECIAL ORDER OF BUSINESS

Senator Newhouse: "A point of order, Mr. President. We have reached the time of 4:55 p.m., which is the time for the special order of business."

REPLY BY THE PRESIDENT

President Pritchard: "Your point is well taken."

There being no objection, the President deferred further consideration of Substitute Senate Bill No. 5580 until after the Senate considered the Special Order of Business on Senate Bill No. 5849.

SECOND READING

SENATE BILL NO. 5849, by Senators McDonald, Rinehart, Bluechel, Gaspard, Hayner, Skratek, Erwin, Sellar, Murray, Thorsness, Bailey, Roach, Anderson, von Reichbauer, Nelson, Cantu and L. Smith

Averaging large property tax valuation increases.

MOTIONS

On motion of Senator McDonald, Substitute Senate Bill No. 5849 was substituted for Senate Bill No. 5849 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDonald, the following amendment by Senators McDonald and Rinehart was adopted:

On page 17, after line 13, insert the following:

NEW SECTION. Sec. 13. A new section is added to chapter 84.48 RCW to read as follows:

Annually when equalizing assessments under RCW 84.48.080, the department shall determine the loss in state property tax revenues for the succeeding tax year resulting from the equalization of property tax assessments under RCW 84.48.080 to the correct assessed value under section 5 of this act rather than to true and fair value. The department shall certify this amount to the ways and means committees of the house and senate by January 1st.

An amount equal to the certified amount shall be appropriated by the legislature for the support of the common schools from moneys in the state general fund accruing from taxes other than the state property tax.

Renumber the sections consecutively and correct any internal references accordingly.

MOTION

Senator Murray moved that the following amendment by Senators Murray, McMullen, Snyder, Madsen and Gaspard be adopted:

On page 29, after line 23, add a new section as follows:

NEW SECTION. Sec. 27. The application of this act shall not result in a loss of revenues to any fire district. Any fire district that suffers a loss of revenues may make application to the state department of revenue for a grant equal to any loss caused by the implementation of this act.

Renumber the remaining sections accordingly and correct internal references accordingly.

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained. Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, this is not so you could reply, but for my curiosity. If we are going to make the schools whole, as your previous amendment did, and it relates to what Senator Vognild was saying,

some of these junior taxing districts are pretty strapped all the time, because of the fine and the over-lapping levies. These amendments relate to the junior taxing districts. Are they going to lose money, and if they do, who will make them whole and let them continue to operate?"

Senator McDonald: "Once again, I think it is very similar to the case that we had dealing with the bill, Senate Bill No. 5195, which passed here with, I think, with thirty-five votes. What that did was, yes, there were some junior taxing districts that would not have gotten as big an increase as they had anticipated, but they certainly got substantially more money than they had last year. So, Senator Rasmussen, to answer your question, the only time, this bill comes into effect is when you have substantial increases in your property values. That means that you will have a reduction in the increase, not a reduction in the total budget for junior taxing districts."

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Murray, McMullen, Snyder, Madsen and Gaspard on page 29, after line 23, to Substitute Senate Bill No. 5849.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Thorsness, von Reichbauer, West - 25.

MOTION

Senator Madsen moved that the following amendment by Senators Madsen and Gaspard be adopted:

On page 29, after line 23, add a new section as follows:

NEW SECTION. **Sec. 27.** The application of this act shall not result in a loss of revenues to any emergency medical service district. Any emergency medical service district that suffers a loss of revenues may make application to the state department of revenue for a grant equal to any loss caused by the implementation of this act.

Renumber the remaining sections accordingly and correct internal cross references.

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Madsen and Gaspard on page 29, after line 23, to Substitute Senate Bill No. 5849.

ROLL CALL

The Secretary called the roll and the amendment was not adopted, the President voting 'nay,' by the following vote: Yeas, 24; Nays, 24; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, Thorsness, von Reichbauer, West - 24.

Absent: Senator L. Smith - 1.

MOTION

Senator McMullen moved that the following amendment by Senators McMullen, Snyder and Wojahn be adopted:

On page 29, after line 23, add a new section as follows:

NEW SECTION. Sec. 27. The application of this act shall not result in a loss of revenues to any hospital district. Any hospital district that suffers a loss of revenues may make application to the state department of revenue for a grant equal to any loss caused by the implementation of this act.

Renumber the remaining sections accordingly and correct internal references.

Debate ensued.

Senator Gaspard demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators McMullen, Snyder and Wojahn on page 29, after line 23, to Substitute Senate Bill No. 5849.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Thorsness, von Reichbauer, West - 25.

MOTION

Senator Wojahn moved that the following amendment by Senators Wojahn and Gaspard be adopted:

On page 29, after line 23, add a new section as follows:

NEW SECTION. Sec. 27. The application of this act shall not result in a loss of revenues to any library district. Any library district that suffers a loss of revenues

may make application to the state department of revenue for a grant equal to any loss caused by the implementation of this act.

Renumber the remaining sections accordingly and correct internal cross references.

Debate ensued.

Senator Gaspard demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Wojahn and Gaspard on page 29, after line 23, to Substitute Senate Bill No. 5849.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Thorsness, von Reichbauer, West - 25.

MOTION

Senator Niemi moved that the following amendment be adopted:

On page 30, line 3, strike all of section 29 and insert the following:

NEW SECTION. Sec. 29. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991 in the omnibus appropriations act, the act shall be considered null and void.

Debate ensued.

Senator Niemi demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Niemi on page 30, line 3, to Substitute Senate Bill No. 5849.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Thorsness, von Reichbauer, West - 25.

Absent: Senator Pelz - 1.

MOTIONS

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 7 of the title, after "84.40 RCW;" insert "adding a new section to chapter 84.48 RCW;"

On motion of Senator McDonald, the rules were suspended, Engrossed Substitute Senate Bill No. 5849 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5849.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5849 and the bill failed to pass the Senate by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Bluechel, Cantu, Craswell, Erwin, Hayner, Jesernig, Johnson, McDonald, McMullen, Metcalf, Nelson, Oke, Owen, Rinehart, Sellar, L. Smith, Thorsness, von Reichbauer, West - 22.

Voting nay: Senators Barr, Bauer, Conner, Gaspard, Hansen, L. Kreidler, Madsen, Matson, McCaslin, Moore, Murray, Newhouse, Niemi, Patterson, Pelz, Rasmussen, Roach, Saling, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 27.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5849, having failed to receive the constitutional majority, was declared lost.

MOTION

At 5:48 p.m., Senator Rasmussen moved that the Senate adjourn until Thursday, March 21, 1991.

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate adjourn until Thursday, March 21, 1991.

The motion by Senator Rasmussen to adjourn until Thursday, March 21, 1991, failed.

The President declared the Senate would resume consideration of Substitute Senate Bill No. 5580, deferred on third reading at the time the Senate went to the Special Order of Business on Senate Bill No. 5849.

POINT OF ORDER

Senator Rasmussen: "A point of order, Mr. President. We were operating under joint rules; we didn't have any special order on this bill. We had the last bill that we had a special order on. We cannot amend the joint rules."

REPLY BY THE PRESIDENT

President Pritchard: "Senator Rasmussen, you have been here many years and you know it is the custom in the Senate to go back and take the bill that they were working on before they went to special order."

Senator Rasmussen: "I don't know anything about that custom. I only go by the rules."

President Pritchard: "Well, the Chair is going to rule--"

Senator Rasmussen: "Overrule me?"

President Pritchard: "I think I am, yes."

Senator Rasmussen: "I was afraid of that, but I sure don't want to be amending the joint rules with our customs as bad as they are."

President Pritchard: "I appreciate your comments."

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

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5580, deferred on third reading before the Senate went to the Special Order of Business on Senate Bill No. 5849 earlier today.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5580.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5580 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams - 46.

Voting nay: Senators Niemi, Talmadge, Wojahn - 3.

SUBSTITUTE SENATE BILL NO. 5580, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Newhouse moved that the Senate now consider Senate Bill No. 5792.

POINT OF ORDER

Senator Rasmussen: "A point of order, Mr. President. Could you tell me if this is something we have been working on?"

REPLY BY THE PRESIDENT

President Pritchard: "No, we were not working on it."

Senator Rasmussen: "Well, my point of order is that our cut-off is at five o'clock, Mr. President, and you, bowing to precedent, said that we were going to go back to the bill that we were working on and I bowed to your order, but I am now raising the point of order that it is beyond the time for considering bills by our joint rules."

President Pritchard: "Your point is well taken."

MOTION

At 5:56 p.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, March 21, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

SIXTY-SEVENTH DAY-----
NOON SESSION

Senate Chamber, Olympia, Thursday, March 21, 1991

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

MOTION

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

MESSAGES FROM THE HOUSE

March 19, 1991

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1083,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1158,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1181,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1523,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1535,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1564,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1653,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1686,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1831,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1932,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1938,
SUBSTITUTE HOUSE BILL NO. 1959,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1960,
HOUSE BILL NO. 1986,
HOUSE BILL NO. 1992,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2031,
HOUSE BILL NO. 2039,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2058,
SUBSTITUTE HOUSE BILL NO. 2084,
HOUSE BILL NO. 2119,
SUBSTITUTE HOUSE BILL NO. 2132,
HOUSE BILL NO. 2142,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151,

HOUSE BILL NO. 2180, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 19, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1399, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 19, 1991

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1008,
HOUSE BILL NO. 1009,
HOUSE BILL NO. 1032,
HOUSE BILL NO. 1073,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1088,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1105,
HOUSE BILL NO. 1125,
ENGROSSED HOUSE BILL NO. 1144,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1226,
SUBSTITUTE HOUSE BILL NO. 1241,
HOUSE BILL NO. 1280,
HOUSE BILL NO. 1286,
HOUSE BILL NO. 1340,
SUBSTITUTE HOUSE BILL NO. 1358,
HOUSE BILL NO. 1362,
SUBSTITUTE HOUSE BILL NO. 1365,
SUBSTITUTE HOUSE BILL NO. 1368,
HOUSE BILL NO. 1369,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1389,
HOUSE BILL NO. 1431,
SUBSTITUTE HOUSE BILL NO. 1463,
SUBSTITUTE HOUSE BILL NO. 1464,
HOUSE BILL NO. 1487,
SUBSTITUTE HOUSE BILL NO. 1495,
SUBSTITUTE HOUSE BILL NO. 1503,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1510,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1588,
SUBSTITUTE HOUSE BILL NO. 1598,
SUBSTITUTE HOUSE BILL NO. 1649,
SECOND SUBSTITUTE HOUSE BILL NO. 1671,
SUBSTITUTE HOUSE BILL NO. 1712,
HOUSE BILL NO. 1774,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1777,
SUBSTITUTE HOUSE BILL NO. 1800,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1813,

SUBSTITUTE HOUSE BILL NO. 1828,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1836,
SUBSTITUTE HOUSE BILL NO. 1852,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1865,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1884,
SUBSTITUTE HOUSE BILL NO. 1900,
SUBSTITUTE HOUSE BILL NO. 1903,
SUBSTITUTE HOUSE BILL NO. 1915,
SUBSTITUTE HOUSE BILL NO. 1919,
SUBSTITUTE HOUSE BILL NO. 1931,
HOUSE BILL NO. 1946,
HOUSE BILL NO. 1955,
SUBSTITUTE HOUSE BILL NO. 1993,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2030,
HOUSE BILL NO. 2057,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2071,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2100,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137,
SUBSTITUTE HOUSE BILL NO. 2140,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4010,
ENGROSSED HOUSE JOINT MEMORIAL NO. 4011,
ENGROSSED HOUSE JOINT MEMORIAL NO. 4012,
HOUSE JOINT MEMORIAL NO. 4015,
HOUSE JOINT MEMORIAL NO. 4018,
HOUSE JOINT RESOLUTION NO. 4202,
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4216,
HOUSE JOINT RESOLUTION NO. 4218,
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4221, and the same
are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5946 by Senators Talmadge, Moore and Conner

AN ACT Relating to nonlegend or nonprescription drugs in capsule form; and adding new sections to chapter 18.64 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5947 by Senators McDonald and Niemi (by request of Department of Community Development and Office of Financial Management)

AN ACT Relating to fire protection; amending RCW 35.21.777; and repealing RCW 35.21.775.

Referred to Committee on Governmental Operations.

SB 5948 by Senators Patterson, McDonald, Skratek, Erwin, Murray, Gaspard, Madsen, Bailey and von Reichbauer

AN ACT Relating to high capacity transportation systems; and amending RCW 81.104.010, 81.104.020, 81.104.040, 81.104.050, 81.104.060, 81.104.080, 81.104.090, 81.104.100, 81.104.110, 81.104.140, and 81.104.160.

Referred to Committee on Transportation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1008 by Committee on Health Care (originally sponsored by Representatives O'Brien, Dellwo, Wineberry and Winsley)

Evaluating labels for over-the-counter medications.

Referred to Committee on Health and Long-Term Care.

HB 1009 by Representatives Haugen, Wilson, Zellinsky, Wood, Pruitt, Winsley, Van Luven, Brough, Mitchell, Wynne and Rayburn

Authorizing community councils for unincorporated areas.

Referred to Committee on Governmental Operations.

HB 1032 by Representatives Haugen, Ferguson, Cooper, Nealey and Chandler

Providing county reimbursement for selected transportation of human remains.

Referred to Committee on Governmental Operations.

HB 1073 by Representatives O'Brien, Anderson, Pruitt, Wineberry, Rasmussen, Franklin, P. Johnson, Casada and Tate

Dealing with voter registration for high school students.

Referred to Committee on Governmental Operations.

ESHB 1088 by Committee on Judiciary (originally sponsored by Representatives Appelwick and Paris)

Adopting the uniform transfers to minors act.

Referred to Committee on Law and Justice.

ESHB 1105 by Committee on Revenue (originally sponsored by Representatives Jones, Betrozoff, Kremen, Dellwo, Hargrove,

Inslee, Miller, Fraser, Haugen, Wilson, Winsley, Ferguson, Riley, Broback, Edmondson, D. Sommers, May, Wynne, Chandler, Brumsickle and Orr)

Exempting property in this state from execution in favor of another state.

Referred to Committee on Governmental Operations.

HB 1125 by Representatives Braddock and Orr (by request of Department of Social and Health Services)

Changing the billing period to twelve months.

Referred to Committee on Health and Long-Term Care.

EHB 1144 by Representatives Jacobsen, Miller, Winsley, Cole, Wood, Rasmussen, Prentice, R. Fisher, Valle, Fraser, Haugen, Belcher, Scott, Franklin, Ogden, Roland, Riley, Leonard, Cantwell, Rust, Hine, Pruitt, Inslee, R. Johnson, Sheldon, Spanel, Kremen, Rayburn, Brekke and Orr

Revising provisions for application of the state building code.

Referred to Committee on Commerce and Labor.

ESHB 1181 by Committee on Commerce and Labor (originally sponsored by Representatives Cole, Heavey, Jacobsen, R. King, Zellinsky, Jones, Prentice, Vance, Rayburn, Franklin, Scott, Wood, Bowman, Neher, Van Luven, Appelwick and Riley)

Licensing private detectives.

Referred to Committee on Commerce and Labor.

ESHB 1226 by Committee on Health Care (originally sponsored by Representatives Prentice, Wood, Franklin, Braddock, May, Brekke, Leonard, Belcher, Day, Brough, R. Meyers, Morris, Pruitt, Silver, D. Sommers, Dellwo, Jones, Riley, Scott, Sheldon, Phillips, Orr, Basich, Ogden and Cantwell)

Making provisions for nursing home residents' discharge for temporary hospitalization.

Referred to Committee on Health and Long-Term Care.

SHB 1241 by Committee on Commerce and Labor (originally sponsored by Representatives Heavey, Cole, Jacobsen, Wang, Jones, R. Meyers, Appelwick, Fraser, Phillips and Cantwell)

Concerning construction liens for improvements on a single-family home.

Referred to Committee on Commerce and Labor.

HB 1280 by Representatives Heavey, Fuhrman, Cole, R. King, Prentice, O'Brien, Hargrove, Ludwig, Jones, Leonard, Riley, Winsley, Phillips, Jacobsen, Franklin and Dellwo

Increasing industrial insurance partial disability awards.

Referred to Committee on Commerce and Labor.

HB 1286 by Representatives Franklin, Winsley, R. King and Wineberry

Revising collective bargaining provisions for superior court employees.

Referred to Committee on Commerce and Labor.

HB 1340 by Representatives R. Meyers, Heavey and O'Brien (by request of Employment Security Department)

Revising provisions for deductions from unemployment compensation weekly benefits.

Referred to Committee on Commerce and Labor.

ESHB 1357 by Committee on Revenue (originally sponsored by Representatives Fraser, Holland, Wang, Wynne, Winsley, Moyer, Paris and May) (by request of Department of Revenue)

Relating to the public disclosure of tax information.

Referred to Committee on Law and Justice.

SHB 1358 by Committee on Appropriations (originally sponsored by Representatives Dorn, Holland, Neher, Peery, Sprengle, Brumsickle, Rasmussen, Inslee, R. Meyers, Winsley, Edmondson, Mielke, Miller, Betzoff, G. Fisher, Basich, Pruitt, Orr, H. Myers, Roland, Rayburn and Anderson)

Allowing educational employees to choose a benefit plan in lieu of remuneration for unused sick leave.

Referred to Committee on Ways and Means.

HB 1362 by Representatives Heavey, Vance, Prentice, Winsley, R. King, Wood, Van Luven, Beck, Dorn, Forner, Riley and Nelson

Extending collective bargaining laws to uniformed personnel of all cities, towns, and counties.

Referred to Committee on Commerce and Labor.

SHB 1365 by Committee on Education (originally sponsored by Representatives Phillips, Peery, Holland, Valle, Prentice, Cole, Wineberry, Jones, Nelson, Jacobsen and Wang)

Requiring teacher certification candidates to have skills to work with diverse populations.

Referred to Committee on Education.

SHB 1368 by Committee on Local Government (originally sponsored by Representatives Haugen, R. King, H. Sommers, Prince, Silver, Morris, Wood, Moyer and Miller) (by request of Department of Wildlife)

Placing conditions on local improvement district assessments against department of wildlife land.

Referred to Committee on Environment and Natural Resources.

HB 1369 by Representatives Belcher, Silver, Rasmussen, Spanel and Morris (by request of Department of Wildlife)

Exempting certain permits and licenses from the definition of a fee.

Referred to Committee on Environment and Natural Resources.

ESHB 1389 by Committee on Environmental Affairs (originally sponsored by Representatives Fraser, Winsley, Rust and Belcher)

Regulating aquatic plants.

Referred to Committee on Agriculture and Water Resources.

ESHB 1399 by Committee on Commerce and Labor (originally sponsored by Representatives Beck, Cantwell, Heavey, Sheldon, Forner, R. King, Casada, Roland, Moyer, Betrozoff and G. Fisher)

Expanding electronic equipment warranties.

Referred to Committee on Commerce and Labor.

HB 1431 by Representatives R. Fisher, R. Meyers and Betrozoff

Updating the Model Traffic Ordinance.

Referred to Committee on Transportation.

SHB 1463 by Committee on Commerce and Labor (originally sponsored by Representatives R. King, Fuhrman, Cole, Heavey, Jones and Franklin)

Establishing procedures for industrial insurance claims.

Referred to Committee on Commerce and Labor.

SHB 1464 by Committee on Commerce and Labor (originally sponsored by Representatives Prentice, Cole, Heavey, Jacobsen, Franklin, Leonard, Ogden, R. King, Riley, Phillips, Winsley, Jones and R. Meyers)

Providing civil penalties for prohibited practices in industrial insurance.

Referred to Committee on Commerce and Labor.

ESHB 1471 by Committee on Commerce and Labor (originally sponsored by Representatives Heavey, Prentice, Jacobsen, Franklin, Ogden, Orr, Winsley, R. King, Jones, Wineberry, Leonard, G. Fisher, Nelson, O'Brien, Cole, Sprenkle, Pruitt, Brekke, Morris, R. Johnson, Cantwell, Spanel, Ebersole, Wang, Phillips, Basich, Valle, Haugen, Scott, Cooper, Roland, Rust and Anderson)

Creating the "foundation for families act of 1991."

Referred to Committee on Commerce and Labor.

HB 1487 by Representatives Dellwo, Zellinsky, R. Johnson, R. Meyers, Mielke, Broback, Winsley, Inslee, Anderson, Scott, Dorn, Silver, Jacobsen and Paris

Regulating check cashers and sellers.

Referred to Committee on Financial Institutions and Insurance.

SHB 1495 by Committee on Commerce and Labor (originally sponsored by Representatives Heavey and Hargrove) (by request of Department of Licensing)

Changing land development regulations.

Referred to Committee on Governmental Operations.

SHB 1503 by Committee on Judiciary (originally sponsored by Representative Appelwick)

Providing for enforcement of safety belt requirements.

Referred to Committee on Law and Justice.

ESHB 1510 by Committee on Judiciary (originally sponsored by Representatives R. Meyers and Padden)

Changing provisions relating to guardianship.

Referred to Committee on Children and Family Services.

ESHB 1523 by Committee on Revenue (originally sponsored by Representatives Day, Wineberry, Edmondson, Bray, Lisk, Belcher, Inslee, Morris, Jones, Mitchell, Franklin, Mielke, Nelson, Casada, Brekke, Ferguson, Leonard, Silver, Ludwig, Rayburn, Peery, Scott, Pruitt, Chandler, McLean, Holland, Wang, Jacobsen, Winsley and Anderson)

Establishing regional service centers for the deaf.

Referred to Committee on Health and Long-Term Care.

ESHB 1588 by Committee on State Government (originally sponsored by Representatives Pruitt, Bowman, Anderson, McLean and Paris) (by request of State Board of Accountancy)

Regulating the board of accountancy.

Referred to Committee on Commerce and Labor.

SHB 1598 by Committee on Higher Education (originally sponsored by Representatives Basich, Jacobsen, Hine, Peery, Hargrove, Sheldon, Jones, H. Myers, Winsley and G. Fisher)

Enhancing the future teacher conditional scholarship program.

Referred to Committee on Higher Education.

SHB 1649 by Committee on Environmental Affairs (originally sponsored by Representative Rust) (by request of Department of Ecology and Office of Financial Management)

Updating municipality water discharge fees.

Referred to Committee on Environment and Natural Resources.

ESHB 1653 by Committee on Commerce and Labor (originally sponsored by Representatives Pruitt, Peery and Dellwo)

Authorizing release time for partners in education.

Referred to Committee on Commerce and Labor.

2SHB 1671 by Committee on Transportation (originally sponsored by Representatives R. Fisher, Riley, R. Meyers, Jacobsen, Heavey, Roland, Hine, O'Brien, Rust, Betzoff, Paris, Scott, Fraser and Wineberry)

Promoting growth strategies.

Referred to Committee on Transportation.

ESHB 1686 by Committee on Human Services (originally sponsored by Representatives Hargrove, Riley, Tate, Prentice, Padden, H. Myers, Kremen, Dorn, Morris, Jacobsen, Roland, Pruitt, Valle, Betzoff, Brekke, Paris, Scott, Inslee, Basich, Sheldon and Wineberry)

Creating an incentive program for inmates.

Referred to Committee on Law and Justice.

SHB 1712 by Committee on Commerce and Labor (originally sponsored by Representatives Heavey, Lisk, Cole, Fuhrman, Wood, Betzoff, Jacobsen, R. Meyers, Phillips, Winsley, Ferguson, Orr and Wineberry)

Providing for the registration of athlete agents.

Referred to Committee on Commerce and Labor.

HB 1774 by Representatives Jacobsen, R. Fisher, Anderson, Appelwick, Nelson, Miller, Heavey, Pruitt, Jones, Ebersole, Inslee, Wineberry, Cooper, Rasmussen, Franklin, Roland and Leonard

Creating a joint select committee on privacy and information technology.

Referred to Committee on Law and Justice.

ESHB 1777 by Committee on Human Services (originally sponsored by Representatives H. Sommers, Schmidt, Hargrove, Braddock, Leonard, Winsley, Fraser, Bowman, Zellinsky, Holland, Paris, Basich and May) (by request of Department of Corrections)

Expediting new prison construction.

Referred to Committee on Ways and Means.

SHB 1800 by Committee on State Government (originally sponsored by Representatives Fraser, Ballard, Van Luven, Ebersole, Anderson, McLean, Jacobsen, Cantwell, Ferguson, Belcher, Rasmussen, Wang, Locke, Winsley, Paris, Phillips and Wineberry)

Creating the office of international relations and protocol.

Referred to Committee on Governmental Operations.

ESHB 1813 by Committee on Education (originally sponsored by Representatives Peery, Betzoff, Phillips, Jacobsen, Ebersole, Orr, Rasmussen, Ogden, Franklin, Cooper, Hine, H. Myers and O'Brien) (by request of Superintendent of Public Instruction and Board of Education)

Changing provisions relating to teacher training and recruitment.

Referred to Committee on Education.

SHB 1828 by Committee on Health Care (originally sponsored by Representative Appelwick)

Providing regulations for the disclosure of health care records.

Referred to Committee on Health and Long-Term Care.

ESHB 1831 by Committee on Revenue (originally sponsored by Representatives Wang and Appelwick)

Subjecting certain ownership changes to real estate excise taxation.

Referred to Committee on Ways and Means..

ESHB 1836 by Committee on Natural Resources and Parks (originally sponsored by Representatives Belcher, Beck, Scott, Jacobsen, Phillips, Ferguson, Rasmussen, Fraser, Brumsickle, Sprenkle, Rust, Spanel, Leonard, Holland, Dorn, Forner, Franklin, Roland, R. Johnson, R. Fisher, H. Myers, R. King, Wang, Winsley, Nelson, Brough and Anderson)

Adopting the model rivers act.

Referred to Committee on Environment and Natural Resources.

SHB 1852 by Committee on Revenue (originally sponsored by Representatives Wang and Holland) (by request of Department of Community Development and Office of Financial Management)

Providing funding for the fire services fund.

Referred to Committee on Ways and Means.

ESHB 1865 by Committee on Environmental Affairs (originally sponsored by Representatives Rust, Chandler, Valle and Prince)

Providing for hazardous waste planning.

Referred to Committee on Environment and Natural Resources.

ESHB 1884 by Committee on Judiciary (originally sponsored by Representatives Ebersole, Forner, Belcher, Locke, Spanel, Peery, Phillips, H. Myers, Riley, R. Johnson, Paris, Wineberry, Ogden, Ludwig, Edmondson, Zellinsky, Brough, Jacobsen, Nelson, Miller, Holland, Winsley, Roland, Hine, Brekke, Rasmussen, Fraser, Mitchell and Orr)

Providing for domestic violence programs and community response.

Referred to Committee on Law and Justice..

SHB 1900 by Committee on Judiciary (originally sponsored by Representatives Scott, Cole, Roland, Ludwig, Forner, Wineberry, Locke, Appelwick, H. Myers, Rasmussen, Wang, Wynne and Anderson)

Providing protection for children from firearms.

Referred to Committee on Law and Justice.

SHB 1903 by Committee on Judiciary (originally sponsored by Representatives Scott, Miller, Cole, Riley, Ludwig, Locke, Wineberry, Appelwick, Rasmussen, Wang, Ferguson and Anderson)

Requiring trigger-locking devices on handguns.

Referred to Committee on Law and Justice.

SHB 1915 by Committee on Human Services (originally sponsored by Representatives R. King, Prentice, Morris, Prince, Nealey, Ogden and Chandler)

Providing employment services in mental health programs.

Referred to Committee on Health and Long-Term Care.

SHB 1919 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Valle, Dellwo, Sprengle, Scott, Winsley, Prentice, Rasmussen, Bowman and Leonard)

Providing for a reduction in automobile insurance and the disbursement of information on the effects of alcohol and drugs on driving.

Referred to Committee on Education.

SHB 1931 by Committee on Commerce and Labor (originally sponsored by Representatives Brough, Grant, Brumsickle, Broback, Neher, Morris, Mielke, Cantwell, Chandler, Van Luven, D. Sommers, Holland, Wilson, Bowman, Mitchell, Ferguson, Wynne and Forner)

Raising the limit on nonprofit raffles.

Referred to Committee on Commerce and Labor.

HB 1946 by Representatives Ogden, Cooper, H. Myers, Morris, Peery and Riley

Designating the Erwin O. Rieger Memorial Highway.

Referred to Committee on Transportation.

HB 1955 by Representatives Rayburn, Nealey, Kremen, McLean, Roland, Inslee, Rasmussen, Basich and Brekke (by request of Department of Agriculture)

Changing provisions regarding misbranded or adulterated food.

Referred to Committee on Agriculture and Water Resources.

SHB 1959 by Committee on Commerce and Labor (originally sponsored by Representatives Hargrove, Winsley and Heavey)

Revising provisions for collective bargaining for local government correctional and radio dispatch employees.

Referred to Committee on Commerce and Labor.

ESHB 1960 by Committee on Health Care (originally sponsored by Representatives Prentice, Paris, Day, Braddock, Cantwell, Edmondson, Franklin, Morris, Phillips, Pruitt, Basich, Leonard, Orr, Wood, R. Johnson, Heavey, Wineberry, May, D. Sommers, Beck and Dellwo)

Redefining practice beyond the scope of practice for health professions.

Referred to Committee on Health and Long-Term Care.

HB 1986 by Representatives Leonard, Cooper, Prentice, Ferguson, Sprenkle, Winsley, Appelwick, Braddock, Moyer, Locke, Paris, R. King, Wang, Valle, Ludwig, Kremen, Jacobsen, Dellwo, Holland, Inslee, H. Myers, Van Luven, O'Brien, Spanel, Mitchell, Brekke and Rasmussen

Providing for the protection and advocacy of the rights of developmentally disabled persons.

Referred to Committee on Health and Long-Term Care.

HB 1992 by Representatives R. Fisher, Betrozoff, R. Meyers, Forner and Cantwell (by request of Department of Transportation)

Implementing advance right of way acquisitions.

Referred to Committee on Transportation.

SHB 1993 by Committee on Revenue (originally sponsored by Representative Peery)

Concerning stadiums, and convention and performing arts centers.

Referred to Committee on Governmental Operations.

ESHB 2030 by Committee on Higher Education (originally sponsored by Representatives Spanel, May, Ogden, Fraser, Locke and Paris)

Requiring information on and repealing various higher education tuition and fee waivers, reduced fees, and residency exemptions.

Referred to Committee on Higher Education.

ESHB 2031 by Committee on Energy and Utilities (originally sponsored by Representatives Grant, Neher, Bray and Ludwig) (by request of Utilities and Transportation Commission)

Providing rate regulation for low-level waste sites.

Referred to Committee on Energy and Utilities.

HB 2057 by Representatives Day, H. Sommers, Dellwo, D. Sommers, Orr, Mielke, Nealey, Wang, Prince, Moyer, Scott, Hine and Wineberry

Allowing public facilities districts to impose excise tax.

Referred to Committee on Ways and Means.

ESHB 2058 by Committee on Judiciary (originally sponsored by Representatives Scott, Riley, Paris, H. Myers, Miller, Forner, Belcher, Ludwig, Inslee, Wineberry, Locke, Appelwick, Holland, Roland, Winsley, D. Sommers, Morris, Spanel, R. Johnson and Rasmussen)

Clarifying the application of the statute of limitations to actions based on childhood sexual abuse.

Referred to Committee on Law and Justice..

ESHB 2071 by Committee on Health Care (originally sponsored by Representatives Moyer, Prentice, Day and Braddock)

Giving the governor the authority to appoint the medical disciplinary board.

Referred to Committee on Health and Long-Term Care..

SHB 2084 by Committee on Health Care (originally sponsored by Representatives Prentice, Cole, Brekke, Braddock, Anderson, Day and Leonard)

Providing for clinical privileges and staff membership for nonphysician health practitioners.

Referred to Committee on Health and Long-Term Care.

ESHB 2100 by Committee on Health Care (originally sponsored by Representatives Braddock, Locke, Wineberry and Wang)

Exempting nursing homes for underserved ethnic minorities from certificate of need requirements.

Referred to Committee on Health and Long-Term Care.

HB 2119 by Representatives Appelwick and Vance

Sentencing sexually violent offenders.

Referred to Committee on Law and Justice.

ESHB 2137 by Committee on Revenue (originally sponsored by Representatives Wang, Holland, Ebersole, Ballard, Appelwick, Fraser, McLean, May, Winsley, Phillips, Peery, Bowman and Miller)

Changing excise tax on carbonated beverages and syrups.

Referred to Committee on Ways and Means.

SHB 2140 by Committee on Transportation (originally sponsored by Representatives Schmidt, R. Fisher, H. Sommers, Holland, Franklin, Wilson and Betrozoff)

Assisting transportation agencies in budgeting and planning.

Referred to Committee on Transportation.

HB 2142 by Representatives Spanel and Winsley (by request of Department of Retirement Systems)

Providing a schedule for notification to public employees of accumulated service credit.

Referred to Committee on Ways and Means.

ESHB 2151 by Committee on Transportation (originally sponsored by Representatives R. Fisher, G. Fisher, Forner, Mitchell, Prentice, Prince, Paris, Hine, Wood and Horn)

Revising provisions relating to high capacity transportation systems.

Referred to Committee on Transportation.

SHJM 4010 by Committee on Energy and Utilities (originally sponsored by Representatives R. Fisher, Schmidt, Cooper, Wilson, R. Meyers, Prentice, Wood, Heavey, Chandler, R. Johnson, Forner, P. Johnson, Mitchell, Brough, Haugen, Zellinsky, Jones, Kremen, Cantwell, Phillips, Nealey, Paris, Bray, Rayburn, Nelson and Anderson)

Asking Congress to develop a national energy policy.

Referred to Committee on Energy and Utilities.

EHJM 4011 by Representatives R. Fisher, R. Meyers, Wilson, Cooper, Schmidt, R. Johnson, Prentice, Wood, Mitchell, Heavey, Chandler, Forner, P. Johnson, Brough, Haugen, Zellinsky, Jones, Kremen, Cantwell, Holland and Anderson

Asking Congress for adoption of the new Federal Surface Transportation Assistance Act by October 1, 1991.

Referred to Committee on Transportation.

EHJM 4012 by Representatives R. Fisher, Wilson, Schmidt, Prentice, Wood, Cooper, R. Meyers, Heavey, Chandler, R. Johnson, Forner, P. Johnson, Mitchell, Brough, Haugen, Zellinsky, Jones, Kremen, Cantwell, Holland, Rasmussen, Nealey, Paris, Horn and Ferguson

Asking Congress to make motor fuel tax moneys available to the states for highway work.

Referred to Committee on Transportation.

HJM 4015 by Representatives Nelson, Brough, R. Fisher, Betrozoff, Paris, Winsley, Heavey, Forner, Prentice, Brekke and Anderson

Asking Congress for equal tax treatment of employer-provided transportation benefits.

Referred to Committee on Transportation.

HJM 4018 by Representatives Jones, Ogden, Cooper, R. Fisher, Peery, Ebersole, Fraser, Riley, H. Myers, Wang, Edmondson, Winsley, Bowman, Casada and D. Sommers

Concerning tax of retirement income.

Referred to Committee on Governmental Operations.

HJR 4202 by Representatives Ferguson, Haugen, Horn, Roland, Cole, Wood, Zellinsky, D. Sommers, Winsley, Nealey, Nelson and Fraser

Allowing the review and modification of local government.

Referred to Committee on Governmental Operations.

SHJR 4216 by Committee on Local Government (originally sponsored by Representatives Franklin, Edmondson, Haugen, Ferguson, Valle, Wood and Day)

Amending the Constitution to permit municipalities and state agencies to employ chaplains.

Referred to Committee on Health and Long-Term Care.

HJR 4218 by Representative Appelwick

Amending the Constitution as to the allowable number of county court commissioners.

Referred to Committee on Law and Justice.

SHJR 4221 by Committee on Judiciary (originally sponsored by Representative Appelwick)

Amending the Constitution to revise the jurisdiction of the superior court.

Referred to Committee on Law and Justice.

MOTION

At 12:06 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, March 22, 1991.

JOEL PRITCHARD, President of the Senate
GORDON GOLOB, Secretary of the Senate.

SIXTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 22, 1991

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Hansen, Matson, McCaslin, McDonald, McMullen, Metcalf, Sutherland, West and Williams. On motion of Senator Murray, Senators Hansen, McMullen, Sutherland and Williams were excused. On motion of Senator Anderson, Senators Matson, McCaslin, McDonald, Metcalf and West were excused.

The Sergeant at Arms Color Guard, consisting of Pages Roma Ely and Chris Ross, presented the Colors. Reverend Dewayne Lebow, pastor of the First Baptist Church of Tumwater, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 19, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 20, 1991

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1022,

ENGROSSED HOUSE BILL NO. 1281,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1335,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1459,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1808,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1864,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1880,

ENGROSSED HOUSE BILL NO. 1883,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1924,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1940,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1952,
ENGROSSED HOUSE BILL NO. 1961,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2086,
ENGROSSED HOUSE BILL NO. 2093,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2095, and the same are
herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 20, 1991

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1052,
SUBSTITUTE HOUSE BILL NO. 1054,
ENGROSSED HOUSE BILL NO. 1122,
ENGROSSED HOUSE BILL NO. 1228,
HOUSE BILL NO. 1263,
SUBSTITUTE HOUSE BILL NO. 1274,
HOUSE BILL NO. 1279,
SUBSTITUTE HOUSE BILL NO. 1324,
HOUSE BILL NO. 1338,
ENGROSSED HOUSE BILL NO. 1352,
ENGROSSED HOUSE BILL NO. 1387,
HOUSE BILL NO. 1488,
HOUSE BILL NO. 1514,
ENGROSSED HOUSE BILL NO. 1517,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1546,
SUBSTITUTE HOUSE BILL NO. 1635,
SUBSTITUTE HOUSE BILL NO. 1709,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1725,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1727,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1729,
SUBSTITUTE HOUSE BILL NO. 1739,
SUBSTITUTE HOUSE BILL NO. 1752,
SUBSTITUTE HOUSE BILL NO. 1796,
SUBSTITUTE HOUSE BILL NO. 1806,
SUBSTITUTE HOUSE BILL NO. 1811,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1824,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1841,
HOUSE BILL NO. 1875,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1881,
HOUSE BILL NO. 1887,
HOUSE BILL NO. 1891,
SUBSTITUTE HOUSE BILL NO. 1909,
SUBSTITUTE HOUSE BILL NO. 1911,
SUBSTITUTE HOUSE BILL NO. 1927,
SUBSTITUTE HOUSE BILL NO. 1954,
SUBSTITUTE HOUSE BILL NO. 1956,
SUBSTITUTE HOUSE BILL NO. 1971,

SUBSTITUTE HOUSE BILL NO. 2005,
HOUSE BILL NO. 2008,
HOUSE BILL NO. 2037,
SUBSTITUTE HOUSE BILL NO. 2044,
SUBSTITUTE HOUSE BILL NO. 2050,
SUBSTITUTE HOUSE BILL NO. 2056,
SUBSTITUTE HOUSE BILL NO. 2114,
HOUSE BILL NO. 2115,
SUBSTITUTE HOUSE BILL NO. 2153,
SUBSTITUTE HOUSE BILL NO. 2154, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5949 by Senator Bailey

AN ACT Relating to subsistence payments for offenders upon release from confinement; amending RCW 72.02.100 and 72.02.110; adding a new section to chapter 72.02 RCW; and creating a new section.

Referred to Committee on Law and Justice.

SB 5950 by Senators Moore, Rinehart and Talmadge

AN ACT Relating to improving education; amending RCW 28A.150.260 and 82.08.020; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

SB 5951 by Senator Pelz

AN ACT Relating to increasing finances for education; amending RCW 28A.150.260, 82.04.4281, 82.04.4292, and 82.04.4293; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 5952 by Senator Pelz

AN ACT Relating to debt service retirement; adding a new section to chapter 82.04 RCW; adding new sections to chapter 39.42 RCW; and repealing RCW 82.04.4292.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1022 by Committee on Energy and Utilities (originally sponsored by Representatives Cooper, May, Bray, Grant, H. Myers, Basich, Wineberry, R. Meyers, Peery, Phillips, R. Johnson, Wang, Sprenkle, Spanel, Sheldon, Miller, Ogden, Rayburn, Jones, Ludwig, Prentice, Kremen, Leonard, Rust, Braddock, R. King, Nelson, Pruitt, Cantwell, G. Fisher, Jacobsen, R. Fisher, Valle, Roland, Hine, Winsley, Rasmussen and Brekke) (by request of Governor Gardner)

Directing the development of a state energy strategy and authorizing the implementation of conservation savings and sales by state agencies.

Referred to Committee on Energy and Utilities.

SHB 1052 by Committee on Human Services (originally sponsored by Representatives Leonard, Winsley, Riley and Basich) (by request of Department of Social and Health Services)

Revising provisions for public assistance.

Referred to Committee on Children and Family Services.

SHB 1054 by Committee on Human Services (originally sponsored by Representatives Leonard, Winsley, Riley, Orr, R. King and Sheldon) (by request of Department of Social and Health Services)

Revising provisions for reports of abuse of children or adult dependent or developmentally disabled persons.

Referred to Committee on Children and Family Services.

EHB 1083 by Representatives Braddock and Sprenkle (by request of Health Care Authority)

Revising provisions for voluntary payroll deductions for public employees.

Referred to Committee on Health and Long-Term Care.

EHB 1122 by Representatives Heavey, Cole and Prentice

Regulating labor relations consultants.

Referred to Committee on Commerce and Labor.

ESHB 1158 by Committee on Human Services (originally sponsored by Representatives Brekke, Winsley, Leonard, Rayburn, Inslee,

Rasmussen, O'Brien, Fuhrman, Hargrove, Riley, R. Johnson, Franklin, Scott, Haugen, Edmondson, Phillips, Bowman, G. Fisher, Sprenkle and Orr)

Providing for minors incapacitated by alcohol and other drugs.

Referred to Committee on Health and Long-Term Care.

EHB 1228 by Representatives Brumsickle, Wang, Holland and Paris (by request of Office of Financial Management)

Managing state government receivables.

Referred to Committee on Ways and Means.

HB 1263 by Representatives Peery, Cole, Dorn and Holland

Eliminating the citizenship requirement for teachers.

Referred to Committee on Education.

SHB 1274 by Committee on Transportation (originally sponsored by Representatives R. Fisher and Schmidt)

Adjusting provisions relating to street utilities.

Referred to Committee on Transportation.

HB 1279 by Representatives Heavey, Cole, R. King, Prentice, O'Brien, Jones, Leonard, Riley, Brekke and Basich

Revising provisions for unemployment compensation during labor disputes.

Referred to Committee on Commerce and Labor.

EHB 1281 by Representatives Jones, Heavey, Cole, R. King, Prentice, O'Brien, Hargrove, Ludwig, Leonard, Nelson, Dellwo and Basich

Revising provisions for workers' compensation benefits.

Referred to Committee on Commerce and Labor.

SHB 1324 by Committee on Transportation (originally sponsored by Representatives Zellinsky, Chandler, Lisk, Brumsickle, Van Luven, Ferguson, Prentice, Orr, Bowman, Day, R. Fisher and Betrozoff)

Restricting licenses for owners owing towing expenses.

Referred to Committee on Transportation.

ESHB 1335 by Committee on Housing (originally sponsored by Representatives Nelson, Franklin, Ogden, Leonard, Wineberry, Mitchell, Winsley, Phillips, Jacobsen, Jones, Brekke, Spanel, Scott and Anderson)

Providing an energy assistance and conservation program for low-income households.

Referred to Committee on Energy and Utilities.

HB 1338 by Representatives Heavey, McLean and O'Brien (by request of Employment Security Department)

Revising provisions for unemployment compensation deductions for pensions.

Referred to Committee on Commerce and Labor.

EHB 1352 by Representatives Jones, Vance, Cole, Wynne, Moyer, Miller, Paris, Ballard, May, Basich, Forner and Silver (by request of Department of Labor and Industries)

Making confidential certain information acquired by the department of labor and industries.

Referred to Committee on Commerce and Labor.

EHB 1387 by Representatives R. King, Fuhrman, Basich, Padden, Morris, Hochstatter, Orr, Edmondson, Chandler, Bowman, Paris and Ballard

Combining federal and state permit appeal processes.

Referred to Committee on Environment and Natural Resources.

ESHB 1426 by Committee on Agriculture and Rural Development (originally sponsored by Representatives Grant, Ballard, Rayburn, Nealey, Rust, Belcher, Ludwig, Prince, Heavey, Insee, Bray, Rasmussen, Jacobsen, Lisk, Kremen, Spanel and Edmondson)

Establishing the center for sustaining agriculture and natural resources, and the food and environmental quality laboratory as research and extension programs of Washington State University.

Referred to Committee on Agriculture and Water Resources.

ESHB 1459 by Committee on Environmental Affairs (originally sponsored by Representatives Sprenkle, Rust, Valle, G. Fisher, Pruitt, Basich, R. Johnson, Jacobsen, Braddock, Phillips, Scott, Cooper, D. Sommers, Roland, Nelson, Spanel, Brekke and Wineberry)

Creating a comprehensive approach to recycling and recyclable material markets.

Referred to Committee on Environment and Natural Resources.

HB 1488 by Representatives Dellwo, Zellinsky, R. Johnson, R. Meyers, Broback, Mielke, Winsley, Inslee, Anderson, Scott, Dorn and Silver

Excluding commercial paper from "personal property" held by a pawnbroker.

Referred to Committee on Financial Institutions and Insurance.

HB 1514 by Representatives Silver, Day, Orr, Moyer, D. Sommers and Paris

Requiring snowmobilers to wear helmets.

Referred to Committee on Transportation.

EHB 1517 by Representatives Phillips, Horn, Rust, Basich, Jacobsen, D. Sommers, Brekke, Van Luven, Valle, Sprenkle, G. Fisher, R. King and Wang

Ratifying the Pacific Ocean Resources Compact.

Referred to Committee on Environment and Natural Resources.

ESHB 1535 by Committee on Energy and Utilities (originally sponsored by Representatives Cooper, Horn, Grant, May, R. Meyers, Hochstatter and Orr)

Requiring radon testing.

Referred to Committee on Energy and Utilities.

ESHB 1546 by Committee on Local Government (originally sponsored by Representatives Nelson, Haugen, Brough, Hine, Locke, Heavey, Valle, G. Fisher, O'Brien, Zellinsky, R. Fisher, Rust, Brekke, Belcher, Prentice, H. Sommers, Cole, Jacobsen, Phillips and Braddock)

Changing provisions relating to property tax levies by port districts.

Referred to Committee on Governmental Operations.

ESHB 1564 by Committee on Transportation (originally sponsored by Representatives Nelson, McLean, Anderson, Belcher, Brumsickle, R. Fisher, Bowman, Betzoff, Fraser and Rasmussen) (by request of Department of General Administration)

Requiring the department of general administration to develop and implement a comprehensive transportation and parking program.

Referred to Committee on Governmental Operations.

SHB 1635 by Committee on Local Government (originally sponsored by Representatives Haugen, Day, D. Sommers, Nealey, Orr and Wynne)

Providing for taxes to fund emergency medical care services.

Referred to Committee on Governmental Operations.

SHB 1709 by Committee on Environmental Affairs (originally sponsored by Representatives Fraser, Miller, Rust, Valle, Roland, Winsley, Rasmussen, Ebersole, Wineberry and Dorn) (by request of Department of Health)

Concerning safe drinking water.

Referred to Committee on Agriculture and Water Resources.

ESHB 1725 by Committee on Commerce and Labor (originally sponsored by Representatives Prentice, Winsley, Heavey, Basich, Jones, R. King, Cole, Ogden, Hargrove, Fraser, Day, Cantwell, Braddock, Sprenkle, Dellwo, Wineberry, Spanel and Roland)

Addressing workplace hazards and pregnancy.

Referred to Committee on Commerce and Labor.

ESHB 1727 by Committee on Judiciary (originally sponsored by Representatives Appelwick, Jacobsen, Paris, Morton, Mielke, Brekke, Anderson, Forner, Day, Vance, R. Johnson and Wineberry)

Changing provisions relating to interpreters in legal proceedings.

Referred to Committee on Law and Justice.

ESHB 1729 by Committee on Judiciary (originally sponsored by Representatives Wineberry, Vance, Inslee, Dellwo, Wang, Forner and Anderson) (by request of Administrator for the Courts)

Preparing a plan for an expanded juror list.

Referred to Committee on Law and Justice.

SHB 1739 by Committee on Housing (originally sponsored by Representatives Leonard, Mitchell, Nelson, Winsley, Franklin, Locke, May, R. Johnson, Wineberry and Miller)

Providing a property tax exemption for certain nonprofit organizations.

Referred to Committee on Ways and Means.

SHB 1752 by Committee on State Government (originally sponsored by Representatives Jacobsen, Wood, Anderson, Horn and Rasmussen)

Authorizing local governments to recover costs of geographic information required to be disclosed by law.

Referred to Committee on Governmental Operations.

SHB 1796 by Committee on Appropriations (originally sponsored by Representatives Belcher, Fraser, Locke, Dellwo, Bowman, Basich, Riley, Zellinsky, Ebersole, Orr, Inslee, Sheldon, Rasmussen, Ogden, Spanel, R. King, H. Myers, O'Brien, Sprengle and Anderson)

Addressing problems with health care coverage for retired and disabled public employees.

Referred to Committee on Ways and Means.

SHB 1806 by Committee on Transportation (originally sponsored by Representatives R. Meyers, Winsley and R. Johnson)

Modifying the definition of "junk vehicle."

Referred to Committee on Transportation.

ESHB 1808 by Committee on Trade and Economic Development (originally sponsored by Representatives Wineberry, Miller, Wood, Belcher, Rasmussen, Forner, H. Myers, R. King, Silver, Leonard, Fraser, Winsley, Phillips and Mitchell) (by request of Department of Trade and Economic Development)

Pertaining to the child care facility fund.

Referred to Committee on Commerce and Labor.

SHB 1811 by Committee on Education (originally sponsored by Representatives Valle, Neher, Cole, R. Johnson, Ebersole, Jones, Orr, Sheldon, Rasmussen, Franklin, Brumsickle, Hine and O'Brien) (by request of Superintendent of Public Instruction)

Affecting student motivation programs.

Referred to Committee on Education.

ESHB 1824 by Committee on Judiciary (originally sponsored by Representative Appelwick)

Changing district courts' jurisdiction.

Referred to Committee on Law and Justice.

ESHB 1841 by Committee on Housing (originally sponsored by Representatives Leonard, Winsley, Cantwell, Hine, G. Fisher, Anderson, Nelson, Brekke, Roland, Rasmussen, Paris and Sheldon)

Assisting mobile home tenants.

Referred to Committee on Commerce and Labor.

ESHB 1864 by Committee on Natural Resources and Parks (originally sponsored by Representatives Kremen, Haugen, Wilson, Roland, Braddock, Spanel, Rayburn, Rasmussen, Leonard, Bowman, R. Johnson, P. Johnson and Sheldon)

Changing requirements for removal of sand and gravel from aquatic lands.

Referred to Committee on Environment and Natural Resources.

HB 1875 by Representatives Peery and Zellinsky

Revising provisions for unemployment compensation benefits for services performed for educational service districts.

Referred to Committee on Commerce and Labor.

ESHB 1880 by Committee on Education (originally sponsored by Representatives Cole, Brumsickle, Peery, Riley, Paris, Jacobsen, May, Betrozoff and Rasmussen) (by request of Superintendent of Public Instruction)

Authorizing the replacement of school buses.

Referred to Committee on Education.

ESHB 1881 by Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Paris, May, Winsley, Wood and D. Sommers)

Changing the method for determining the number of district court judges.

Referred to Committee on Law and Justice..

EHB 1883 by Representatives R. Meyers, Chandler, Grant, Nealey, Hochstatter, McLean, Vance, Riley, Bray, Paris, Jacobsen, May, Betzoff, Wynne, Moyer, D. Sommers and Rasmussen

Encouraging gasohol.

Referred to Committee on Energy and Utilities.

HB 1887 by Representatives Fraser, Belcher, Beck, Valle, Brumsickle, Rust, Ogden, Pruitt, Jacobsen, Sprenkle, Rasmussen, Prentice, Moyer, Forner, Padden, Paris, Phillips, Miller, May, Winsley, Tate, D. Sommers and Silver

Redefining open space land.

Referred to Committee on Governmental Operations.

HB 1891 by Representatives Braddock and Wineberry (by request of Washington Basic Health Plan and Office of Financial Management)

Coordinating the basic health plan with medical assistance.

Referred to Committee on Health and Long-Term Care.

SHB 1909 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo, Paris and R. Johnson) (by request of Insurance Commissioner)

Increasing the capital and surplus requirements of insurance companies.

Referred to Committee on Financial Institutions and Insurance.

SHB 1911 by Committee on Local Government (originally sponsored by Representatives Haugen, Wynne, Anderson, Ferguson, Basich, Cooper, Belcher, Fraser, Zellinsky, Prince and Nelson)

Defining city and county licensing procedures for state licensed massage practitioners.

Referred to Committee on Health and Long-Term Care.

ESHB 1924 by Committee on Energy and Utilities (originally sponsored by Representatives Grant, Belcher, Rasmussen, Ludwig, Bray, Rayburn and Inslee)

Regulating motor fuel marketing.

Referred to Committee on Commerce and Labor.

SHB 1927 by Committee on Local Government (originally sponsored by Representatives Nelson, Brough, Haugen and Holland)

Changing provisions relating to assumption of metropolitan municipal corporation functions by a county.

Referred to Committee on Governmental Operations.

ESHB 1932 by Committee on Education (originally sponsored by Representatives Locke, Appelwick, H. Sommers, Wineberry, Anderson, Ferguson, Brough, May, Paris, Mitchell, Phillips, O'Brien, Nelson, Forner and Jacobsen)

Raising school levy limits.

Referred to Committee on Education.

ESHB 1938 by Committee on Energy and Utilities (originally sponsored by Representatives Fraser, Grant, May, Winsley, Roland, Riley, Miller, Phillips, O'Brien, Rasmussen, Sheldon, Basich, Ogden, Orr, Bray, Pruitt and Sprengle)

Creating a state-wide enhanced 911 network.

Referred to Committee on Energy and Utilities.

ESHB 1940 by Committee on Human Services (originally sponsored by Representatives Scott, Cole, Leonard, Winsley, Bowman, Rayburn, O'Brien and Rasmussen)

Establishing foster care citizen review boards.

Referred to Committee on Children and Family Services.

ESHB 1952 by Committee on Commerce and Labor (originally sponsored by Representatives Rasmussen, R. King, Cole, Ferguson, Leonard,

Holland, G. Fisher, Winsley, Heavey, May, Phillips, R. Fisher, Fuhrman, Lisk and Sheldon)

Providing industrial insurance coverage for jockeys.

Referred to Committee on Commerce and Labor.

SHB 1954 by Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Nealey, McLean, R. Johnson, Chandler, Kremen, D. Sommers, Ballard, Roland, Bowman, Grant, Inslee, Rasmussen and Sheldon)

Changing conditions and limitations on agricultural nuisances.

Referred to Committee on Agriculture and Water Resources.

SHB 1956 by Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Nealey, McLean, Kremen, Chandler, Roland and Rasmussen) (by request of Department of Agriculture)

Changing provisions for plant protection.

Referred to Committee on Agriculture and Water Resources.

EHB 1961 by Representatives Wineberry, Heavey, Prentice, R. King, Wang, Jones, Franklin, Cole, Phillips, Anderson, Locke, Fraser, Leonard, Belcher, Brekke, Basich, Scott, Cantwell, Jacobsen, Ebersole, Riley, R. Fisher, Pruitt, G. Fisher and Nelson

Adopting the Washington agricultural labor relations act.

Referred to Committee on Commerce and Labor.

SHB 1971 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo, Paris, Zellinsky, Mielke, Inslee, Day, Schmidt, Prince and Scott)

Regulating alien insurers.

Referred to Committee on Financial Institutions and Insurance.

SHB 2005 by Committee on Transportation (originally sponsored by Representatives Jones, Wilson, R. Fisher and Schmidt)

Regulating freight brokers and forwarders.

Referred to Committee on Transportation.

HB 2008 by Representatives Nelson, Leonard, Winsley, Tate, Brekke, Phillips, H. Sommers, D. Sommers, Holland, Mitchell and P. Johnson

Changing "handicapped" to "disabled."

Referred to Committee on Governmental Operations.

ESHB 2026 by Committee on Natural Resources and Parks (originally sponsored by Representatives Fraser, Miller, Valle, Rayburn, McLean, Belcher, Jacobsen, Nealey, Paris, Winsley and Chandler) (by request of Joint Select Committee on Water Resource Policy)

Providing for comprehensive water resources management.

Referred to Committee on Agriculture and Water Resources.

HB 2037 by Representatives Morris, Moyer and Sprengle (by request of Department of Health)

Modifying requirements for radiologic technologists.

Referred to Committee on Health and Long-Term Care.

HB 2039 by Representatives Sprengle, D. Sommers, Horn, Brekke, Anderson, Rust, Pruitt and Valle

Implementing space allocation standards for collection of solid waste and recyclable materials.

Referred to Committee on Commerce and Labor.

SHB 2044 by Committee on Transportation (originally sponsored by Representative Cooper)

Expanding membership of the transportation improvement board.

Referred to Committee on Transportation.

SHB 2050 by Committee on Transportation (originally sponsored by Representatives R. Meyers, Spanel and R. Johnson)

Revising the state subsidy of county ferries.

Referred to Committee on Transportation.

SHB 2056 by Committee on Health Care (originally sponsored by Representative Braddock) (by request of Department of Health)

Making major changes to the regulation and provision of vital statistics.

Referred to Committee on Health and Long-Term Care.

ESHB 2086 by Committee on Judiciary (originally sponsored by Representative Appelwick)

Creating a central filing system for security interests in farm crops.

Referred to Committee on Agriculture and Water Resources.

EHB 2093 by Representatives Locke, Miller, Anderson, Hine, Ferguson, Brough and Valle

Modifying authorized uses of the excise tax on lodgings.

Referred to Committee on Governmental Operations.

ESHB 2095 by Committee on State Government (originally sponsored by Representatives R. Johnson, McLean, Anderson, Jones, Kremen, Braddock, Valle, Wineberry, Franklin, Day, Pruitt, Rayburn, Roland, Spanel and Prentice) (by request of Department of Veterans Affairs)

Establishing a counseling network for veterans and their families.

Referred to Committee on Governmental Operations.

SHB 2114 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Prince, Grant, Lisk, Nealey, Fuhrman, Cole, Vance, Rayburn, Morton, Chandler, Neher, Hochstatter, Rasmussen, Moyer, McLean, Bowman, Betrozoff, Casada, D. Sommers, P. Johnson and Silver)

Authorizing loans and grants to preserve underground petroleum storage tanks in rural areas.

Referred to Committee on Transportation.

HB 2115 by Representatives Nelson, Wineberry and Holland

Providing financial assistance for first-time home buyers.

Referred to Committee on Governmental Operations.

SHB 2132 by Committee on Revenue (originally sponsored by Representatives Wang, Holland, Morris, Silver, Appelwick, McLean, May, Zellinsky and Bowman)

Modifying the definition of employee to include certain insurance salespersons for the purposes of the business and occupation tax exemption under RCW 82.04.360.

Referred to Committee on Financial Institutions and Insurance.

SHB 2153 by Committee on Judiciary (originally sponsored by Representative Appelwick)

Changing provisions relating to enforcement of child support.

Referred to Committee on Law and Justice.

SHB 2154 by Committee on Judiciary (originally sponsored by Representative Appelwick)

Changing provisions relating to domestic relations.

Referred to Committee on Law and Justice.

HB 2180 by Representatives Braddock and Spanel

Authorizing a hotel/motel tax for certain cities in first class counties.

Referred to Committee on Governmental Operations.

STATEMENT FOR THE JOURNAL

Gordon Golob, Secretary of the Senate

I was excused from session on Friday, March 22, 1991. I had pre-arranged legislative commitments in my district.

I missed the following votes and for the record I would like to state that I would have voted 'yes' on them: GA 9146, GA 9159, GA 9160 and Engrossed Substitute House Bill No. 1120.

SENATOR DEAN SUTHERLAND, 17th District

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9146, John Ladenburg, as a member of the Sentencing Guidelines Commission was confirmed.

Senator Rasmussen spoke to the confirmation of John Ladenburg as a member of the Sentencing Guidelines Commission.

APPOINTMENT OF JOHN LADENBURG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Wojahn - 40.

Excused: Senators Hansen, Matson, McCaslin, McDonald, McMullen, Metcalf, Sutherland, West, Williams - 9.

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9159, Eileen P. Farley, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF EILEEN P. FARLEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Wojahn - 41.

Excused: Senators Hansen, McCaslin, McDonald, McMullen, Metcalf, Sutherland, West, Williams - 8.

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9160, Robert Lasnik, as a member of the Sentencing Guidelines Commission, was confirmed.

Senator Anderson spoke to the confirmation of Robert Lasnik as member of the Sentencing Guidelines Commission.

APPOINTMENT OF ROBERT LASNIK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Wojahn - 42.

Excused: Senators Hansen, McCaslin, McMullen, Metcalf, Sutherland, West, Williams - 7.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Engrossed Substitute House Bill No. 1378.

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 1378 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Health and Long-Term Care was relieved of further consideration of Engrossed Substitute House Bill No. 1608.

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 1608 was referred to the Committee on Children and Family Services.

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Substitute House Bill No. 2028.

On motion of Senator Newhouse, Substitute House Bill No. 2028 was referred to the Committee on Health and Long-Term Care.

MOTION

On motion of Senator Newhouse, the Senate returned to the sixth order of business in order to consider Engrossed Substitute House Bill No. 1120.

MOTION

At 10:29 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 10:57 a.m. by President Pritchard.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120, by House Committee on Revenue (originally sponsored by Representatives Roland, Forner, Leonard, Holland, Scott, Valle, Day, O'Brien, Prince, Bowman, R. Meyers, Tate, H. Myers, Hine, Fuhrman, Rayburn, Prentice, Jacobsen, R. King, Chandler, Wilson, Inslee, Wood, Rasmussen, Cooper, R. Johnson, Vance, Sheldon, Morris, Appelwick, Brumsickle, Hochstatter, Van Luven, Paris, Haugen, Kremen, Zellinsky, Edmondson, Brough, Phillips, Lisk, Betzoff, Wynne, Nealey, Miller, Fraser, Wineberry, Sprengle, Orr, McLean and Anderson)

Modifying disbursement of daily gross receipts in horse racing.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 67.16.014 and 1987 c 453 s 3 are each amended to read as follows:

In addition to the commission members appointed under RCW 67.16.012, there shall be four ex officio nonvoting members consisting of: (1) Two members of the senate, one from the majority political party and one from the minority political party, both to be appointed by the president of the senate; and (2) two members of the house of representatives, one from the majority political party and one from the minority political party, both to be appointed by the speaker of the house of representatives. The appointments shall be for the term of two years or for the period in which the appointee serves as a legislator, whichever expires first. Members may be reappointed, and vacancies shall be filled in the same manner as original appointments are made. The ex officio members shall assist in the policy making, rather than administrative, functions of the commission, and shall collect data deemed essential to future legislative proposals and exchange information with the commission. The ex officio members shall be deemed engaged in legislative business while in attendance upon the business of the commission and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120, the same to be paid from the horse racing commission fund as being expenses relative to commission business.

~~((This section shall expire on October 31, 1991.))~~

Sec. 2. RCW 67.16.100 and 1985 c 466 s 67 and 1985 c 146 s 6 are each reenacted and amended to read as follows:

In addition to the license fees required by this chapter, the licensee shall pay to the commission the percentages of the gross receipts of all parimutuel machines at each race meet in accordance with RCW 67.16.105, which sums shall be paid daily to the commission.

All sums paid to the commission, together with all sums collected for license fees under the provisions of this chapter and excluding those sums collected under RCW 67.16.105(3), shall be disposed of by the commission as follows: ~~((Twenty-two))~~ Fifty percent thereof shall be retained by the commission for the payment of the salaries of its members, secretary, clerical, office, and other help and all expenses incurred in carrying out the provisions of this chapter. No salary, wages, expenses, or compensation of any kind shall be paid by the state in connection with the work of the commission. ~~((Forty))~~ One percent shall, on the next business day following the receipt thereof, be paid to the state treasurer to be deposited in the general fund, and three percent shall, on the next business day following the receipt thereof, be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "state trade fair fund" which shall be maintained as a separate and independent fund, and made available to the director of trade and economic development for the sole purpose of assisting state trade fairs. ~~((Thirty-five))~~ Forty-six percent shall be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "fair fund," which shall be maintained as a separate and independent fund outside of the state treasury, and made available to the director of agriculture for the sole purpose of assisting fairs in the manner provided in Title 15 RCW. Any moneys collected or paid to the commission under the terms of this chapter and not expended at the close of the fiscal biennium shall be paid to the state treasurer and be placed in the general fund. The commission may, with the approval of the office of financial management, retain any sum required for working capital.

Sec. 3. RCW 67.16.102 and 1982 c 132 s 5 are each amended to read as follows:

(1) Notwithstanding any other provision of chapter 67.16 RCW to the contrary the licensee shall withhold and shall pay daily to the commission, in addition to the percentages authorized by RCW 67.16.100 and 67.16.130, as now or hereafter amended, and RCW 67.16.105, one percent of the gross receipts of all parimutuel machines at each race meet which sums shall, at the end of each meet, be paid by the commission to the licensed owners of those horses finishing first, second, third and fourth Washington bred only at each meet from which the additional one percent is derived in accordance with an equitable distribution formula to be promulgated by the commission prior to the commencement of each race meet: PROVIDED, That nothing in this section shall apply to race meets which are nonprofit in nature, or of ten days or less or which have an average daily handle of less than one hundred twenty thousand dollars: PROVIDED, That the additional one percent of the gross receipts of all parimutuel machines at each race meet and the amount retained by the commission as specified in RCW 67.16.100 shall be deposited daily in a time deposit by the commission and the interest derived therefrom shall be distributed annually on an equal basis to those race courses at which independent race meets are held which are nonprofit in nature and are of ten days or less: PROVIDED, That prior to receiving a payment under this section any new race course shall meet the qualifications set forth in this section for a period of two years: PROVIDED, FURTHER, That said distributed funds shall be used for the purpose of maintaining and upgrading the respective racing courses and equine quartering areas of said nonprofit meets. The commission shall not permit the licensees to take into consideration the benefits derived from this section in establishing purses.

(2) The commission is authorized to pay fifty percent of the funds retained under this section to a new licensee, from that new licensee's race meet, for reimbursement of capital construction of the licensee's new racetrack for a period of five years. The funds referred to in this section do not include interest earned and the interest shall continue to be collected and disbursed as provided in RCW 67.16.101 and subsection (1) of this section. The funds referred to in this section shall be distributed at the end of the calendar year.

Sec. 4. RCW 67.16.105 and 1987 c 347 s 4 are each amended to read as follows:

(Except as provided for satellite wagers in RCW 67.16.210,) The licensee shall pay to the commission daily for each authorized day of racing the following applicable percentage of all daily gross receipts from all parimutuel machines at each race meet, including satellites:

(1) If the daily gross receipts of all parimutuel machines, including satellites, are more than two hundred fifty thousand dollars, the licensee shall pay to the commission daily two and one-half percent of the daily gross receipts(,if the daily gross receipts are two hundred thousand dollars or less);

(2) If the daily gross receipts of all parimutuel machines, including satellites, are two hundred fifty thousand dollars or less, the licensee shall pay to the commission daily one percent of the daily gross receipts(,if the daily gross receipts are two hundred thousand one dollars to four hundred thousand dollars); and

(3) ((Four percent of the daily gross receipts if the daily gross receipts are four hundred thousand one dollars or more)) In addition, one-tenth of one percent of the daily gross receipts of all parimutuel machines including satellites shall be forwarded to the commission for payment to those nonprofit race meets as set forth in RCW 67.16.130 and said percentage shall not be charged against the licensee. The total of such payments shall not exceed one hundred fifty thousand dollars in any one year and any amount in excess of one hundred fifty thousand dollars shall be remitted to the general fund. Payments to nonprofit race meets under this subsection shall be

distributed on a pro rata per-race-day basis and used only for purses at race tracks that have been operating under RCW 67.16.130 for the five consecutive years immediately preceding the year of payment.

Sec. 5. RCW 67.16.130 and 1985 c 146 s 8 are each amended to read as follows:

(1) Notwithstanding any other provision of law or of chapter 67.16 RCW, the commission may license race meets which are nonprofit in nature, of ten days or less, and which have an average daily handle of one hundred twenty thousand dollars or less, at a daily licensing fee of ten dollars, and the sponsoring nonprofit association shall be exempt from any other fees as provided for in chapter 67.16 RCW or by rule or regulation of the commission: PROVIDED, That the commission on or after January 1, 1971 may deny the application for a license to conduct a racing meet by a nonprofit association, if same shall be determined not to be a nonprofit association by the Washington state racing commission.

(2) Notwithstanding any other provision of law or of chapter 67.16 RCW the licensees of race meets which are nonprofit in nature, of ten days or less, and which have an average daily handle of one hundred twenty thousand dollars or less, shall withhold and shall pay daily to the commission ~~((the percentages authorized by RCW 67.16.105, 67.16.170, and 67.16.175))~~ one-half percent.

(3) Notwithstanding any other provision of law or of chapter 67.16 RCW or any rule promulgated by the commission, no license for a race meet which is nonprofit in nature, of ten days or less, and which has an average daily handle of one hundred twenty thousand dollars or less, shall be denied for the reason that the applicant has not installed an electric parimutuel tote board.

(4) As a condition to the reduction in fees as provided for in subsection (1) ~~((hereof))~~ of this section, all fees charged to horse owners, trainers, or jockeys, or any other fee charged for a permit incident to the running of such race meet shall be retained by the commission as reimbursement for its expenses incurred in connection with the particular race meet.

Sec. 6. RCW 67.16.170 and 1987 c 347 s 2 are each amended to read as follows:

~~((Except as provided for satellite wagers in RCW 67.16.220,))~~ Race meets, including satellites, which have gross receipts of all parimutuel machines for each authorized day of racing may retain the following from the daily gross receipts of all parimutuel machines:

~~(1) ((On a daily handle of two hundred thousand dollars or less, the licensee shall retain fourteen))~~ If the daily gross receipts of all parimutuel machines, including satellites, are more than two hundred fifty thousand dollars, the licensee may retain twelve and one-half percent of ((such)) the daily gross receipts;

~~(2) ((On a daily handle of two hundred thousand one dollars to four hundred thousand dollars, the licensee shall))~~ If the daily gross receipts of all parimutuel machines, including satellites, are two hundred fifty thousand dollars or less, the licensee may retain fourteen percent of ((such)) the daily gross receipts; and

~~(3) ((On a daily handle of four hundred thousand one dollars or more, the licensee shall retain eleven percent of such gross receipts.))~~ Licensees of race meets that are nonprofit in nature of ten days or less and that have an average daily handle of one hundred twenty thousand dollars or less may retain fourteen and one-half percent of daily gross receipts.

Sec. 7. RCW 67.16.175 and 1987 c 453 s 1 and 1987 c 347 s 3 are each reenacted and amended to read as follows:

~~(1) ((Except as provided for satellite wagers in RCW 67.16.210 and 67.16.220, daily gross receipts of all parimutuel machines from wagers on exotic races shall be distributed according to this section:~~

(a) In addition to the amounts set forth in RCW 67.16.105, an additional two and five tenths percent of gross receipts on races with two or more selections and three and five tenths percent of gross receipts on races with three or more selections shall be paid to the commission. The commission shall retain thirty one percent of the additional percentages from exotic races and shall forward the balance to the state treasurer daily for deposit in the general fund.

(b) In addition to the amounts authorized to be retained in RCW 67.16.170, race meets may retain an additional three percent of the daily gross receipts of all parimutuel machines from wagers on exotic races requiring two selections to be used as provided in subsection (2) of this section.

(c) In addition to the amounts authorized to be retained in RCW 67.16.170, race meets may retain an additional six percent of the daily gross receipts of all parimutuel machines from wagers on exotic races requiring three or more selections to be used as provided in subsection (2) of this section.) In addition to the amounts authorized to be retained in RCW 67.16.170, race meets may retain an additional six percent of the daily gross receipts of all parimutuel machines from wagers on exotic wagers.

(2) Of the amounts retained in subsection (1) ~~((b) and (e))~~ of this section, one percent of the daily gross receipts of all parimutuel machines from wagers on exotic wagers shall be used for Washington-bred breeder awards ~~((, not to exceed twenty percent of the winner's share of the purse))~~.

(3) ~~((Any portion of the remaining moneys retained in subsection (1) (b) and (e) of this section shall be shared equally by the race track and participating horsemen. The amount shared by participating horsemen shall be in addition to and shall not supplant the customary purse structure between race tracks and participating horsemen))~~ Of the amounts retained for breeder awards under subsection (2) of this section, twenty-five percent shall be retained by a new licensee for reimbursement of capital construction of the licensee's new race track for a period of five years.

(4) As used in this section, "exotic ~~((races))~~ wagers" means any multiple wager. Exotic ~~((races))~~ wagers are subject to approval of the commission.

Sec. 8. RCW 67.16.200 and 1987 c 347 s 1 are each amended to read as follows:

(1) A racing association licensed by the commission to conduct a race meet may seek approval from the commission to conduct parimutuel wagering on its program at a satellite location or locations within the state of Washington. The sale of parimutuel pools at satellite locations shall be conducted only during the licensee's race meet and simultaneous to all parimutuel wagering activity conducted at the licensee's racing facility in the state of Washington. The commission's authority to approve satellite wagering at a particular location is subject to the following limitations:

(a) The commission may approve only one satellite location in each county in the state; however, the commission may grant approval for more than one licensee to conduct wagering at each satellite location.

(b) The commission shall not allow a licensee to conduct satellite wagering at a satellite location within ~~((fifty air))~~ twenty ground miles of the licensee's racing facility. For purposes of this section, "ground miles" means miles measured from point to point in a straight line.

(c)(i) The commission may allow a licensee to conduct satellite wagering at a satellite location within fifty ~~((air))~~ ground miles of the racing facility of another licensee who conducts race meets of thirty days or more, but only if the satellite location is the racing facility of another licensee who conducts race meets of thirty days or more and only if the licensee seeking to conduct satellite wagering suspends its program during the conduct of the meets of all licensees within fifty ~~((air))~~ ground miles; except that the commission may allow a licensee that conducts satellite wagering at another track, pursuant to this subsection, to use other satellite locations, used by

that track with the approval of the owner of that track, even though those satellite locations are within a fifty ground mile radius.

(ii) Subject to subsection (1)(c)(i) of this section, the commission may allow a licensee to conduct satellite wagering at a satellite location within fifty (~~(air)~~) ground miles of the racing facility of another licensee who conducts race meets of under thirty days, but only if the licensee seeking to conduct satellite wagering suspends its satellite program during the conduct of the meets of all licensees within fifty (~~(air)~~) ground miles.

(2) Subject to local zoning and other land use ordinances, the commission shall be the sole judge of whether approval to conduct wagering at a satellite location shall be granted.

(3) The licensee shall combine the parimutuel pools of the satellite location with those of the racing facility for the purpose of determining odds and computing payoffs. The amount wagered at the satellite location shall be combined with the amount wagered at the racing facility for the application of take out formulas and distribution as provided in RCW 67.16.102, 67.16.105, 67.16.130, 67.16.170, and 67.16.175(~~; 67.16.210, and 67.16.220~~). A satellite extension of the licensee's racing facility shall be subject to the same application of the rules of racing as the licensee's racing facility.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

- (1) RCW 67.16.210 and 1987 c 347 s 5;
- (2) RCW 67.16.220 and 1987 c 347 s 6;
- (3) RCW 67.16.910 and 1990 c 297 s 24; and
- (4) RCW 67.16.911 and 1990 c 297 s 25.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

MOTIONS

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 1 of the title, after "racing;" strike the remainder of the title and insert "amending RCW 67.16.014, 67.16.102, 67.16.105, 67.16.130, 67.16.170, and 67.16.200; reenacting and amending RCW 67.16.100 and 67.16.175; repealing RCW 67.16.210, 67.16.220, 67.16.910, and 67.16.911; and declaring an emergency."

On motion of Senator McDonald, Engrossed Substitute House Bill No. 1120, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, we took the white bill up to the caucus and I read it thoroughly up there and I didn't see anything in it that prohibits giving free passes to the legislators and that was one of the main concerns. What changes were made in the pink addition from the white addition?"

Senator McDonald: "Is that the Ways and Means committee striking amendment?"

Senator Rasmussen: "Yes, that is the pink here."

Senator McDonald: "Basically, the only change was that we said that there would be no increase in the number of satellite betting facilities--that it would remain at the one per county. What this bill does is reduce the radius around the race track from fifty miles to twenty miles--"

Senator Rasmussen: "In a straight line?"

Senator McDonald: "In a straight line; therefore Pierce County, Kitsap County and Snohomish County could then qualify for their one facility--one satellite betting facility. As it was, because of the fifty miles, there was no way you could put one in."

Senator Rasmussen: "I'm not familiar--are race tracks taxed at open space--farm land--or what is it--or like tax rates like on my house?"

Senator McDonald: "You got me on that one. I'll find out."

Senator Rasmussen: "The other question is, what rate of B & O tax do they pay?"

Senator McDonald: "Senator Rasmussen, before we do a question and answer give me a little head start and I will see if I can have the answers, because on that one I don't know, but I will have it very quickly."

Senator Rasmussen: "I knew you would have that information because you are very much concerned with what money comes in and what goes out and it can't go out unless it comes in."

Senator McDonald: "That is correct, but the facts are, by this bill, there are no changes to the B & O tax rate and no changes to the property tax, therefore it was not a consideration."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1120, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1120, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 4; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, Snyder, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, Wojahn - 39.

Voting nay: Senators Cantu, Craswell, Metcalf, L. Smith - 4.

Excused: Senators Hansen, McCaslin, McMullen, Sutherland, West, Williams -

6.

ENGROSSED SUBSTITUTE HOUSE BILL NO 1120, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Craswell assumed the Chair.

MOTION

On motion of Senator Newhouse, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1991-8637

By Senators Vognild and Bailey

WHEREAS, The city of Marysville, founded by James Purcell Comeford, became a city in March of 1891, and is celebrating its centennial; and

WHEREAS, Marysville has seen steady growth and prosperity since its early beginnings in the 1880's as a trading post and logging town; and

WHEREAS, Timber was the first principal industry and has been slowly replaced by light industry; and

WHEREAS, The Tulalip Indian Tribe borders Marysville on its western side and is the city's closest neighbor; and

WHEREAS, Marysville has a strong sense of community among the ten thousand current residents; and

WHEREAS, In June, Marysville is the site of the Famous Strawberry Festival that was started in the 1900's and is attended by people from throughout Washington State; and

WHEREAS, Marysville invites all citizens to share in their community pride, a pride that continues to make Marysville a special place to live;

NOW, THEREFORE, BE IT RESOLVED, That the Senate pays tribute to the early settlers of one hundred years ago who saw the promise of Marysville; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the city of Marysville.

MOTION

On motion of Senator Anderson, the following resolutions were adopted:

SENATE RESOLUTION 1991-8639

By Senator Anderson

WHEREAS, The Lynden Christian Lyncs Girls' Basketball Team placed first in the state A tournament; and

WHEREAS, Such an accomplishment can only be achieved by a team of young people possessing strong feelings of self-worth and self-esteem; and

WHEREAS, Each and every member of the team, including Raelene Bajena, Tanna Bos, Sara Faber, Tressa Hamstra, Kelly Haugen, Julie

Hendricks, Carol Honcoop, Shannon Pecarich, Sally Shagren, Tawnia Vander Veen, and Amy Wystra played a key role in the march to victory; and

WHEREAS, This accomplishment could only be achieved with the cooperation of the Athletic Director Harlan Kredit, Coach Curt DeHaan, Assistant Coaches Ken Roberts, Nadine Carberry, Keven Van Berkum, and Managers Donna Byeman, Renne Bajema, and Marvin Hoekema, and the support of family, friends, and Lyncs fans;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize and honor the Lynden Christian Lyncs Girls' Basketball Team for this laudable accomplishment and for their contribution to the spirit of the entire student body; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the captain of the Lynden Christian Lyncs Girls' Basketball Team, the head coach, the principal, and the student body president.

SENATE RESOLUTION 1991-8640

By Senator Anderson

WHEREAS, The Lynden Lions Girls' Basketball Team placed second in the State A Basketball Tournament; and

WHEREAS, Such an accomplishment can only be achieved by a team of young people possessing strong feelings of self-worth and self-esteem; and

WHEREAS, Each and every member of the team, including Missy Clark, Kim DeValois, Tonya Holleman, Heidi Hougan, Leah Jensen, Heidi Langstraat, Tawnee Langstraat, Darlene Nyhoff, Julie Roosma, Monica Roosman, Lissa Tjoelker, and Michelle Wall played a key role in the march to victory; and

WHEREAS, This accomplishment could only be achieved with the cooperation of the Athletic Director Terry DeValois, Coach Mark Matthiesen, Assistant Coach Dwight Groves, and Managers Christy Hilt, and Helena Beckung, and the support of family, friends, and Lions fans;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize and honor the Lynden Lions Girls' Basketball Team for this laudable accomplishment and for their contribution to the spirit of the entire student body; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the captain of the Lynden Lions Girls' Basketball Team, the head coach, the principal, and the student body president.

SENATE RESOLUTION 1991-8641

By Senator Anderson

WHEREAS, The Lynden Lions Boys' Basketball Team placed first in the state A Tournament; and

WHEREAS, Such an accomplishment can only be achieved by a team of dedicated young people possessing strong feelings of self-worth and self-esteem; and

WHEREAS, Each and every member of the team, including Chad Baar, Grant Bonsen, Derric Croft, Drue Dickinson, Brian Foote, Brian Heppner, Colby Jones, Lief Salmonson, Shon Tenkley, Tom VanBerkum, Chad VanderKool, and Joel VanderYacht played a key role in the march to victory; and

WHEREAS, The team's victorious season was the direct result of Coach John Clark's leadership and dedication; and

WHEREAS, This accomplishment could only be achieved with the cooperation of the Athletic Director Terry DeValois, Assistant Coach Rob Visser, and Managers Aaron Hermanutz, and Brent VanDalen, and the support of family, friends, and Lions fans;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize and honor the Lynden Lions Boys' Basketball Team for this laudable accomplishment and for their contribution to the spirit of the entire student body; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the captain of the Lynden Lions Boys' Basketball Team, the head coach, the principal, and the student body president.

MOTION

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

SENATE RESOLUTION 1991-8621

By Senator Stratton

WHEREAS, Dr. Gerald Hester, Superintendent of the Spokane School District, has been selected one of the top four school superintendents in the nation by the American Association of School Administrators (AASA), recognition never before given to a Washington school superintendent; and

WHEREAS, Dr. Hester three times has been selected as one of the nation's top one hundred school administrators (1984, 1987, 1990); and

WHEREAS, Dr. Hester's candidacy for AASA Superintendent of the Year was endorsed by the United States Speaker of the House, Thomas S. Foley; Governor Booth Gardner; Superintendent of Public Instruction Judith Billings; and Linda Urquhart, Chair of the National School Board Association, Pacific Region; and

WHEREAS, Dr. Hester has, since 1980, presided over the smooth and effective operation of thirty-six elementary schools, six middle schools, five high schools, two alternative high schools, and a school for children with severe handicaps; and

WHEREAS, The success of Dr. Hester's innovative programs affects more than 1,700 teachers, 1,200 classified personnel, 17,400 families, and 29,000 students; and

WHEREAS, He has demonstrated his commitment to the community with leadership in a variety of community groups, including the Spokane YMCA, Rotary Club, Chamber of Commerce, People to People, and Spokane Visitors and Convention Bureau; and

WHEREAS, He has enhanced his own reputation and that of the Spokane schools through publication of articles in several prestigious education journals, including The NASSP Bulletin, The School Board Journal, and The Executive Educator; and

WHEREAS, Dr. Hester has established unique education programs to meet the needs of homeless children, critically at-risk children, and handicapped and low-income preschool children;

NOW, THEREFORE, BE IT RESOLVED, That the President and members of the Washington State Senate do hereby recognize the achievements of Dr. Gerald Hester, and extend, on behalf of all the citizens of the state of Washington, heartfelt congratulations and appreciation for his contributions to the people of Spokane and our great state; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to Dr. Gerald L. Hester, Superintendent of Spokane School District No. 81 and Mr. Hugh Davis, Public Affairs Officer of Spokane School District No. 81.

NOTICE OF AMENDMENT TO SENATE RULES

Senator Gaspard served notice of his intention to move an amendment to the Senate Rules.

MOTION

At 11:25 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, March 25, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

SEVENTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 25, 1991

The Senate was called to order at 10:00 a.m. by President Pro Tempore Craswell. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Hansen, Hayner, McDonald, McMullen, Owen, Sellar, Skratek and Wojahn. On motion of Senator Anderson, Senator Hayner was excused. On motion of Senator Murray, Senators Hansen, McMullen, Owen, Skratek and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Pages Katrin Ratassepp and Eric Miller, presented the Colors. Reverend Peter Mans, pastor of the Christian Reformed Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 21, 1991

HB 1195 Prime Sponsor, Representative Bray: Authorizing irrigation districts to establish consolidated local improvement districts. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

March 21, 1991

HB 1267 Prime Sponsor, Representative Holland: Authorizing the board of natural resources to reconvey lands leased to counties used for sanitary landfills. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

March 21, 1991

SHB 1304 Prime Sponsor, House Committee on Environmental Affairs: Requiring recycling at parks, marinas, and airports. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

March 21, 1991

SHB 1702 Prime Sponsor, House Committee on Agriculture and Rural Development: Modifying provisions regarding composition of the beef commission. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

March 20, 1991

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1012,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1025, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1012 by Committee on Fisheries and Wildlife (originally sponsored by Representatives Haugen, Wilson, Spanel, Morris, Cole, Zellinsky, Basich, Miller, Orr and Wynne)

Providing a mechanism to recover lost fishing nets.

Referred to Committee on Environment and Natural Resources.

ESHB 1025 by Committee on Appropriations (originally sponsored by Representatives Cantwell, Betrozoff, Roland, Heavey, R. Meyers, Dorn, Holland, Paris, Wineberry, Wilson, May, Phillips, Wang,

Sprenkle, Horn, Van Luven, Spanel, Wood, Prentice, Leonard, Haugen, Rust, Fraser, Nelson, Pruitt, G. Fisher, Jacobsen, R. Fisher, Valle, Hine, Winsley, Rasmussen, Scott, Forner, Brekke and Anderson) (by request of Governor Gardner)

Establishing growth management strategies.

Referred to Committee on Governmental Operations.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9110 Jane Reno, as a member of the Western State Hospital Advisory Board, was confirmed.

APPOINTMENT OF JANE RENO

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 2; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 41.

Absent: Senators McDonald, Sellar - 2.

Excused: Senators Hansen, Hayner, McMullen, Owen, Skratek, Wojahn - 6.

MOTION

On motion of Senator Anderson, Senator McDonald was excused.

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9113, Thomas Roe, as a member of the Eastern State Hospital Advisory Board, was confirmed.

APPOINTMENT OF THOMAS ROE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 42.

Excused: Senators Hansen, Hayner, McDonald, McMullen, Owen, Skratek, Wojahn - 7.

MOTION

At 10:22 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:01 a.m. by President Pro Tempore Craswell.

MOTION

At 11:01 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Tuesday, March 26, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

SEVENTY-SECOND DAY.

NOON SESSION

Senate Chamber, Olympia, Tuesday, March 26, 1991

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

MOTION

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

REPORTS OF STANDING COMMITTEES

March 25, 1991

HB 1057 Prime Sponsor, Representative Anderson: Providing protection to the lieutenant governor. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

March 25, 1991

EHB 1071 Prime Sponsor, Representative Anderson: Changing provisions relating to the appointment of precinct election officers. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

March 21, 1991

SHB 1112 Prime Sponsor, House Committee on Natural Resources and Parks: Providing for environmental interpretation in state parks. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Conner, Owen, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

March 25, 1991

EHB 1572 Prime Sponsor, Representative Spaul: Requiring additional labeling on salmon sold for human consumption. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

March 25, 1991

SHB 1715 Prime Sponsor, House Committee on State Government: Making the office of sheriff nonpartisan. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen, and Sutherland.

Passed to Committee on Rules for second reading.

March 25, 1991

HB 1716 Prime Sponsor, Representative Wood: Standardizing terminology relating to county auditors and recording officers. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

March 22, 1991

SHB 1958 Prime Sponsor, Committee on Agriculture and Rural Development: Changing requirements and penalties for livestock brands. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

March 25, 1991

HB 2163 Prime Sponsor, Representative Orr: Revoking licenses of persons who assault wildlife agents and other law enforcement officers. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 5953 by Senator Bailey

AN ACT Relating to education.

Referred to Committee on Education.

SCR 8405 by Senators McDonald, Anderson, Johnson, Matson, Craswell, Roach, Cantu, Thorsness, Oke and McCaslin

Establishing a joint task force to develop a public assistance plan.

Referred to Committee on Children and Family Services.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Engrossed Substitute House Bill No. 1214.

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 1214 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Substitute House Bill No. 1503.

On motion of Senator Newhouse, Substitute House Bill No. 1503 was referred to the Committee on Transportation.

On motion of Senator Newhouse, the Committee on Commerce and Labor was relieved of further consideration of Engrossed Substitute House Bill No. 1588.

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 1588 was referred to the Committee on Governmental Operations.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Engrossed House Bill No. 2093.

On motion of Senator Newhouse, Engrossed House Bill No. 2093 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Substitute House Bill No. 2118.

On motion of Senator Newhouse, Substitute House Bill No. 2118 was referred to the Committee on Higher Education.

NOTICE OF AMENDMENT ON DESK

Senator Gaspard announced that the proposed amendment to the Senate Rules, notice given March 22, 1991, was on the desk of each member.

MOTION

At 12:05 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, March 27, 1991.

JOEL PRITCHARD, President of the Senate
GORDON GOLOB, Secretary of the Senate.

SEVENTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 27, 1991

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr and Patterson.

The Sergeant at Arms Color Guard, consisting of Pages Kristen Lemieux and Mike Little, presented the Colors. Reverend Peter Mans, pastor of the Christian Reformed Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 25, 1991

HB 1812 Prime Sponsor, Representative Riley: Adopting the woodland stewardship assistance act. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

March 25, 1991

ESHB 1877 Prime Sponsor, House Committee on Appropriations: Creating the Olympic natural resources center. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, and Snyder.

Passed to Committee on Rules for second reading.

March 21, 1991

EHJM 4008 Prime Sponsor, Representative R. King: Requesting Congress and the President to ban driftnets. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9116 Helen Schwedenberg, as a member of the Western State Hospital Advisory Board, was confirmed.

APPOINTMENT OF HELEN SCHWEDENBERG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senators Barr, Patterson - 2.

INTRODUCTION OF SPECIAL GUESTS

The President introduced honored guests, Mr. George Moynihan of the Pacific Science Center, Cosmonaut Valentine Lebedev and Mrs. Ludmilla Lebedev, who were seated on the rostrum. Cosmonaut Lebedev was brought to Washington State by Mr. Moynihan for the Soviet Space exhibit currently on display at the Science Center. Cosmonaut Lebedev and his commander spent seven months in space performing a variety of scientific work and has written a book Diary of a Cosmonaut: 211 days in Space.

With permission of the Senate, business was suspended to permit Cosmonaut Lebedev to address the Senate.

President Pritchard presented Cosmonaut Lebedev with a gift, a book on Washington State.

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9118, Kathryn A. Sharp, as a member of the Eastern State Hospital Advisory Board, was confirmed.

APPOINTMENT OF KATHYRN A. SHARP

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, West, Williams, Wojahn - 49.

MOTION

On motion of Senator Newhouse, the following Senate Bills were returned to the Committee on Rules:

SENATE BILLS - THIRD READING

SSB 5532 - Acting in course of employmt

SENATE BILLS - SECOND READING

SB 5026 - Voter/Driver's license lists
 SB 5032 - Chlorofluorocarbons
 SB 5072 - Indigent defense task force
 SB 5084 - Juror compensation
 SB 5117 - Signatur requirmnts/init/ref
 SB 5125 - Private detective licensing
 SB 5232 - Real estate brokerage commsn
 SB 5240 - Corporal punishment/schools
 SB 5282 - School construction wages
 SB 5284 - Braille instruction oportun
 SB 5289 - Attorneys' fees and costs
 SB 5379 - Low-income housing relocatn
 SB 5428 - Pac Ocean Resources Compact
 SB 5463 - School site-based councils
 SB 5523 - Minimum wage tip credit
 SB 5593 - Private schools
 SB 5623 - Offender sentencing
 SB 5681 - Geothermal resource leasing
 SB 5725 - Electrical licensing exmptns
 SB 5749 - Citizen review bd/children

SB 5760 - Licensing agents/subagents
 SB 5769 - Nonpower vehicle fees/taxes
 SB 5792 - Chiropractic peer review
 SJM 8011 - Tri-Party agreement/Hanford
 SJR 8202 - Init/referendum signatures
 SJR 8207 - Olympia seat of government
 SJR 8225 - New or increased tax voting
 SJR 8226 - Emergency reserve fund
 SJR 8227 - Gubernatorial appointments
 SCR 8401 - Media environmental coverage
 SCR 8402 - Teacher housing assistance

Senate Bill No. 5149 will remain on the Second Reading Calendar.

MOTION

At 10:32 a.m., on motion of Senator Newhouse, the Senate recessed until 11:00 a.m.

The Senate was called to order at 11:13 a.m. by President Pritchard.

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

MOTION

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

SENATE RESOLUTION 1991-8630

By Senators Niemi and Pelz

WHEREAS, The Garfield High School boys' basketball team, the Bulldogs, defeated the Redmond Mustangs sixty-three to fifty-one in the Washington State Class AAA championship game held on March 9, 1991; and

WHEREAS, Garfield High School has won ten state AAA basketball championships, more than any team in state history; and

WHEREAS, Coach Al Hairston is the first coach in the sixty-eight year history of the AAA tournament to win five state championships; and

WHEREAS, Head Coach Al Hairston and Assistant Coaches JoJo Rodriquez, Glenn Smith, and Gerald Pleasant energetically guided the strong team composed of seniors Bryant Boston, Derrick Quinet, Joshua McMillion, Rashaan Phillips, Chris Roth, and Robert Starin; juniors LeNard Jones, Donald Hunter, Germaine Harris, Eric Atkinson, and Andre Winston; and sophomore Jarvis Kelley; and

WHEREAS, The media selected senior guard, Bryant Boston, as the tournament's most valuable player; and

WHEREAS, The media selected junior forward, LeNard Jones, to the Second Team/All Tournament; and

WHEREAS, The Bulldogs' record for the season was twenty-eight wins and one loss; and

WHEREAS, The Bulldogs will be playing in Class AA in future years, and this was their last appearance in the Class AAA championship;

NOW, THEREFORE, BE IT RESOLVED, That the entire Bulldogs' team and its coaches be commended for their outstanding achievements; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Garfield High School, each basketball team member, and each coach.

Senators Niemi and Pelz spoke to Senate Resolution 1991-8630.

MOTION

Senator Gaspard moved that the following resolution be adopted:

SENATE RESOLUTION 1991-8642

By Senators Gaspard and von Reichbauer

BE IT RESOLVED, That Senate Resolution 1991-8606, adopting the Rules of the Senate for the 1991 Regular Session of the 52nd Legislature, be amended as follows:

On page 7, add the following language at the end of Rule 13:

Recognizing the public concern about lobbyist influence on the legislative process, the Senate encourages more complete disclosure of all gifts from lobbyists registered pursuant to chapter 42.17 RCW by requiring the following:

(1) Each quarter, beginning with the 2nd calendar quarter of 1991, each Senator and staff member of the Senate shall advise the public disclosure commission of all gifts, received by that Senator or staff member.

For this rule, "gift" means a rendering of money, property, services, discount, loan forgiveness, payment of indebtedness, reimbursements from or payments by persons, other than the state of Washington or any agency or political subdivision thereof, for travel or anything else of value in excess of fifty dollars in return for which legal consideration of equal or greater value is not given and received but does not include:

(a) Any contribution that is required to be reported under chapter 42.17 RCW;

(b) Any informational material that is transferred for the purpose of informing the recipient about matters pertaining to official legislative business, and that is not intended to financially benefit that recipient;

(c) Any symbolic presentation that is not intended to financially benefit the recipient;

(d) Any hosting in the form of entertainment, meals, or refreshments, the value of which does not exceed one hundred dollars, furnished in connection with official appearances, official ceremonies, and occasions where official legislative business is discussed;

(e) Gifts that are not used and that, within thirty days after receipt, are returned to the donor or delivered to a charitable organization without being claimed as a charitable contribution for tax purposes;

(f) Intrafamily gifts; or

(g) Gifts received in the normal course of private business or social interaction that are not related to public policy decisions or legislative actions.

(2) The lobbyists shall provide each member a timely report of such gifts.

Senators Gaspard, von Reichbauer, Hayner, Talmadge, Newhouse, Nelson and Rasmussen spoke to Senate Resolution 1991-8642.

The President declared the question before the Senate to be the adoption of Senate Resolution 1991-8642.

The motion by Senator Gaspard carried and Senate Resolution 1991-8642 was adopted.

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

MESSAGE FROM THE HOUSE

March 27, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5806 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes as a fundamental government purpose the need to protect the environment and human health and safety. To that end the state has enacted laws designed to limit and prevent environmental damage and risk to public health and safety caused by underground petroleum storage tank leaks. Because of the costs associated with compliance with such laws and the high costs associated with correcting past environmental damage, many owners and operators of underground petroleum storage tanks have discontinued the use of or have planned to discontinue the use of such tanks. As a consequence, isolated communities face the loss of their source of motor vehicle fuel and face the risk that the owner or operator will have insufficient funds to take corrective action for pollution caused by past leaks from the tanks. In particular, rural communities face the risk that essential emergency, medical, fire and police services may be disrupted through the diminution or elimination of local sellers of petroleum products and by the closure of underground storage tanks owned by local government entities serving these communities.

The legislature also recognizes as a fundamental government purpose the need to preserve a minimum level of economic viability in rural communities so that public revenues generated from economic activity are sufficient to sustain necessary governmental functions. The closing of local service stations adversely affects local economies by reducing or eliminating reasonable access to fuel for agricultural, commercial, and transportation needs.

The legislature intends to assist small communities within this state by authorizing:

(1) Cities, towns, and counties to certify that a local private owner or operator of an underground petroleum storage tank meets a vital local government, public health

or safety need thereby qualifying the owner or operator for state financial assistance in complying with environmental regulations and assistance in taking needed corrective action for existing tank leaks; and

(2) Local government entities to obtain state financial assistance to bring local government underground petroleum storage tanks into compliance with environmental regulations and to take needed corrective action for existing tank leaks.

NEW SECTION. Sec. 2. (1) Subject to the conditions and limitations of sections 1 through 6 of this act, the director shall establish and manage a program for providing financial assistance to public and private owners and operators of underground storage tanks who have been certified by the governing body of the county, city, or town in which the tanks are located as meeting a vital local government, public health or safety need. In providing such financial assistance the director shall:

(a) Require owners and operators, including local government owners and operators, to demonstrate serious financial hardship;

(b) Limit assistance to only that amount necessary to supplement applicant financial resources;

(c) Limit assistance to no more than one hundred fifty thousand dollars in value for any one underground storage tank site of which amount no more than seventy-five thousand dollars in value may be provided for corrective action; and

(d) Whenever practicable, provide assistance through the direct payment of contractors and other professionals for labor, materials, and other services.

(2) Except as otherwise provided in sections 1 through 6 of this act, no grant of financial assistance may be used for any purpose other than for corrective action and repair, replacement, reconstruction, and improvement of underground storage tanks and tank sites. If at any time prior to providing financial assistance or in the course of providing such assistance, it appears to the director that corrective action costs may exceed seventy-five thousand dollars, the director may not provide further financial assistance until the owner or operator has developed and implemented a corrective action plan with the department of ecology.

(3) When requests for financial assistance exceed available funds, the director shall give preference to providing assistance first to those underground storage tank sites which constitute the sole source of petroleum products in remote rural communities.

(4) The director shall consult with the department of ecology in approving financial assistance for corrective action to ensure compliance with regulations governing underground petroleum storage tanks and corrective action.

(5) The director shall approve or disapprove applications for financial assistance within sixty days of receipt of a completed application meeting the requirements of sections 1 through 6 of this act. The certification by local government of an owner or operator shall not preclude the director from disapproving an application for financial assistance if the director finds that such assistance would not meet the purposes of sections 1 through 6 of this act.

(6) The director may adopt all rules necessary to implement the financial assistance program and shall consult with the technical advisory committee established under RCW 70.148.030 in developing such rules and in reviewing applications for financial assistance.

NEW SECTION. Sec. 3. (1) To qualify for financial assistance, a private owner or operator retailing petroleum products to the public must:

(a) First apply for insurance from the pollution liability insurance program and request financial assistance in a form and manner required by the director;

(b) If the director makes a preliminary determination of possible eligibility for financial assistance, apply to the appropriate governing body of the city or town in which the tanks are located or in the case where the tanks are located outside of the

jurisdiction of a city or town, then to the appropriate governing body of the county in which the tanks are located, for a determination by the governing body of the city, town, or county that the continued operation of the tanks meets a vital local government, or public health or safety need; and

(c) Qualify for insurance coverage from the pollution liability insurance program if such financial assistance were to be provided.

(2) In consideration for financial assistance and prior to receiving such assistance the owner and operator must enter into an agreement with the state whereby the owner and operator agree:

(a) To sell petroleum products to the public;

(b) To maintain the tank site for use in the retail sale of petroleum products for a period of not less than fifteen years from the date of agreement;

(c) To sell petroleum products to local government entities within the affected community on a cost-plus basis periodically negotiated between the owner and operator and the city, town, or county in which the tanks are located; and

(d) To maintain compliance with state underground storage tank financial responsibility and environmental regulations.

(3) The agreement shall be filed as a real property lien against the tank site with the county auditor in which the tanks are located. If the owner or operator transfers his or her interest in such property, the new owner or operator must agree to abide by the agreement or any financial assistance provided under sections 1 through 6 of this act shall be immediately repaid to the state by the owner or operator who received such assistance.

(4) As determined by the director, if an owner or operator materially breaches the agreement, any financial assistance provided shall be immediately repaid by such owner or operator.

(5) The agreement between an owner and operator and the state required under this section shall expire fifteen years from the date of entering into the agreement.

NEW SECTION. Sec. 4. (1) To qualify for financial assistance, a public owner or operator must:

(a) First apply for insurance from the pollution liability insurance program and request financial assistance in a form and manner required by the director;

(b) Provide to the director a copy of the resolution by the governing body of the city, town, or county having jurisdiction, finding that the continued operation of the tanks is necessary to maintain vital local public health, education, or safety needs;

(c) Qualify for insurance coverage from the pollution liability insurance program if such financial assistance were to be provided.

(2) The director shall give priority to and shall encourage local government entities to consolidate multiple operational underground storage tank sites into as few sites as possible. For this purpose, the director may provide financial assistance for the establishment of a new local government underground storage tank site contingent upon the closure of other operational sites in accordance with environmental regulations. Within the per site financial limits imposed under sections 1 through 6 of this act, the director may authorize financial assistance for the closure of operational sites when closure is for the purpose of consolidation.

NEW SECTION. Sec. 5. To qualify for financial assistance, a rural hospital as defined in RCW 18.89.020, owning or operating an underground storage tank must:

(1) First apply for insurance from the pollution liability insurance program and request financial assistance in a form and manner required by the director;

(2) Apply to the governing body of the city, town, or county in which the hospital is located for certification that the continued operation of the tank or tanks is necessary to maintain vital local public health or safety needs;

(3) Qualify for insurance coverage from the pollution liability insurance program if such financial assistance were to be provided; and

(4) Agree to provide charity care as defined in RCW 70.39.020 in an amount of equivalent value to the financial assistance provided under sections 1 through 6 of this act. The director shall consult with the department of health to monitor and determine the time period over which such care should be expected to be provided in the local community.

NEW SECTION. Sec. 6. (1) The director shall develop and distribute to appropriate cities, towns, and counties a form for use by the local government in making the certification required for all private owner and operator financial assistance along with instructions on the use of such form.

(2) In certifying a private owner or operator retailing petroleum products to the public as meeting vital local government, public health or safety needs, the local government shall:

(a) Consider and find that other retail suppliers of petroleum products are located remote from the local community;

(b) Consider and find that the owner or operator requesting certification is capable of faithfully fulfilling the agreement required for financial assistance;

(c) Designate the local government official who will be responsible for negotiating the price of petroleum products to be sold on a cost-plus basis to the local government entities in the affected communities and the entities eligible to receive petroleum products at such price; and

(d) State the vital need or needs that the owner or operator meets.

(3) In certifying a hospital as meeting local public health and safety needs the local government shall:

(a) Consider and find that the continued use of the underground storage tank by the hospital is necessary; and

(b) Consider and find that the hospital provides health care services to the poor and otherwise provides charity care.

(4) The director shall notify the governing body of the city, town, or county providing certification when financial assistance for a private owner or operator has been approved.

Sec. 7. RCW 70.148.020 and 1990 c 64 s 3 are each amended to read as follows:

(1) The pollution liability insurance program trust account is established in the custody of the state treasurer. All funds appropriated for this chapter and all premiums collected for reinsurance shall be deposited in the account. Expenditures from the account shall be used exclusively for the purposes of this chapter including payment of costs of administering the pollution liability insurance and underground storage tank community assistance programs. The account is subject to allotment procedures under chapter 43.88 RCW. Expenditures for payment of the costs of administering the program may be made only after appropriation by statute. No appropriation is required for other expenditures from the account. The earnings on any surplus balances in the pollution liability insurance program trust account shall be credited to the account notwithstanding RCW 43.84.090.

(2) Each calendar quarter, the director shall report to the insurance commissioner and the chairs of the senate ways and means, senate financial institutions, house of representatives revenue, and house of representatives financial institutions committees, the loss and surplus reserves required for the calendar quarter. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter.

(3) Each calendar quarter the director shall report to the chairs of the senate ways and means, senate financial institutions, house of representatives revenue, and house of representatives financial institutions and insurance committees, the amount of reserves necessary to fund commitments made to provide financial assistance under section 2 of this act to the extent that the financial assistance reserves do not jeopardize the operations and liabilities of the pollution liability insurance program. The director shall

notify the department of revenue of this amount by the fifteenth day of each calendar quarter. The director may immediately establish an initial financial assistance reserve of five million dollars from available revenues. The director may not expend more than fifteen million dollars for the financial assistance program.

Sec. 8. RCW 82.23A.020 and 1990 c 64 s 12 are each amended to read as follows:

(1) A tax is imposed on the privilege of possession of petroleum products in this state. The rate of the tax shall be fifty one-hundredths of one percent multiplied by the wholesale value of the petroleum product.

(2) Moneys collected under this chapter shall be deposited in the pollution liability insurance program trust account under RCW 70.148.020.

(3) Chapter 82.32 RCW applies to the tax imposed in this chapter. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the tax imposed in this chapter.

(4) Within thirty days after the end of each calendar quarter the department shall determine the "quarterly balance," which shall be the cash balance in the pollution liability insurance program trust account as of the last day of that calendar quarter, after excluding the reserves determined for that quarter under RCW 70.148.020(2) and (3). Balance determinations by the department under this section are final and shall not be used to challenge the validity of any tax imposed under this section. For each subsequent calendar quarter, tax shall be imposed under this section during the entire calendar quarter unless:

(a) Tax was imposed under this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than fifteen million dollars; or

(b) Tax was not imposed under this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than seven million five hundred thousand dollars.

NEW SECTION. Sec. 9. Sections 1 through 6 of this act shall each be added to chapter 70.148 RCW.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 2 of the title, after "products;" strike the remainder of the title and insert "amending RCW 70.148.020 and 82.23A.020; adding new sections to chapter 70.148 RCW; and declaring an emergency." and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendments to Substitute Senate Bill No. 5806.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5806, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5806, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SUBSTITUTE SENATE BILL NO. 5806, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Craswell assumed the Chair.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1060, by Representatives Ludwig, Padden, R. Meyers, Orr, Winsley and Sheldon

Requiring the notice to the creditors of a deceased person to be filed with the clerk of the court.

The bill was read the second time.

MOTION

On motion of Senator Nelson, House Bill No. 1060 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1060.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1060 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Absent: Senator McDonald - 1.

HOUSE BILL NO. 1060, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Madsen, Senator L. Kreidler was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1062, by House Committee on Judiciary (originally sponsored by Representatives Ludwig, Padden, R. Meyers and Orr)

Broadening the power of fiduciaries to divide trusts.

The bill was read the second time.

MOTION

On motion of Senator Nelson, Substitute House Bill No. 1062 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1062.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1062 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator L. Kreidler - 1.

SUBSTITUTE HOUSE BILL NO. 1062, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1063, by Representatives Ludwig, Padden, R. Meyers and Orr

Revising provisions on disposition of disclaimed interest.

The bill was read the second time.

MOTION

On motion of Senator Nelson, House Bill No. 1063 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1063.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1063 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Absent: Senator McDonald - 1.

HOUSE BILL NO. 1063, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1195, by Representatives Bray, Ferguson, Nealey, Rayburn, Haugen, Ludwig, Grant, Neher and Wynne

Authorizing irrigation districts to establish consolidated local improvement districts.

The bill was read the second time.

MOTION

On motion of Senator Barr, House Bill No. 1195 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1195.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1195 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Absent: Senator Erwin - 1.

HOUSE BILL NO. 1195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

March 26, 1991

HB 1038 Prime Sponsor, Representative Kremen: Extending the commission for efficiency and accountability an additional four years. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; and Madsen.

Passed to Committee on Rules for second reading.

March 26, 1991

HB 1040 Prime Sponsor, Representative Rayburn: Authorizing municipal utilities to reimburse the city or town for management services. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; and Madsen.

Passed to Committee on Rules for second reading.

March 26, 1991

HB 1625 Prime Sponsor, Representative McLean: Removing the requirement for the development of a plan for voluntary combined reporting for agricultural employers. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

March 26, 1991

SHB 1776 Prime Sponsor, House Committee on Agriculture and Rural Development: Establishing a license to practice specialized veterinary medicine. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Bailey, Gaspard, and Hansen.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Health and Long-Term Care was relieved of further consideration of Engrossed Substitute House Bill No. 1158.

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 1158 was referred to the Committee on Children and Family Services.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Engrossed Substitute House Bill No. 1564.

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 1564 was referred to the Committee on Transportation.

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Substitute House Bill No. 1821.

On motion of Senator Newhouse, Substitute House Bill No. 1821 was referred to the Committee on Commerce and Labor.

MOTION

At 11:59 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, March 28, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

SEVENTY-FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, March 28, 1991

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

MOTION

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

REPORTS OF STANDING COMMITTEES

March 26, 1991

HB 1013 Prime Sponsor, Representative Zellinsky: Changing provisions relating to newly incorporated cities and towns. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; and Madsen.

Passed to Committee on Rules for second reading.

March 25, 1991

HB 1030 Prime Sponsor, Representative Valle: Requiring posting of liquor applications. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, Moore, and Murray.

Passed to Committee on Rules for second reading.

March 27, 1991

SHB 1059 Prime Sponsor, House Committee on Judiciary: Revising the list of personal property exempt from enforcement of judgments. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Madsen, Newhouse, Rasmussen, and A. Smith.

Referred to Committee on Ways and Means.

March 27, 1991

HB 1091 Prime Sponsor, Representative Appelwick: Establishing the uniform foreign-money claims act. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

March 25, 1991

EHB 1096 Prime Sponsor, Representative Winsley: Increasing the fine for failing to install smoke detectors. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, Moore, and Murray.

Passed to Committee on Rules for second reading.

March 26, 1991

EHB 1118 Prime Sponsor, Representative R. Fisher: Adjusting length restrictions on buses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Erwin, Hansen, Oke, Sellar, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

March 27, 1991

ESHB 1127 Prime Sponsor, House Committee on Judiciary: Adding superior court judge positions. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Erwin, Hayner, Madsen, and Rasmussen.

Referred to Committee on Ways and Means.

March 27, 1991

SHB 1137 Prime Sponsor, House Committee on Commerce and Labor: Clarifying "criminal justice purposes" for local government

criminal justice assistance. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

March 27, 1991

SHB 1199 Prime Sponsor, House Committee on Local Government: Authorizing local law and justice councils. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

March 25, 1991

ESHB 1204 Prime Sponsor, House Committee on Natural Resources and Parks: Changing provisions relating to natural resources conservation areas. Reported by Committee on Environment and Natural Resources.

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

March 26, 1991

SHB 1275 Prime Sponsor, House Committee on Local Government: Adjusting provisions relating to local government. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; and Madsen.

Passed to Committee on Rules for second reading.

March 27, 1991

SHB 1316 Prime Sponsor, House Committee on Local Government: Changing provisions relating to county treasurers. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Sutherland

Passed to Committee on Rules for second reading.

March 26, 1991

HB 1558 Prime Sponsor, Representative R. Meyers: Improving the state patrol compensation survey. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Hansen, Madsen, McMullen, Oke, Sellar, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

March 27, 1991

HB 1675 Prime Sponsor, Representative Inslee: Establishing civil docket priority for parties over seventy years of age or terminally ill. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

March 26, 1991

SHB 1771 Prime Sponsor, House Committee on Transportation: Changing transportation authority of first class cities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Barr, Erwin, Hansen, McMullen, Oke, Sellar, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

March 27, 1991

HB 1878 Prime Sponsor, Representative Cooper: Establishing minimum requirements for dealers' plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Hansen, McMullen, Oke, Skratek, Snyder, and Thorsness.

Passed to Committee on Rules for second reading.

March 26, 1991

HB 1985 Prime Sponsor, Representative R. Meyers: Requiring teachers to have professional preparation in child abuse issues. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

March 27, 1991

HB 2073 Prime Sponsor, Representative Padden: Increasing the penalties for selling controlled substances for profit. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5806.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Substitute House Bill No. 1573.

On motion of Senator Newhouse, Substitute House Bill No. 1573 was referred to the Committee on Financial Institutions and Insurance.

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Substitute House Bill No. 1634.

On motion of Senator Newhouse, Substitute House Bill No. 1634 was referred to the Committee on Transportation.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Engrossed Substitute House Bill No. 2095.

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 2095 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of House Bill No. 2180.

On motion of Senator Newhouse, House Bill No. 2180 was referred to the Committee on Ways and Means.

MOTION

At 12:07 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, March 29, 1991.

JOEL PRITCHARD, President of the Senate
GORDON GOLOB, Secretary of the Senate.

SEVENTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 29, 1991

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Barr, Hansen, McMullen, Owen and Vognild. On motion of Senator Linda Smith, Senator Amondson was excused. On motion of Senator Murray, Senator Owen was excused.

The Sergeant at Arms Color Guard, consisting of Pages Brock Gardner and Brady Howden, presented the Colors. Reverend Peter Mans, pastor of the Christian Reformed Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 27, 1991

ESHB 1081 Prime Sponsor, House Committee on Transportation: Implementing a bicycle safety program. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Erwin, Hansen, McMullen, Oke, Skratek, Snyder, and Thorsness.

Passed to Committee on Rules for second reading.

March 26, 1991

ESHB 1174 Prime Sponsor, House Committee on Education: Allowing school bus drivers to report drivers who fail to stop. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

March 27, 1991

HB 1176 Prime Sponsor, Representative Leonard: Specifying timing and voting on filling school board vacancies. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

March 28, 1991

HB 1193 Prime Sponsor, Representative Zellinsky: Modifying compensation conditions for fire commissioners who serve as volunteer fire fighters. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

March 28, 1991

EHB 1327 Prime Sponsor, Representative Anderson: Revising sunset review responsibilities of the legislative budget committee. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

March 28, 1991

SHB 1460 Prime Sponsor, House Committee on Local Government: Providing an alternative to drainage districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

March 28, 1991

HB 1489 Prime Sponsor, Representative H. Meyers: Adding limited new services to the current common carrier exceptions to the privacy act. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Nelson, Patterson, Roach, Stratton, and Sutherland.

MINORITY recommendation: Do not pass. Signed by Senators Jesernig and Williams.

Passed to Committee on Rules for second reading.

March 28, 1991

EHB 1554 Prime Sponsor, Representative Anderson: Facilitating voter registration address verification. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

March 28, 1991

HB 1562 Prime Sponsor, Representative Anderson: Modifying the department of general administration's duties regarding excess receipts from building rent. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Referred to Committee on Ways and Means.

March 28, 1991

EHB 2141 Prime Sponsor, Representative Prince: Establishing a state oral history program. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENTS

March 27, 1991

GA 9062 MATTHEW J. COYLE, appointed September 1, 1989, for a term ending March 1, 1991, as a member of the Board of Tax Appeals.
Reported by Committee on Ways and Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey,

Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Rinehart, Saling, L. Smith, Talmadge, West, and Wojahn.

Passed to Committee on Rules.

March 27, 1991

GA 9096 LEONARD A. McCOMB, appointed November 13, 1989, for a term continuing at the Governor's pleasure, as Director of the Office of Financial Management.
Reported by Committee on Ways and Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Rinehart, Saling, Talmadge, West, and Wojahn.

Passed to Committee on Rules.

March 27, 1991

GA 9102 DENNIS I. OKAMOTO, appointed February 15, 1990, for a term beginning March 1, 1990, and continuing at the Governor's pleasure as Director of the Department of Revenue.
Reported by Committee on Ways and Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Rinehart, Saling, L. Smith, Talmadge, West, and Wojahn.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 5954 by Senators von Reichbauer and Pelz

AN ACT Relating to financial decisions by the state investment board; amending RCW 43.33A.030, 43.33A.100, 43.33A.020, 43.33A.040, 43.33A.110, and 43.33A.150; and creating a new section.

Referred to Committee on Financial Institutions and Insurance.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9124, Michael G. South, as a member of the Eastern State Hospital Advisory Board, was confirmed.

APPOINTMENT OF MICHAEL G. SOUTH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 4; Excused, 2.

Voting yea: Senators Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 43.

Absent: Senators Barr, Hansen, McMullen, Vognild - 4.

Excused: Senators Amondson, Owen - 2.

MOTIONS

On motion of Senator Murray, Senators Hansen, McMullen and Vognild were excused.

On motion of Senator Anderson, Senator Barr was excused.

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9129, James L. Taylor, as a member of the Western State Hospital Advisory Board, was confirmed.

APPOINTMENT OF JAMES L. TAYLOR

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 43.

Excused: Senators Amondson, Barr, Hansen, McMullen, Owen, Vognild - 6.

SECOND READING

HOUSE BILL NO. 1267, by Representatives Holland, Scott, Beck, Valle, Winsley and Wynne (by request of Department of Natural Resources)

Authorizing the board of natural resources to reconvey lands leased to counties used for sanitary landfills.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, House Bill No. 1267 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1267.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1267 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Amondson, Barr, Hansen, McMullen, Owen - 5.

HOUSE BILL NO. 1267, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1304, by House Committee on Environmental Affairs (originally sponsored by Representatives Valle, Horn, Rust, D. Sommers, Paris, Forner, Brekke, May and Wineberry)

Requiring recycling in state parks, marinas, and airports.

The bill was read the second time.

MOTION

Senator Conner moved that the following amendment be adopted:

On page 3, after line 6, include the following:

NEW SECTION. Sec. 4. A new section is added to chapter 47.60 RCW to read as follows:

No restaurant, retail food vendor, food packager, nonprofit food provider, or other food service operation located aboard a ferryboat or within a ferry terminal operating within the boundaries of the state of Washington, may serve or package prepared food in containers or wrappers made in whole or in part of polystyrene foam products. A restaurant, retail food vendor, food packager, nonprofit food provider, or food service operator who violates this section is guilty of a misdemeanor punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. 5. A new section is added to chapter 81.84 RCW to read as follows:

No restaurant, retail food vendor, food packager, nonprofit food provider, or other food service operation located aboard a ferryboat or within a ferry terminal operating within the boundaries of the state of Washington, may serve or package prepared food in containers or wrappers made in whole or in part of polystyrene foam products. A violation of this section is a misdemeanor punishable under chapter 9A.20 RCW.

POINT OF ORDER

Senator Metcalf: "A point of order, Mr. President. Regretfully, I would raise the question of scope and object on this amendment. The bill is requiring recycling in state parks, marinas and airports. This relates to ferry boats and the other thing is the bans are a problem. We're more into the era of being able to utilize--well this is a ban instead of a recycling effort and is clearly beyond the scope and object of the bill."

Debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 1304 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1702, by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Rasmussen, Prince, Jacobsen and Rayburn)

Modifying provisions regarding composition of the beef commission.

The bill was read the second time.

MOTION

On motion of Newhouse, the rules were suspended, Substitute House Bill No. 1702 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1702.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1702 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Amondson, Barr, Hansen, McMullen, Owen - 5.

SUBSTITUTE HOUSE BILL NO. 1702, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:34 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, April 1, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

SEVENTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 1, 1991

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Barr, Cantu, McDonald and Rinehart. On motion of Senator Murray, Senator Rinehart was excused.

The Sergeant at Arms Color Guard, consisting of Pages Rian Wojahn and Tad Law, presented the Colors. Reverend Dr. Ray Dimino, pastor of the Emmanuel Baptist Church of Olympia, offered the prayer.

MOTION

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

INVITATION TO FORMER SENATORS

This being Old Timer's Day, the President invited the former Senators to take seats within the Senate Chamber.

REPORTS OF STANDING COMMITTEES

March 28, 1991

SHB 1003 Prime Sponsor, House Committee on Health Care: Requiring practitioners to provide information on prescription drugs. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

March 28, 1991

SHB 1008 Prime Sponsor, House Committee on Health Care: Evaluating labels for over-the-counter medications. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

March 28, 1991

HB 1024 Prime Sponsor, Representative Zellinsky: Excluding certain driving record information pertaining to law enforcement officers and fire fighters from abstracts of driving records. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Moore, Owen, Pelz, Rasmussen, Sellar, Vognild, and West.

Passed to Committee on Rules for second reading.

March 28, 1991

SHB 1082 Prime Sponsor, House Committee on Health Care: Allowing nondisclosure of trade information by the health care authority and state employees benefits board. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

March 28, 1991

HB 1084 Prime Sponsor, Representative Franklin: Modifying provisions relating to minors on liquor establishments. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; Bluechel, McCaslin, McDonald, and Moore.

Passed to Committee on Rules for second reading.

March 28, 1991

HB 1125 Prime Sponsor, Representative Braddock: Changing the billing period to twelve months. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

March 28, 1991

EHB 1128 Prime Sponsor, Representative Fisher: Concerning high occupancy vehicle violations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Conner, Erwin, Hansen, Madsen, McMullen, Oke, Sellar, Skratek, Snyder, and Thorsness.

Passed to Committee on Rules for second reading.

March 28, 1991

EHB 1156 Prime Sponsor, Representative Winsley: Regulating structural pest control inspectors. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

March 27, 1991

HB 1159 Prime Sponsor, Representative Cole: Requiring the adoption of a policy prohibiting corporal punishment in schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Murray, Pelz, Rinehart, A. Smith, and Talmadge.

MINORITY recommendation: Do not pass. Signed by Senators Erwin, Vice Chairman; Anderson, Craswell, Metcalf, and Oke.

Passed to Committee on Rules for second reading.

March 28, 1991

SHB 1200 Prime Sponsor, House Committee on Health Care: Continuing direct access to physical therapists. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

March 27, 1991

SHB 1222 Prime Sponsor, House Committee on Education: Placing the responsibility for the formation of school directors' districts with the districts' boards of directors. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Anderson, Metcalf, Murray, Oke, Pelz, Rinehart, and Talmadge.

Passed to Committee on Rules for second reading.

March 28, 1991

SHB 1317 Prime Sponsor, Committee on Revenue: Clarifying the tax exemption for medically prescribed oxygen. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Referred to Committee on Ways and Means.

March 28, 1991

HB 1400 Prime Sponsor, Representative Morton: Modifying grant criteria for rural health care projects. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

March 28, 1991

ESHB 1426 Prime Sponsor, Committee on Agriculture and Rural Development: Establishing the center for sustaining agriculture and natural resources, and the food and environmental quality laboratory as research and extension programs of Washington State University. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

March 28, 1991

ESHB 1440 Prime Sponsor, House Committee on Housing: Regulating mobile homes. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McMullen, Moore, and Murray.

Passed to Committee on Rules for second reading.

March 27, 1991

HB 1450 Prime Sponsor, Representative Peery: Providing a business and occupation tax credit for services provided by a public safety testing lab. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 28, 1991

HB 1458 Prime Sponsor, Representative Ludwig: Ending dual registration requirements for limousine charter party carriers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Hansen, Madsen, McMullen, Oke, Sellar, Skratek, Snyder, Thorsness, and Vognilid.

Passed to Committee on Rules for second reading.

March 27, 1991

SHB 1704 Prime Sponsor, House Committee on Transportation: Changing provisions relating to motor vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Hansen, McMullen, Oke, Snyder, and Thorsness.

MINORITY recommendation: Do not pass as amended. Signed by Senator Skratek.

Passed to Committee on Rules for second reading.

March 28, 1991

EHB 1740 Prime Sponsor, Representative Ogden: Changing provisions relating to housing authorities. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

March 28, 1991

SHB 1789 Prime Sponsor, House Committee on Health Care: Concerning the filling of prescriptions written by out-of-state prescribers. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

March 28, 1991

HB 1853 Prime Sponsor, Representative Wang: Increasing fees for nonprofit corporation filings. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Gaspard, Johnson, L. Kreidler, Murray, Newhouse, Niemi, Saling, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

March 28, 1991

SHB 1858 Prime Sponsor, House Committee on Local Government: Authorizing cities and towns to cash employee checks, drafts, and warrants. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

March 28, 1991

SHB 1954 Prime Sponsor, House Committee on Agriculture and Rural Development: Changing conditions and limitations on agricultural nuisances. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

March 28, 1991

HB 1955 Prime Sponsor, Representative Rayburn: Changing provisions regarding misbranded or adulterated food. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

March 28, 1991

HB 1991 Prime Sponsor, Representative Fisher: Adjusting certain vehicle size and weight restrictions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Hansen, Madsen, McMullen, Oke, Sellar, Skratek, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

March 28, 1991

HB 1995 Prime Sponsor, Representative Fisher: Exempting converter gear and tow dollies from licensing. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Hansen, Madsen, McMullen, Oke, Sellar, Skratek, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

March 29, 1991

MR. PRESIDENT:

The Speaker has signed SUBSTITUTE SENATE BILL NO. 5806, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 29, 1991

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1060,

SUBSTITUTE HOUSE BILL NO. 1062,

HOUSE BILL NO. 1063,

HOUSE BILL NO. 1195, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

MESSAGE FROM THE GOVERNOR

April 1, 1991

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

I have the honor to advise you that on March 29, 1991, Governor Gardner approved the following Senate Bill entitled:

Substitute Senate Bill No. 5806

Relating to underground storage tanks for petroleum products.

Sincerely,

THOMAS J. FELNAGLE, Legal Counsel to the Governor

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Matson, Gubernatorial Appointment No. 9016, Paul Isaki, as Director of the Department of Trade and Economic Development, was confirmed.

APPOINTMENT OF PAUL ISAKI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 4; Excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senators Amondson, Barr, Cantu, McDonald - 4.

Excused: Senator Rinehart - 1.

MOTION

On motion of Senator Anderson, Senators Amondson, Barr, Cantu and McDonald were excused.

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9148, Maureen E. Sandison, as a member of the Board of Pharmacy, was confirmed.

APPOINTMENT OF MAUREEN E. SANDISON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Anderson, Bailey, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Absent: Senator L. Smith - 1.

Excused: Senators Amondson, Barr, Cantu, McDonald, Rinehart - 5.

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9149, Donald V. Hobbs, as a member of the Board of Pharmacy, was confirmed.

APPOINTMENT OF DONALD V. HOBBS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bailey, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Amondson, Barr, Cantu, McDonald, Rinehart - 5.

INTRODUCTION OF SPECIAL GUESTS

The President called the roll on the following former Senators who were seated in the Chamber: Senator George W. Clarke, Senator Hubert F. Donohue, Senator Fred Dore, Senator Jack England, Senator Pete Francis, Senator Art Gallagher, Senator Win Granlund, Senator Barbara Granlund, Senator Dick Hemstad, Senator Elmer Huntley, Senator R. H. "Bob" Lewis, Senator Dick Marquardt, Senator Mike McCormack, Senator Charles

Newschwander, Senator Dale Nordquist, Senator John Papajani, Senator John Petrich, Senator Gordon Walgren, Senator F. "Pat" Wanamaker, Senator Jonathan Whetzel, and Senator Hal Zimmerman.

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

MOTION

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

SENATE RESOLUTION 1991-8645

By Senators Snyder, Newhouse, Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams and Wojahn

WHEREAS, The Senate is pleased to acknowledge the presence of former members, staff, lobbyists and press corps personnel in recognition of their past services and other assorted activities; and

WHEREAS, The "Legislative Old Timers Reunion," now a formal and official part of legislative proceedings, presents us with an opportunity to pay our respects to those who are no longer directly serving in or with the State Senate, some by choice; and

WHEREAS, There is no truth to the rumor that the reunion organizing committee ever seriously considered changing the name of these festivities from "Legislative Old Timers" to "The Over The Hill Gang Reunion;" and

WHEREAS, Most of those being honored here today and this evening paid little or no attention to past floor resolutions, but no doubt are intently listening to this one; and

WHEREAS, Many of our guests are now enjoying retirement and wouldn't trade places with any of us on this 78th Legislative Day; and

WHEREAS, As we gaze upon those who have gathered here today we could associate them with terms such as: armchair strategists; chronic campaigners; masters of bafflegab; troglodytes and do-gooders; we prefer to call them "Friend"; and

WHEREAS, April 1st seems a peculiar day to try to convince you that you are missed;

NEVERTHELESS, AND WITH A BARE MAJORITY CONCURRING,
BE IT RESOLVED, That we heartily welcome you back to say thank you for the contributions you have made to the Washington State Senate, be they ever so minute!

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

INTRODUCTION AND FIRST READING

SB 9999 by Old Time Senators Walgren and Clarke

An Act Relating to legislative retirements.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON.

NEW SECTION. Sec. 1. It is the intent of the legislature to provide for appropriate remuneration and pensions for those members whose old-timer status entitles them to increased recognition.

NEW SECTION. Sec. 2. The pensions of all former Senators shall henceforth be based on the average major league baseball contract, excluding bonuses, for veterans with at least five years' experience. Veterans with over twelve years' experience shall be excluded from the calculation.

The pension to which Senators would otherwise be entitled pursuant to this section shall be adjusted according to the following factors, based on the number of occurrences during the Senator's term of office:

- (1) frequent tardiness at roll calls, to be determined by the presiding umpire;
- (2) failure to address the presiding umpire as "Mr. President" when seeking recognition;
- (3) leaving a team meeting early;
- (4) breaking curfew and/or training table;
- (5) striking out on three scope and object rulings;
- (6) inappropriate display of enthusiasm such as high-fiving in the wings;
- (7) throwing a "point of order" when the correct pitch is a "point of information;"
- (8) removing parts of the uniform while on the field of play;
- (9) failure to count team members on the roster before playing ball;
- (10) failure to complete the game in the constitutionally prescribed number of innings; and
- (11) failure to provide the required level of enthusiasm for Mariners' opening day, as demonstrated by chewing, spitting, sliding, scratching, and colorful language.

MOTIONS

On motion of Senator Newhouse, the Rules were suspended, Senate Bill No. 9999 was advanced to second reading and read the second time.

Former Senator Walgren moved that the rules be suspended and Senate Bill No. 9999 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Debate ensued.

MOTIONS

On motion of Senator McCaslin, the following amendment was adopted:
On line 1 of New Section. Sec. 1., after " former Senators", add "and present Senators"

On motion of Senator Newhouse, the following amendment was adopted:
After the last line of the bill, add "(12) and add an emergency clause."

The President declared the question before the Senate to be the motion by Former Senator Walgren to advance the bill to third reading and final passage.

The motion by Former Senator Walgren carried and this being APRIL FOOL'S DAY, Engrossed Senate Bill No. 9999 was passed by voice vote.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1060,
SUBSTITUTE HOUSE BILL NO. 1062,
HOUSE BILL NO. 1063,
HOUSE BILL NO. 1195.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Health and Long-Term Care was relieved of further consideration of House Bill No. 1891.

On motion of Senator Newhouse, House Bill No. 1891 was referred to the Committee on Ways and Means.

MOTION

At 10:48 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Tuesday, April 2, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

SEVENTY-NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, April 2, 1991

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

MOTION

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

REPORTS OF STANDING COMMITTEES

April 1, 1991

SHB 1050 Prime Sponsor, House Committee on Local Government: Modifying the type of emergency medical service districts that may impose excess levies. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

April 1, 1991

HB 1072 Prime Sponsor, Representative McLean: Changing provisions relating to elections. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen, and Sutherland.

Passed to Committee on Rules for second reading.

April 1, 1991

HB 1126 Prime Sponsor, Representative Braddock: Revising provisions for nursing facilities. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Referred to Committee on Ways and Means.

April 1, 1991

ESHB 1136 Prime Sponsor, House Committee on Commerce and Labor: Revising provisions regulating cosmetology. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Anderson, Vice Chairman; McMullen, Moore, Murray, and Skratek.

Referred to Committee on Ways and Means.

April 1, 1991

SHB 1145 Prime Sponsor, House Committee on Higher Education: Revising provisions for the American Indian endowed scholarship program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton, and von Reichbauer.

Passed to Committee on Rules for second reading.

April 1, 1991

SHB 1201 Prime Sponsor, House Committee on Local Government: Removing references to county classes. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Sutherland.

Passed to Committee on Rules for second reading.

April 1, 1991

SHB 1237 Prime Sponsor, House Committee on Agriculture and Rural Development: Allowing a veterinarian to dispense legend drugs prescribed by another veterinarian. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1991

SHB 1368 Prime Sponsor, House Committee on Local Government: Placing conditions on local improvement district assessments against department of wildlife land. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Conner, Owen, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

March 27, 1991

SHB 1496 Prime Sponsor, House Committee on Revenue: Changing the disposition of professional license fees. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Saling, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1991

HB 1520 Prime Sponsor, Representative Leonard: Correcting the name of a residential habilitation center. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, and Niemi.

Passed to Committee on Rules for second reading.

April 1, 1991

HB 1527 Prime Sponsor, Representative Braddock: Allowing mandatory continuing medical education credit in the area of professional liability risk management. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1991

HB 1536 Prime Sponsor, Representative Anderson: Continuing hospice services an additional two years for medical assistance recipients. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1991

EHB 1674 Prime Sponsor, Representative Orr: Freezing tuition and fees at 1990 rates for Persian Gulf veterans. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, and von Reichbauer.

Referred to Committee on Ways and Means.

March 28, 1991

ESHB 1677 Prime Sponsor, House Committee on Transportation: Updating population criteria for high capacity transportation programs. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Erwin, Madsen, Oke, Sellar, Skratek, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

April 1, 1991

SHB 1800 Prime Sponsor, House Committee on State Government: Creating the office of international relations and protocol. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Sutherland.

Passed to Committee on Rules for second reading.

March 28, 1991

SHB 1852 Prime Sponsor, House Committee on Revenue: Providing funding for the fire services fund. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Gaspard, Johnson, L. Kreidler, Murray, Newhouse, Niemi, Saling, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1991

ESHB 1864 Prime Sponsor, House Committee on Natural Resources and Parks: Changing requirements for removal of sand and gravel from aquatic lands. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Conner, Owen, Patterson, and Snyder.

Passed to Committee on Rules for second reading.

March 29, 1991

HB 2021 Prime Sponsor, Representative Fraser: Extending the joint select committee on water resource policy. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

April 1, 1991

ESHB 2027 Prime Sponsor, House Committee on Higher Education: Providing for refund of or credit toward new enrollment for higher education costs for students deployed because of the Gulf war. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton, and von Reichbauer.

Passed to Committee on Rules for second reading.

April 1, 1991

SHB 2069 Prime Sponsor, House Committee on Commerce and Labor: Revising provisions for employer relief from unemployment insurance charges. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald, McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

April 1, 1991

ESHB 2100 Prime Sponsor, House Committee on Health Care: Exempting nursing homes for underserved ethnic minorities from certificate of need requirements. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Referred to Committee on Ways and Means.

REPORT OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENT

April 2, 1991

GA 9164 JACK RABOURN, appointed February 15, 1991, for a term beginning March 1, 1991, and ending January 15, 1997, as a member of the Liquor Control Board.
Reported by the Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McMullen, Moore and Murray.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

April 1, 1991

MR. PRESIDENT:

The Speaker has signed:
HOUSE BILL NO. 1267,
SUBSTITUTE HOUSE BILL NO. 1702, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President Signed:

HOUSE BILL NO. 1267,
SUBSTITUTE HOUSE BILL NO. 1702.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Commerce and Labor was relieved of further consideration of House Bill No. 2147.

On motion of Senator Newhouse, House Bill No. 2147 was referred to the Committee on Ways and Means.

MOTION

At 12:03 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, April 3, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

EIGHTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 3, 1991

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Patterson, West and Wojahn. On motion of Senator Murray, Senator Wojahn was excused.

The Sergeant at Arms Color Guard, consisting of Pages Tracy Gray and Andrea Sherry, presented the Colors. Reverend Arla Elston, pastor of the First Christian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 1, 1991

HB 1143 Prime Sponsor, Representative Wood: Authorizing honorary degrees. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton, and von Reichbauer.

Passed to Committee on Rules for second reading.

April 2, 1991

HB 1151 Prime Sponsor, Representative Ferguson: Changing blood and breath alcohol content standards for intoxication for those persons under the age of twenty-one. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Referred to Committee on Ways and Means.

March 27, 1991

EHB 1177 Prime Sponsor, Representative Holland: Clarifying school district boards of directors' responsibilities. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Metcalf, Murray, Oke, Pelz, and Talmadge.

Passed to Committee on Rules for second reading.

April 2, 1991

SHB 1183 Prime Sponsor, House Committee on Judiciary: Changing provisions relating to negligent driving. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

April 2, 1991

SHB 1189 Prime Sponsor, Committee on Judiciary: Allowing courts to award costs for probation or deferred prosecution. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

April 2, 1991

SHB 1234 Prime Sponsor, House Committee on Judiciary: Prohibiting the execution of the mentally retarded. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; L. Kreidler, Madsen, and A. Smith.

Passed to Committee on Rules for second reading.

April 1, 1991

SHB 1270 Prime Sponsor, House Committee on Appropriations: Reorganizing the statutes governing the state's retirement system. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1991

ESHB 1293 Prime Sponsor, House Committee on Education: Establishing the local master's degree teacher training program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Jesernig, Skratek, and Stratton.

Passed to Committee on Rules for second reading.

April 2, 1991

EHB 1395 Prime Sponsor, Representative Ludwig: Maintaining the Washington state patrol crime laboratory locations. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, and Rasmussen.

Passed to Committee on Rules for second reading.

April 1, 1991

SHB 1401 Prime Sponsor, Committee on Revenue: Enacting the Washington taxpayers' rights and responsibilities act. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1991

ESHB 1490 Prime Sponsor, House Committee on Local Government: Changing provisions relating to flood control management. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Newhouse, and Hansen.

Passed to Committee on Rules for second reading.

April 2, 1991

HB 1757 Prime Sponsor, Representative Ferguson: Changing "driving while intoxicated" to "driving while under the influence of intoxicating liquor or any drug." Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

April 2, 1991

SHB 1907 Prime Sponsor, House Committee on Financial Institutions and Insurance: Regulating local government self-insurance. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Moore, Owen, Pelz, Rasmussen, Sellar, and West.

Passed to Committee on Rules for second reading.

April 2, 1991

SHB 1957 Prime Sponsor, House Committee on Agriculture and Rural Development: Requiring licensing of food processing plants. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

April 2, 1991

SHB 1997 Prime Sponsor, House Committee on Judiciary: Clarifying provisions relating to registration of sex offenders. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Newhouse, and Rasmussen.

Referred to Committee on Ways and Means.

April 2, 1991

SHB 2042 Prime Sponsor, House Committee on Judiciary: Establishing conditions for the forfeiture of an earnest money deposit as an exclusive remedy. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Madsen, Newhouse, and Rasmussen.

Passed to Committee on Rules for second reading.

April 2, 1991

HB 2119 Prime Sponsor, Representative Appelwick: Sentencing sexually violent offenders. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Referred to Committee on Ways and Means.

April 1, 1991

SHB 2137 Prime Sponsor, House Committee on Revenue: Changing excise tax on carbonated beverages and syrups. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Hayner, Johnson, Metcalf, Newhouse, Owen, Saling, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1991

HB 2142 Prime Sponsor, Representative Spanel: Providing a schedule for notification to public employees of accumulated service credit. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9017, George W. Johnson, as a member of the Indeterminate Sentence Review Board, was confirmed.

Senator Rasmussen spoke to the confirmation of George Johnson as a member of the Indeterminate Sentence Review Board.

APPOINTMENT OF GEORGE W. JOHNSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams - 46.

Absent: Senators Patterson, West - 2.

Excused: Senator Wojahn - 1.

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

MOTION

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

SENATE RESOLUTION 1991-8646

By Senators Gaspard and von Reichbauer

WHEREAS, The citizens of the city of Sumner are celebrating the centennial of their community, the site of one of the oldest settlements in Washington; and

WHEREAS, Sumner, formerly known as Stuck Junction, was, in the 1850's, one of the first American settlements north of the Columbia River; and

WHEREAS, The courage and spirit of individualism, which led the Kincaid family, the Wollery family, the Van Ogles, the Ryans, and the Lane family westward across the Cascades to the then-wild and untamed Puyallup Valley, lives today in the citizens of Sumner; and

WHEREAS, The sense of community and family that bound together those first families during their dangerous journey is the same binding force that makes Sumner today, not just a place to live or work, but a home in the truest sense of the word; and

WHEREAS, The people of Sumner will, in the next one hundred years, treasure and build upon the abundance with which they have been blessed, and will instill in their children and grandchildren the timeless values and ideals they share with their forefathers;

NOW, THEREFORE, BE IT RESOLVED, That the President and members of the Washington State Senate do hereby recognize the achievements of the people of the city of Sumner on this, the centennial of their community, and extend, on behalf of all the citizens of the state of Washington, heartfelt congratulations and appreciation for their many contributions to our great state; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the city of Sumner, the Sumner Historical Society, and the Sumner Centennial Committee.

Senator Gaspard spoke to Senate Resolution 1991-8646.

INTRODUCTION OF SPECIAL GUESTS

The President introduced special guests, the city council members of the city of Sumner, members of the Sumner Historical Society and members of the Sumner Centennial Committee who were seated in the gallery.

MOTION

At 10:24 a.m., on motion of Senator Newhouse, the Senate recessed until 11:15 a.m.

The Senate was called to order at 11:38 a.m. by President Pritchard.

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

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1304 and the pending amendment by Senator Conner on page 3, after line 6, deferred March 29, 1991.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Metcalf, the President finds that Substitute House Bill No. 1304 is a measure which requires state parks and certain marinas and airports to provide recycling facilities for specified materials.

"The amendment proposed by Senator Conner prohibits the sale of food in polystyrene packaging on ferries or in ferry terminals.

"The President, therefore, finds the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Conner on page 3, after line 6, to Substitute House Bill No. 1304 was ruled out of order.

MOTION

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 1304 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1304.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1304 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 48.

Excused: Senator Wojahn - 1.

SUBSTITUTE HOUSE BILL NO. 1304, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2141, by Representatives Prince, Jacobsen, Anderson and Winsley

Establishing a state oral history program.

The bill was read the second time.

MOTION

Senator Madsen moved that the following amendment be adopted:

On page 1, line 13, after "histories" strike all material through "interviews" on line 14

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Madsen on page 1, line 13, to Engrossed House Bill No. 2141.

The motion by Senator Madsen failed and the amendment was not adopted on a rising vote.

MOTION

Senator Madsen moved that the following amendment by Senators Madsen and McCaslin be adopted:

On page 2, beginning on line 7, strike all material through "senate;" on line 10 and insert the following:

- "(1) The speaker of the house of representatives;
- (2) The minority leader of the house of representatives;
- (3) A member from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house of representatives;
- (4) The majority leader of the senate;
- (5) The minority leader of the senate;
- (6) A member from each of the two largest caucuses in the senate, appointed by the majority leader of the senate;"

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

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Madsen and McCaslin on page 2, beginning on line 7, to Engrossed House Bill No. 2141.

The motion by Senator Madsen carried and the amendment was adopted.

MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed House Bill No. 2141, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2141, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2141, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 48.

Excused: Senator Wojahn - 1.

ENGROSSED HOUSE BILL NO. 2141, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1954, by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Nealey, McLean, R. Johnson, Chandler, Kremen, D. Sommers, Ballard, Ronald, Bowman, Grant, Inslee, Rasmussen and Sheldon)

Changing conditions and limitations on agricultural nuisances.

The bill was read the second time.

MOTION

Senator Barr moved that the following Committee on Agriculture and Water Resources amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 7.48.305 and 1979 c 122 s 2 are each amended to read as follows:

Notwithstanding any other provision of this chapter, agricultural activities conducted on farmland, if consistent with good agricultural practices and established prior to surrounding nonagricultural activities, are presumed to be reasonable and ~~((de))~~ shall not be found to constitute a nuisance unless the activity has a substantial adverse effect on the public health and safety.

If that agricultural activity is undertaken in conformity with federal, state, and local laws and regulations, it is presumed to be good agricultural practice and not adversely affecting the public health and safety, and as such shall not be restricted to time of day, or day or days of the week.

Sec. 2. RCW 7.48.310 and 1979 c 122 s 3 are each amended to read as follows:

As used in RCW 7.48.305:

(1) "Agricultural activity" means a condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, ~~((the growing or raising of horticultural and viticultural crops, berries, poultry, livestock, grain, mint, hay, and dairy products))~~ marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; movement, including, but not limited to, use of current county road ditches, streams, rivers, canals, and drains, and use of water for agricultural activities; ground and aerial application of seed, fertilizers, conditioners, and plant protection products; employment and use of labor; roadway movement of equipment and livestock; protection from damage by wildlife; prevention of trespass; construction and maintenance of buildings, fences, roads, bridges, ponds, drains, waterways, and similar features and maintenance of streambanks and watercourses; and conversion from one agricultural activity to another.

(2) "Farm" means the land, buildings, freshwater ponds, freshwater culturing and growing facilities, and machinery used in the commercial production of farm products.

(3) "Farmland" means land or freshwater ponds devoted primarily to the production, for commercial purposes, of livestock, freshwater aquacultural, or other agricultural commodities.

(4) "Farm product" means those plants and animals useful to humans and includes, but is not limited to, forages and sod crops, dairy and dairy products, poultry and poultry products, livestock, including breeding, grazing, and recreational equine use, fruits, vegetables, flowers, seeds, grasses, trees, freshwater fish and fish products, apiaries, equine and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur.

MOTION

Senator Murray moved that the following amendment by Senators Murray and Skratek to the Committee on Agriculture and Water Resources amendment be adopted:

On page 1, line 18, after "health and" strike "safety, and as such" and insert "safety. In counties that do not adopt a comprehensive plan under chapter 36.70A RCW such agricultural activity"

MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 1954 was deferred.

MOTION

On motion of Senator Anderson, Senator Amondson was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1450, by Representatives Peery, H. Myers, Morris and Cooper

Providing a business and occupation tax credit for services provided by a public safety testing lab.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, Engrossed House Bill No. 1450 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1450.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1450 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognd, von Reichbauer, West, Williams - 45.

Voting nay: Senators Skratek, Talmadge - 2.

Excused: Senators Amondson, Wojahn - 2.

ENGROSSED HOUSE BILL NO. 1450, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

April 2, 1991

HB 1032 Prime Sponsor, Representative Haugen: Providing county reimbursement for selected transportation of human remains. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Sutherland.

Passed to Committee on Rules for second reading.

April 2, 1991

HB 1217 Prime Sponsor, Representative Wineberry: Extending the voter registration period. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

April 2, 1991

SHB 1265 Prime Sponsor, House Committee on Local Government: Restricting subdivision alterations that diminish dedications. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

April 2, 1991

HB 1509 Prime Sponsor, Representative Anderson: Expanding eligibility for ongoing absentee voter status. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Matson, and Sutherland.

Passed to Committee on Rules for second reading.

April 2, 1991

HB 1581 Prime Sponsor, Representative Grant: Placing the burden of proof on utilities to show that certain operations are not subject to regulation. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Patterson, Roach, Stratton, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

April 2, 1991

SHB 1681 Prime Sponsor, House Committee on Local Government: Revising bidding practices for municipalities. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Sutherland.

Passed to Committee on Rules for second reading.

April 2, 1991

HB 2106 Prime Sponsor, Representative Anderson: Authorizing the division of purchasing to donate state-owned surplus tangible personal property to certain shelters. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

MOTION

At 12:05 p.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, April 4, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

EIGHTY-FIRST DAY-----
NOON SESSION

Senate Chamber, Olympia, Thursday, April 4, 1991

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

MOTION

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

REPORTS OF STANDING COMMITTEES

April 2, 1991

SHB 1019 Prime Sponsor, House Committee on Local Government:
Allowing fees for efforts to prevent aquifer depletion. Reported
by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Conner, Owen, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

April 3, 1991

ESHB 1105 Prime Sponsor, House Committee on Revenue: Exempting
property in this state from execution in favor of another state.
Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.
Passed to Committee on Rules for second reading.

April 2, 1991

SHB 1153 Prime Sponsor, House Committee on Judiciary: Prescribing
monetary penalties for littering. Reported by Committee on
Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Conner, Owen, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

April 3, 1991

SHB 1194 Prime Sponsor, House Committee on Local Government: Revising and adding provisions on special districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Sutherland.

Passed to Committee on Rules for second reading.

April 1, 1991

SHB 1269 Prime Sponsor, House Committee on Appropriations: Changing provisions relating to public retirement. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Gaspard, Johnson, L. Kreidler, Murray, Newhouse, Niemi, Owen, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1991

SHB 1313 Prime Sponsor, House Committee on Revenue: Modifying qualifications for senior citizen property tax relief. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Gaspard, Hayner, Johnson, L. Kreidler, Murray, Niemi, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1991

HB 1364 Prime Sponsor, Representative Forner: Providing military leave for public employees and officers called to active duty. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Sutherland.

Passed to Committee on Rules for second reading.

April 2, 1991

ESHB 1459 Prime Sponsor, House Committee on Environmental Affairs: Creating a comprehensive approach to recycling and recyclable

material markets. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Owen, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

April 3, 1991

HB 1467 Prime Sponsor, Representative R. Meyers: Increasing the number of district judges. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Madsen, Newhouse, and A. Smith.

Passed to Committee on Rules for second reading.

April 3, 1991

EHB 1500 Prime Sponsor, Representative Riley: Increasing the pay for jail labor performed by prisoners with outstanding fines and costs. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Hayner, Newhouse, and A. Smith.

Passed to Committee on Rules for second reading.

April 3, 1991

ESHB 1571 Prime Sponsor, House Committee on State Government: Requiring a recount by hand of election returns that have a difference of less than one-fourth of one percent. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen, and Sutherland.

Passed to Committee on Rules for second reading.

April 3, 1991

SHB 1586 Prime Sponsor, House Committee on Health Care: Providing criteria for exempting continuing care retirement communities. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators West, Chairman; S. Smith, Vice Chairman; Amondson, and Johnson.

Passed to Committee on Rules for second reading.

April 3, 1991

SHB 1635 Prime Sponsor, House Committee on Local Government: Providing for taxes to fund emergency medical care services. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen, and Sutherland.

Passed to Committee on Rules for second reading.

April 2, 1991

HB 1642 Prime Sponsor, Representative Fraser: Modifying the definition of disposable income for senior citizen tax relief. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Saling, Talmadge, West, and Williams.

Passed to Committee on Rules for second reading.

April 2, 1991

SHB 1739 Prime Sponsor, House Committee on Housing: Providing a property tax exemption for certain nonprofit organizations. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Gaspard, Hayner, Johnson, L. Kreidler, Murray, Owen, Saling, Talmadge, and Williams.

Passed to Committee on Rules for second reading.

April 3, 1991

ESHB 1824 Prime Sponsor, House Committee on Judiciary: Changing district courts' jurisdiction. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Madsen, Newhouse, and A. Smith.

Passed to Committee on Rules for second reading.

April 3, 1991

SHB 1861 Prime Sponsor, House Committee on Health Care: Making changes to the osteopathic medicine and surgery statutes. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senator West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1991

ESHB 1881 Prime Sponsor, House Committee on Judiciary: Changing the method for determining the number of district court judges. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Madsen, and A. Smith.

Passed to Committee on Rules for second reading.

April 3, 1991

SHB 1886 Prime Sponsor, House Committee on Judiciary: Requiring drug and alcohol evaluation and treatment in the event of a vehicular crime. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Newhouse, and A. Smith.

Passed to Committee on Rules for second reading.

April 3, 1991

SHB 1911 Prime Sponsor, House Committee on Local Government: Defining city and county licensing procedures for state licensed massage practitioners. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, and Niemi.

Passed to Committee on Rules for second reading.

April 2, 1991

SHB 1956 Prime Sponsor, House Committee on Agriculture and Rural Development: Changing provisions for plant protection. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

April 3, 1991

ESHB 1960 Prime Sponsor, House Committee on Health Care: Redefining practice beyond the scope of practice for health professions. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senator West, Chairman; L. Smith Vice Chairman; Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1991

SHB 1993 Prime Sponsor, House Committee on Revenue: Concerning stadiums, and convention and performing arts centers. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Sutherland.

Passed to Committee on Rules for second reading.

April 3, 1991

SHB 2048 Prime Sponsor, House Committee on Health Care: Lowering licensing fees for older physicians. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1991

SHB 2050 Prime Sponsor, House Committee on Transportation: Revising the state subsidy of county ferries. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; von Reichbauer, Vice Chairman; Erwin, Hansen, Madsen, McMullen, Oke, Sellar, Skratek, Snyder, Thorsness, and Vogniid.

Passed to Committee on Rules for second reading.

April 3, 1991

HJM 4018 Prime Sponsor, Representative Jones: Concerning tax of retirement income. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENT

GA 9065 BENNY DOCKTER, reappointed November 15, 1989, for a term ending July 1, 1994, as a member of the Board of Trustees for the State School for the Deaf.
Reported by the Committee on Education

April 2, 1991

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Metcalf, Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR

March 19, 1991
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Lucille Carlson, reappointed March 19, 1991, for a term ending March 1, 1997, as a member of the Board of Tax Appeals.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

March 22, 1991
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Joe C. Jones, reappointed March 22, 1991, for a term ending December 31, 1993, as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

March 22, 1991
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Donna M. Mason, appointed March 22, 1991, for a term ending December 31, 1993, as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

INTRODUCTION AND FIRST READING

SB 5955 by Senator Bailey

AN ACT Relating to flood control management.

Referred to Committee on Agriculture and Water Resources.

MOTION

At 12:02 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, April 5, 1991.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

EIGHTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 5, 1991

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Craswell, Gaspard, McDonald, Metcalf, Niemi, Rinehart, Adam Smith, Snyder, and Talmadge. On motion of Senator Anderson, Senators Craswell, McDonald and Metcalf were excused. On motion of Senator Wojahn, Senators Bauer, Gaspard, Niemi, Rinehart, Adam Smith, Snyder, and Talmadge were excused.

The Sergeant at Arms Color Guard, consisting of Pages Coreena Ewell and Melissa Mildon, presented the Colors. Reverend Scott Jakel, intern pastor of the Central Lutheran Church of Bellingham, and a guest of Senator Ann Anderson, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 3, 1991

EHB 1083 Prime Sponsor, Representative Braddock: Revising provisions for voluntary payroll deductions for public employees. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

April 4, 1991

ESHB 1226 Prime Sponsor, House Committee on Health Care: Making provisions for nursing home residents' discharge for temporary hospitalization. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1991

EHB 1244 Prime Sponsor, Representative Heavey: Requiring a study by the legislative budget committee of employer avoidance of industrial insurance premiums and unemployment compensation contributions. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald, McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

April 4, 1991

SHB 1258 Prime Sponsor, House Committee on Health Care: Changing provisions relating to nursing home administration. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1991

SHB 1274 Prime Sponsor, Committee on Transportation: Adjusting provisions relating to street utilities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Hansen, Madsen, McMullen, Oke, Sellar, Skratek, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

April 4, 1991

ESHB 1287 Prime Sponsor, House Committee on Human Services: Revising provisions for adoption. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, Stratton, and Talmadge.

Passed to Committee on Rules for second reading.

April 3, 1991

HB 1339 Prime Sponsor, Representative Heavey: Revising provisions for unemployment compensation. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McMullen, and Murray.

Passed to Committee on Rules for second reading.

April 3, 1991

SHB 1342 Prime Sponsor, House Committee on Transportation: Authorizing cities to impose an excise tax on the sale or distribution of motor vehicle fuel and special fuel. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Hansen, Madsen, McMullen, Oke, Sellar, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

April 3, 1991

HB 1431 Prime Sponsor, Representative Fisher: Updating the Model Traffic Ordinance. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Conner, Erwin, Madsen, Oke, Sellar, Skratek, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

April 3, 1991

EHB 1470 Prime Sponsor, Representative Ogden: Making appropriations for public works projects. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

April 4, 1991

HB 1482 Prime Sponsor, Representative Prentice: Modifying funding requirements of the AIDS service networks. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1991

HB 1708 Prime Sponsor, Representative Cantwell: Revising provisions for employee cooperative corporations. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

April 3, 1991

SHB 1821 Prime Sponsor, House Committee on Judiciary: Making the fraudulent installation of fire protection sprinkler systems a felony. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

April 4, 1991

SHB 1915 Prime Sponsor, House Committee on Human Services: Providing employment services in mental health programs. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1991

SHB 1931 Prime Sponsor, House Committee on Commerce and Labor: Raising the limit on nonprofit raffles. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

April 3, 1991

SHB 1947 Prime Sponsor, House Committee on Environmental Affairs: Changing provisions relating to recyclable materials. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Conner, Owen, and Snyder.

Passed to Committee on Rules for second reading.

April 4, 1991

HB 1986 Prime Sponsor, Representative Leonard: Providing for the protection and advocacy of the rights of developmentally disabled persons. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1991

HB 1992 Prime Sponsor, Representative Fisher: Implementing advance right of way acquisitions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Erwin, Madsen, Oke, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

April 3, 1991

SHB 2005 Prime Sponsor, House Committee on Transportation: Regulating freight brokers and forwarders. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Erwin, Madsen, Oke, Skratek, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

April 3, 1991

HJM 4015 Prime Sponsor, Representative Nelson: Asking Congress for equal tax treatment of employer-provided transportation benefits. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Erwin, Madsen, Oke, Skratek, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9047, Sharon Kaye Adkins, as a member of the Indeterminate Sentence Review Board, was confirmed.

APPOINTMENT OF SHARON K. ADKINS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Erwin, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, L. Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 39.

Excused: Senators Bauer, Craswell, Gaspard, McDonald, Metcalf, Niemi, Rinehart, A. Smith, Snyder, Talmadge - 10.

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9059, David L. Carlson, as a member of the Indeterminate Sentence Review Board, was confirmed.

APPOINTMENT OF DAVID L. CARLSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Absent: Senator Vognild - 1.

Excused: Senators McDonald, Niemi - 2.

SECOND READING

HOUSE BILL NO. 1024, by Representatives Zellinsky, Broback, Dellwo, Haugen, Kremen, Day, Wineberry, Mielke, Orr, Inslee, Ebersole, R. Meyers, Paris, Schmidt, May, Edmondson, Van Luven, Sheldon, Pruitt, Winsley, Forner and Anderson

Excluding certain driving record information pertaining to law enforcement officers and fire fighters from abstracts of driving records.

The bill was read the second time.

MOTION

On motion of Senator von Reichbauer, the rules were suspended, House Bill No. 1024 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "When we took this bill up in caucus, Senator von Reichbauer, I was looking at the language of the bill and I can understand the need for exemptions for the law enforcement officers and fire fighters if they are engaged in emergency duty and they have not done anything that is evidenced as negligence in nature. My reading of the bill as it is presently drafted suggests that if a law enforcement officer or a fire fighter were guilty of a DWI while on the course of their official duty, this would not appear in the abstract that would go to the insurance carrier, and I just don't think that is right. If the officer is doing something that amounts to emergency duty and doing it in a non-negligent fashion, that should not be something that appears on his or her record, but if you had a law enforcement officer that was doing something that looked to be like misconduct, I have problems with the insurance carrier not knowing that. I just wondered if that is something that the committee looked at in considering this bill?"

MOTION

On motion of Senator von Reichbauer, further consideration of House Bill No. 1024 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1771, by House Committee on Transportation (originally sponsored by Representatives Rasmussen, R. Fisher, Dorn, Brumsickle, Betrozoff, Basich, Cantwell, Fraser, R. Meyers, Belcher and Ebersole)

Changing transportation authority of first class cities.

The bill was read the second time.

MOTIONS

On motion of Senator Patterson, the following Committee on Transportation amendment was adopted:

On page 1, line 11, after "construct," strike "condemn and purchase,"

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1771, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1771, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1771, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Niemi - 1.

SUBSTITUTE HOUSE BILL NO. 1771, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1200, by House Committee on Health Care (originally sponsored by Representatives Morris, Brough, Anderson, Brumsickle, Hine, Prentice, Fraser, Ebersole, Cole, Pruitt, Jacobsen, Prince, Belcher, Peery, Cooper, Wang, Cantwell, Day, Brekke, Winsley, Edmondson, R. Johnson, Padden, R. King, Nelson and Spanel)

Continuing direct access to physical therapists.

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 1200, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1200.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1200 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Niemi - 1.

SUBSTITUTE HOUSE BILL NO. 1200, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1954, and the pending amendment by Senators Murray and Skratek on page 1, line 18, to the Committee on Agriculture and Water Resources striking amendment deferred April 3, 1991.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Murray on page 1, line 18, to the Committee on Agriculture and Water Resources striking amendment to Substitute House Bill No. 1954.

The motion by Senator Murray failed and the amendment to the committee amendment was not adopted.

MOTION

Senator Metcalf moved the following amendments to the Committee on Agriculture and Water Resources striking amendment be considered simultaneously and be adopted:

On page 2, line 17, after "aquacultural," strike "marine shellfish,"

On page 2, beginning on line 23, strike "marine commercial production of shellfish,"

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, I am a little concerned, although Senator Barr said the amendments were all right, but it says, 'marine commercial.' How would you define that? That doesn't indicate salt water. That is striking out any production, whatever it may be--you say 'marine,' but it doesn't say, 'marine salt water.' You have fresh water--the Columbia River and several lakes in other areas that are marine and can be used for production

of farm-raised shell fish and regular fish. Now, I think it is pretty broad when you strike out the marine if you confine it to salt water."

Senator Metcalf: "Senator Rasmussen, to answer your question, we are not hurting or doing anything to the marine production of shell fish. We are just not extending this bill, you know,--elimination of nuisance bill--to that area. Where it says, 'marine commercial production of shell fish,' the marine does signify salt water; we are talking about salt water. I am not aware of a lot of commercial production of shell fish in fresh water, although there may be some. What we are saying is that this particular bill, which extends the protections of agriculture to these things--to extend those protections to the marine areas without a lot of thought and a lot of investigation, I think is unwise. I'd be willing to work on a bill next year to do that, but we shouldn't do that in this bill."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Metcalf on page 1, line 17, and page 2, beginning on line 23, to the Committee on Agriculture and Water Resources striking amendment to Substitute House Bill No. 1954.

The motion by Senator Metcalf carried and the amendments to the committee amendment were adopted.

The President declared the question before the Senate to be the adoption of the Committee on Agriculture and Water Resources striking amendment, as amended, to Substitute House Bill No. 1954.

The Committee on Agriculture and Water Resources striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 1 of the title, after "nuisances;" strike the remainder of the title and insert "and amending RCW 7.48.305 and 7.48.310."

Senator Barr moved that the rules be suspended and Substitute House Bill No. 1954, as amended by the Senate, be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Debate ensued.

There being no objection, the President deferred further consideration of Substitute House Bill No. 1954, as amended by the Senate.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5149 and the pending amendment by Senators Murray and Gaspard, on page 8, after line 12, deferred March 14, 1991.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Nelson, the President finds that Substitute Senate Bill No. 5149 is a measure which amends the laws on public disclosure by defining "gift" and providing

for the reporting of gifts. The bill also allows surplus campaign funds to be transferred to a public office fund under certain conditions.

"The amendment proposed by Senators Murray and Gaspard would place limitations on the amount of money which may be contributed to state-wide and legislative candidates.

"The President, therefore, finds the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Murray and Gaspard on page 8, after line 12, to Substitute Senate Bill No. 5149 was ruled out of order.

POINT OF ORDER

Senator McMullen: "Thank you, Mr. President, at this point, we would like to raise a point of order of whether or not this bill is properly before us at this time, considering our cutoff resolution."

REPLY BY THE PRESIDENT

President Pritchard: "I think that Senator McMullen's point is well taken. However, Senator, they are distributing a resolution and I think that under your point it would be proper to take the resolution up first before we take up the bill. Do you have any comment on that?"

Senator McMullen: "Mr. President, our concern is amending the cutoff resolution. Historically, it has been my understanding, that the cutoff resolution would be amended by both bodies before we act, as if the House were going to go ahead and concur. My concern is that other people may have amendments to the cutoff resolution amendment; the House may have amendments to the cutoff resolution amendment and it may never be adopted. My understanding is that, historically, until the resolution has been adopted by both bodies, we do not then go ahead and proceed with the bill that would be covered by the cutoff resolution."

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President, ladies and gentlemen, the practice over the past several years, under the previous Lieutenant Governor, too, has been that the resolution and the bill were sent over together and then when and if the resolution were passed by both bodies, the second body could also consider the bill."

REMARKS BY PRESIDENT PRITCHARD

President Pritchard: "I think the remarks made by Senator Newhouse are well taken. I think the Chair would like to pass the resolution first and I think that is the next thing that we should be doing."

MOTION

At 10:53 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:42 a.m. by President Pritchard.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Owen served notice that he would move to reconsider the vote by which the amendments by Senator Metcalf on page 2, line 17, and beginning on line 23 to the Committee on Agriculture and Water Resources striking amendment were adopted to Substitute House Bill No. 1954.

MOTION

At 11:43 a.m., on motion of Senator Newhouse, the Senate recessed until 6:00 p.m.

The Senate was called to order at 6:01 p.m. by President Pritchard.

MOTION

On motion of Senator Newhouse, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

April 4, 1991

SB 5395 Prime Sponsor, Senator McDonald: Making appropriations and authorizing expenditures for the fiscal biennium ending June 30, 1991. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 5395 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Gaspard, Johnson, L. Kreidler, Metcalf, Murray, Niemi, Owen, Rinehart, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 4, 1991

SB 5954 Prime Sponsor, Senator von Reichbauer: Maximizing investment return on state funds. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Moore, Owen, Pelz, Rasmussen, Sellar, Vognild, and West.

HOLD.

April 4, 1991

SCR 8405 Prime Sponsor, Senator McDonald: Establishing a joint task force to develop a public assistance plan. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; and Craswell.

MINORITY recommendation: Do not pass as amended. Signed by Senators Stratton and Talmadge.

Passed to Committee on Rules for second reading.

April 4, 1991

HB 1009 Prime Sponsor, Representative Haugen: Authorizing community councils for unincorporated areas. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Sutherland.

Passed to Committee on Rules for second reading.

April 3, 1991

ESHB 1023 Prime Sponsor, House Committee on Education: Enhancing student performance. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, and Oke.

MINORITY recommendation: Do not pass as amended. Signed by Senators Murray, Pelz, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

April 4, 1991

ESHB 1027 Prime Sponsor, House Committee on Environmental Affairs: Adopting oil and hazardous substance spill prevention and response provisions. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Conner, Patterson, Snyder, and Sutherland.

Referred to Committee on Ways and Means.

April 4, 1991

ESHB 1028 Prime Sponsor, House Committee on Environmental Affairs: Making major changes to air quality laws. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Conner, Owen, Patterson, and Snyder.

Referred to Committee on Ways and Means.

April 4, 1991

ESHB 1031 Prime Sponsor, House Committee on Local Government: Making various changes in sewer and water district law. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Stratton, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

April 5, 1991

HB 1049 Prime Sponsor, Representative Cole: Authorizing the disposal of seized liquor by the agency seizing the liquor. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

April 3, 1991

SHB 1051 Prime Sponsor, House Committee on Higher Education: Requiring international student exchange visitor placement organizations to be registered. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

April 4, 1991

SHB 1052 Prime Sponsor, House Committee on Human Services: Revising provisions for public assistance. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, Stratton, and Talmadge.

Passed to Committee on Rules for second reading.

April 4, 1991

SHB 1054 Prime Sponsor, House Committee on Human Services: Revising provisions for reports of abuse of children or adult dependent or developmentally disabled persons.

MAJORITY recommendation: Do pass as amended. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, Stratton, and Talmadge.

Passed to Committee on Rules for second reading.

April 4, 1991

HB 1073 Prime Sponsor, Representative O'Brien: Dealing with voter registration for high school students. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Sutherland.

Passed to Committee on Rules for second reading.

April 5, 1991

ESHB 1088 Prime Sponsor, House Committee on Judiciary: Adopting the uniform transfers to minors act. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

April 5, 1991

HB 1095 Prime Sponsor, Representative Appelwick: Adding a new Article regarding funds transfers to the Uniform Commercial Code. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Moore, Owen, Pelz, Rasmussen, Sellar, Vognild, and West.

Passed to Committee on Rules for second reading.

April 3, 1991

SHB 1109 Prime Sponsor, Committee on Education: Creating a task force on children of substance abusers. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

April 4, 1991

EHB 1139 Prime Sponsor, Representative Peery: Authorizing continuing education credit for teachers for certain out-of-state courses. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

April 5, 1991

SHB 1142 Prime Sponsor, House Committee on Agriculture and Rural Development: Redefining the agricultural products for which processor liens may be established. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

April 4, 1991

SHB 1158 Prime Sponsor, House Committee on Human Services: Providing for minors incapacitated by alcohol and other drugs. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, Stratton, and Talmadge.

Passed to Committee on Rules for second reading.

April 5, 1991

ESHB 1172 Prime Sponsor, House Committee on Education: Creating the school pathway and bus stop improvement program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Metcalf, Murray, Pelz, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

April 5, 1991

ESHB 1181 Prime Sponsor, House Committee on Commerce and Labor: Licensing private detectives. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald, McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

April 5, 1991

SHB 1196 Prime Sponsor, House Committee on Energy and Utilities: Establishing the Washington state center for environmental and molecular sciences at Washington State University/Tri-Cities. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

April 5, 1991

ESHB 1198 Prime Sponsor, House Committee on Local Government: Regulating the placement of electrical facilities. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

April 5, 1991

HB 1206 Prime Sponsor, Representative Jones: Establishing a procedure for collecting overpayments and allowing eligible surviving spouses to choose a lump sum payment equal to two years of monthly payments. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

April 5, 1991

SHB 1208 Prime Sponsor, House Committee on Human Services: Authorizing an interstate forest fire suppression compact. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

April 4, 1991

ESHB 1211 Prime Sponsor, House Committee on Judiciary: Revising retirement benefits. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Gaspard, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, L. Smith, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 4, 1991

ESHB 1214 Prime Sponsor, Committee on State Government: Authorizing a medical benefit plan as an alternative to cash remuneration for accrued sick leave for retiring state employees. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Gaspard, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, L. Smith, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 4, 1991

HB 1224 Prime Sponsor, Representative Sommers: Changing provisions relating to school district indebtedness. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Metcalf, Murray, Oke, Pelz, and Rinehart.

Passed to Committee on Rules for second reading.

April 4, 1991

SHB 1243 Prime Sponsor, House Committee on Education: Requiring teaching experience for teacher educators. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Oke, Pelz, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

April 4, 1991

HB 1262 Prime Sponsor, Representative Zellinsky: Lessening emergency service tow truck restrictions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Madsen, McMullen, Oke, Sellar, Skratek, Snyder, and Vognild.

Passed to Committee on Rules for second reading.

April 5, 1991

HB 1263 Prime Sponsor, Representative Peery: Eliminating the citizenship requirement for teachers. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Craswell, Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

April 4, 1991

HB 1264 Prime Sponsor, Representative Peery: Making technical changes to the education code. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

April 4, 1991

SHB 1268 Prime Sponsor, House Committee on Appropriations: Changing provisions relating to retirement service credit. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bluechel, Gaspard, Johnson, L. Kreidler, Murray, Newhouse, Niemi, Owen, Rinehart, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1991

EHB 1277 Prime Sponsor, Representative Grant: Continuing the geothermal account ten additional years. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

April 5, 1991

HB 1286 Prime Sponsor, Representative Franklin: Revising collective bargaining provisions for superior court employees. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

April 4, 1991

ESHB 1296 Prime Sponsor, House Committee on Higher Education: Improving access to higher education for students with disabilities. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Saling, Chairman; Bauer, Skratek, Stratton, and Jesernig.

Passed to Committee on Rules for second reading.

April 4, 1991

HB 1312 Prime Sponsor, Representative Wang: Changing requirements for special campaign reports. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

April 4, 1991

SHB 1324 Prime Sponsor, House Committee on Transportation: Restricting licenses for owners owing towing expenses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Madsen, Oke, Sellar, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

April 4, 1991

SHB 1326 Prime Sponsor, House Committee on Housing: Regulating drayage and storage of tenants' property by landlords. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Madsen, Newhouse, and Rasmussen.

Passed to Committee on Rules for second reading.

April 4, 1991

ESHB 1329 Prime Sponsor, House Committee on Education: Authorizing special educational services demonstration projects. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Murray, Oke, Pelz, and Rinehart.

MINORITY recommendation: Do not pass as amended and do not be referred to Committee on Ways and Means. Signed by Senator Talmadge.

Referred to Committee on Ways and Means.

April 5, 1991

SHB 1336 Prime Sponsor, House Committee on Housing: Regulating the screening of prospective residential tenants. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, and Rasmussen.

Passed to Committee on Rules for second reading.

April 5, 1991

ESHB 1341 Prime Sponsor, House Committee on Trade and Economic Development: Promoting economic development. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

April 5, 1991

EHB 1352 Prime Sponsor, Representative Jones: Making confidential certain information acquired by the department of labor and industries. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, Moore, and Skratek.

Passed to Committee on Rules for second reading.

April 5, 1991

HB 1355 Prime Sponsor, Representative King: Increasing civil penalties for industrial safety and health violations. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; McCaslin, McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

April 4, 1991

ESHB 1357 Prime Sponsor, House Committee on Revenue: Relating to the public disclosure of tax information. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, L. Kreidler, Madsen, Newhouse, and Rasmussen.

Passed to Committee on Rules for second reading.

April 4, 1991

SHB 1358 Prime Sponsor, House Committee on Appropriations: Allowing educational employees to choose a benefit plan in lieu of remuneration for unused sick leave. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Gaspard, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, L. Smith, Talmadge, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1991

SHB 1365 Prime Sponsor, House Committee on Education: Requiring teacher certification candidates to have skills to work with diverse populations. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

April 5, 1991

EHB 1366 Prime Sponsor, Representative Zellinsky: Exempting terrorism from an insurer's limitations of liability. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Moore, Owen, Pelz, Rasmussen, Sellar, Vognild, and West.

Passed to Committee on Rules for second reading.

April 5, 1991

HB 1371 Prime Sponsor, Representative Hargrove: Modifying probation assessment provisions. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

April 5, 1991

HB 1372 Prime Sponsor, Representative Hargrove: Repealing the interstate parole and probation hearing procedures act. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

April 4, 1991

HB 1377 Prime Sponsor, Representative Peery: Revising provisions for the screening program for scoliosis. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

April 5, 1991

ESHB 1389 Prime Sponsor, House Committee on Environmental Affairs: Regulating aquatic plants. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

April 5, 1991

ESHB 1390 Prime Sponsor, House Committee on Human Services: Creating a community mobilization program for teens. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Roach, Chairman; Craswell, Stratton, and Talmadge.

Passed to Committee on Rules for second reading.

April 4, 1991

SHB 1416 Prime Sponsor, House Committee on Fisheries and Wildlife: Establishing a plan for mitigation requirements if game fish

habitat is impaired. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Owen, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

April 4, 1991

EHB 1428 Prime Sponsor, Representative Neher: Altering budget request requirements. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Gaspard, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 4, 1991

ESHB 1448 Prime Sponsor, House Committee on Fisheries and Wildlife: Establishing the Union Bay wildlife habitat management area. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Owen, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

April 4, 1991

SHB 1452 Prime Sponsor, House Committee on Transportation: Creating the high-speed ground transportation steering committee. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Madsen, McMullen, Oke, Sellar, Skratek, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

April 2, 1991

SHB 1454 Prime Sponsor, House Committee on Environmental Affairs: Pertaining to the applicability of the uniform fire code to underground storage tank laws. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Owen, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

April 4, 1991

ESHB 1462 Prime Sponsor, House Committee on Judiciary: Regulating dangerous and potentially dangerous dogs. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Madsen, and A. Smith.

Passed to Committee on Rules for second reading.

April 5, 1991

HB 1480 Prime Sponsor, Representative R. Meyers: Allowing reciprocal insurer to affect title to real property. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Moore, Owen, Pelz, Rasmussen, Sellar, and West.

Passed to Committee on Rules for second reading.

April 5, 1991

SHB 1486 Prime Sponsor, Committee on Environmental Affairs: Establishing new integrated pest management procedures. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

April 5, 1991

HB 1487 Prime Sponsor, Representative Dellwo: Regulating check cashers and sellers. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Owen, Pelz, Rasmussen, and Vognild.

Passed to Committee on Rules for second reading.

April 2, 1991

SHB 1491 Prime Sponsor, House Committee on Local Government: Creating the flood control improvement study commission. Reported by Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass as amended and be referred to Committee on Agriculture and Water Resources. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Owen, Patterson, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

April 5, 1991

HB 1494 Prime Sponsor, Representative Grant: Authorizing the utilities and transportation commission to appoint persons to do emergency adjudications. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

April 4, 1991

SHB 1495 Prime Sponsor, House Committee on Commerce and Labor: Changing land development regulations. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Sutherland.

Passed to Committee on Rules for second reading.

April 4, 1991

SHB 1501 Prime Sponsor, House Committee on State Government: Authorizing mail balloting in certain primaries and special elections. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen, and Sutherland.

Passed to Committee on Rules for second reading.

April 4, 1991

ESHB 1510 Prime Sponsor, House Committee on Judiciary: Changing provisions relating to guardianship. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Stratton, and Talmadge.

Passed to Committee on Rules for second reading.

April 3, 1991

SHB 1525 Prime Sponsor, House Committee on Education: Authorizing procedures to enable school district employees to obtain government travel and subsistence rates. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Craswell, Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

April 5, 1991

ESHB 1534 Prime Sponsor, House Committee on Judiciary: Providing training for investigating and prosecuting sexual assault cases. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, L. Kreidler, Madsen, Newhouse, and Rasmussen.

Referred to Committee on Ways and Means.

April 5, 1991

ESHB 1535 Prime Sponsor, House Committee on Energy and Utilities: Requiring radon testing. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, and Sutherland.

Passed to Committee on Rules for second reading.

April 5, 1991

SHB 1543 Prime Sponsor, House Committee on Human Services: Providing family support for schools with at-risk students. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Murray, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

April 4, 1991

SHB 1568 Prime Sponsor, House Committee on Transportation: Permitting public transportation benefit areas greater flexibility in areas served. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Madsen, McMullen, Oke, Sellar, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

April 5, 1991

SHB 1573 Prime Sponsor, House Committee on Judiciary: Establishing the measure of damages for a motor vehicle. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Moore, Owen, Pelz, Rasmussen, Sellar, Vognild, and West.

Passed to Committee on Rules for second reading.

April 4, 1991

HB 1578 Prime Sponsor, Representative Appelwick: Authorizing owners of property in the vicinity of a county road to petition for its vacation. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Sutherland.

Passed to Committee on Rules for second reading.

April 4, 1991

ESHB 1588 Prime Sponsor, House Committee on State Government: Regulating the board of accountancy. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Sutherland.

Referred to Committee on Ways and Means.

April 4, 1991

SHB 1598 Prime Sponsor, Committee on Higher Education: Enhancing the future teacher conditional scholarship program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Jesernig, Skratek, Stratton, and von Reichbauer.

Passed to Committee on Rules for second reading.

April 4, 1991

HB 1607 Prime Sponsor, Representative Horn: Providing for liens for delinquent service charges of storm water control facilities and city-owned sewer systems. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Sutherland.

Passed to Committee on Rules for second reading.

April 4, 1991

ESHB 1608 Prime Sponsor, House Committee on Human Services: Improving services for children. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, Stratton, and Talmadge.

Passed to Committee on Rules for second reading.

April 4, 1991

ESHB 1609 Prime Sponsor, House Committee on Human Services: Developing additional mental health services for children. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1991

ESHB 1624 Prime Sponsor, House Committee on Housing: Changing provisions relating to the housing trust fund. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

April 4, 1991

SHB 1629 Prime Sponsor, House Committee on Health Care: Redefining the practice of chiropractic. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, and Niemi.

Passed to Committee on Rules for second reading.

April 5, 1991

EHB 1647 Prime Sponsor, Representative Locke: Authorizing public works loans to local governments in timber impact areas. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

April 3, 1991

HB 1664 Prime Sponsor, Representative Belcher: Clarifying educational requirements regarding sign language. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Murray, Oke, and Talmadge.

Passed to Committee on Rules for second reading.

April 3, 1991

2SHB 1671 Prime Sponsor, House Committee on Transportation: Promoting growth strategies. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Conner, Hansen, Madsen, Oke, Sellar, Snyder, Thorsness, and Vognild.

MINORITY recommendation: Do not pass as amended. Signed by Senator Skratek.

Passed to Committee on Rules for second reading.

April 5, 1991

ESHB 1686 Prime Sponsor, House Committee on Human Services: Creating an incentive program for inmates. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

April 4, 1991

SHB 1703 Prime Sponsor, House Committee on Transportation: Revising regulation of vehicle and vessel licensing and registration. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Madsen, McMullen, Oke, Sellar, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

April 4, 1991

HB 1707 Prime Sponsor, Representative Anderson: Changing the Washington state guard to the Washington state defense force. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Sutherland.

Passed to Committee on Rules for second reading.

April 5, 1991

SHB 1709 Prime Sponsor, House Committee on Environmental Affairs: Concerning safe drinking water. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

April 5, 1991

SHB 1710 Prime Sponsor, House Committee on Environmental Affairs: Requiring certification of water systems operators. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Stratton, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

April 5, 1991

SHB 1712 Prime Sponsor, House Committee on Commerce and Labor: Providing for the registration of athlete agents. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; McCaslin, McMullen, Moore, and Murray.

Passed to Committee on Rules for second reading.

April 4, 1991

ESHB 1714 Prime Sponsor, House Committee on Human Services: Providing support for families in timber communities. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass as amended. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, Stratton, and Talmadge.

Passed to Committee on Rules for second reading.

April 4, 1991

SHB 1721 Prime Sponsor, House Committee on Appropriations: Refunding contributions to the judicial retirement system. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Gaspard, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, L. Smith, Talmadge, West, and Williams.

Passed to Committee on Rules for second reading.

April 4, 1991

EHB 1723 Prime Sponsor, Representative Ogden: Creating the Washington fund for excellence in higher education program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton, and von Reichbauer.

Passed to Committee on Rules for second reading.

April 5, 1991

ESHB 1725 Prime Sponsor, House Committee on Commerce and Labor: Addressing workplace hazards and pregnancy. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; McCaslin, McDonald, McMullen, Moore, and Murray.

Passed to Committee on Rules for second reading.

April 4, 1991

ESHB 1727 Prime Sponsor, House Committee on Judiciary: Changing provisions relating to interpreters in legal proceedings. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

April 4, 1991

ESHB 1729 Prime Sponsor, House Committee on Judiciary: Preparing a plan for an expanded juror list. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Madsen, Newhouse, and A. Smith.

Passed to Committee on Rules for second reading.

April 5, 1991

HB 1732 Prime Sponsor, Representative Appelwick: Allowing cities over 400,000 population to assign warrant servers to the police department. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Madsen, Newhouse, and Rasmussen.

Passed to Committee on Rules for second reading.

April 5, 1991

SHB 1736 Prime Sponsor, House Committee on Commerce and Labor: Establishing a system for payment for works of improvement on real property. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

April 5, 1991

SHB 1743 Prime Sponsor, House Committee on Financial Institutions and Insurance: Revising regulation of high-interest consumer loans. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Moore, Owen, Pelz, Rasmussen, Sellar, Vognild, and West.

Passed to Committee on Rules for second reading.

April 5, 1991

HB 1748 Prime Sponsor, Representative Ludwig: Preventing termination of the small business export finance assistance center. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

April 5, 1991

SHB 1762 Prime Sponsor, House Committee on Education: Allowing eleventh and twelfth grade students to take courses at institutions of higher education for high school credit. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, and Talmadge.

MINORITY recommendation: Do not pass as amended. Signed by Senators Murray, Pelz, Rinehart, and A. Smith.

Passed to Committee on Rules for second reading.

April 5, 1991

ESHB 1780 Prime Sponsor, House Committee on Human Services: Authorizing work crews for criminal offenders. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Hayner, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

April 4, 1991

SHB 1782 Prime Sponsor, House Committee on Judiciary: Affecting county court commissioners. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, and A. Smith.

Passed to Committee on Rules for second reading.

April 5, 1991

SHB 1811 Prime Sponsor, House Committee on Education: Affecting student motivation programs. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Oke, Pelz, Rinehart, and Talmadge.

Passed to Committee on Rules for second reading.

April 5, 1991

ESHB 1813 Prime Sponsor, House Committee on Education: Changing provisions relating to teacher training and recruitment. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Anderson, Craswell, Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

April 5, 1991

SHB 1825 Prime Sponsor, House Committee on Judiciary: Altering mandatory arbitration provisions. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Madsen, Newhouse, and Rasmussen.

Passed to Committee on Rules for second reading.

April 4, 1991

SHB 1828 Prime Sponsor, House Committee on Health Care: Providing regulations for the disclosure of health care records. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1991

SHB 1830 Prime Sponsor, House Committee on Judiciary: Clarifying that provisions relating to admissibility of children's statements apply to juvenile proceedings. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

April 5, 1991

EHB 1883 Prime Sponsor, Representative R. Meyers: Encouraging gasohol. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

April 4, 1991

SHB 1884 Prime Sponsor, House Committee on Judiciary: Providing for domestic violence programs and community response. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, and Madsen.

Referred to Committee on Ways and Means.

April 4, 1991

SHB 1885 Prime Sponsor, House Committee on Education: Creating the teachers recruiting future teachers program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

April 5, 1991

SHB 1909 Prime Sponsor, House Committee on Financial Institutions and Insurance: Increasing the capital and surplus requirements of insurance companies. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; Moore, Owen, Pelz, Rasmussen, and Vognild.

Passed to Committee on Rules for second reading.

April 5, 1991

HB 1910 Prime Sponsor, Representative Dellwo: Making medicare supplemental insurance conform to federal law. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Moore, Owen, Pelz, Rasmussen, Sellar, and Vognild.

Passed to Committee on Rules for second reading.

April 4, 1991

SHB 1919 Prime Sponsor, House Committee on Financial Institutions and Insurance: Providing for a reduction in automobile insurance and the disbursement of information on the effects of alcohol and drugs on driving. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Metcalf, Oke, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

April 5, 1991

ESHB 1932 Prime Sponsor, House Committee on Education: Raising school levy limits. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Murray, Pelz, Rinehart, and Talmadge.

MINORITY recommendation: Do not pass. Signed by Senators Craswell, Metcalf, and Oke.

Passed to Committee on Rules for second reading.

April 4, 1991

SHB 1936 Prime Sponsor, House Committee on Higher Education: Allowing high school graduation requirements to satisfy coursework requirements for undergraduate admissions. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer; Bluechel, Cantu, Jesernig, Skratek, Stratton, and von Reichbauer.

Passed to Committee on Rules for second reading.

April 5, 1991

ESHB 1938 Prime Sponsor, House Committee on Energy and Utilities: Creating a state-wide enhanced 911 network. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, and Williams.

Referred to Committee on Ways and Means.

April 4, 1991

HB 1946 Prime Sponsor, Representative Ogden: Designating the Erwin O. Rieger Memorial Highway. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Madsen, McMullen, Oke, Sellar, Skratek, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

April 5, 1991

SHB 1971 Prime Sponsor, House Committee on Financial Institutions and Insurance: Regulating alien insurers. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Owen, Pelz, Rasmussen, Sellar, Vognild, and West.

Passed to Committee on Rules for second reading.

April 5, 1991

ESHB 2026 Prime Sponsor, House Committee on Natural Resources and Parks: Providing for comprehensive water resources management. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen, and Newhouse.

Passed to Committee on Rules for second reading.

April 5, 1991

ESHB 2031 Prime Sponsor, House Committee on Energy and Utilities: Providing rate regulation for low-level waste sites. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, and Sutherland.

Referred to Committee on Ways and Means.

April 4, 1991

HB 2037 Prime Sponsor, Representative Morris: Modifying requirements for radiologic technologists. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1991

SHB 2044 Prime Sponsor, House Committee on Transportation: Expanding membership of the transportation improvement board. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; von Reichbauer, Vice Chairman; Barr, Erwin, Madsen, McMullen, Oke, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

April 4, 1991

SHB 2056 Prime Sponsor, House Committee on Health Care: Making major changes to the regulation and provision of vital statistics. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1991

ESHB 2058 Prime Sponsor, House Committee on Judiciary: Clarifying the application of the statute of limitations to actions based on childhood sexual abuse. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

April 5, 1991

HB 2059 Prime Sponsor, Representative H. Myers: Providing low-income persons with residential weatherization and energy assistance. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Thorsness, Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

April 4, 1991

ESHB 2071 Prime Sponsor, House Committee on Health Care: Giving the governor the authority to appoint the medical disciplinary board. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

April 4, 1991

SHB 2077 Prime Sponsor, House Committee on Appropriations: Changing reporting requirements for school district employee benefit providers. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Murray, Oke, Pelz, Rinehart, A. Smith, and Talmadge.

Passed to Committee on Rules for second reading.

April 3, 1991

HB 2082 Prime Sponsor, Representative Appelwick: Changing provisions relating to district court judges. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Erwin, L. Kreidler, Madsen, and A. Smith.

Passed to Committee on Rules for second reading.

April 5, 1991

ESHB 2086 Prime Sponsor, House Committee on Judiciary: Creating a central filing system for security interests in farm crops. Reported by Committee on Agriculture and Water Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Conner, Gaspard, Hansen, and Newhouse.

Referred to Committee on Ways and Means.

April 4, 1991

HB 2090 Prime Sponsor, Representative Anderson: Defining the "short term" for elective offices. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen, and Sutherland.

Passed to Committee on Rules for second reading.

April 4, 1991

ESHB 2095 Prime Sponsor, House Committee on State Government: Establishing a counseling network for veterans and their families. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Gaspard,

Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 4, 1991

SHB 2132 Prime Sponsor, House Committee on Revenue: Modifying the definition of employee to include certain insurance salespersons for the purposes of the business and occupation tax exemption under RCW 82.04.360. Reported by Committee on Financial Institutions and Insurance

MAJORITY recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators von Reichbauer, Chairman; Johnson, Vice Chairman; McCaslin, Moore, Owen, Pelz, Rasmussen, Sellar, Vognild, and West.

Referred to Committee on Ways and Means.

April 4, 1991

SHB 2140 Prime Sponsor, Committee on Transportation: Assisting transportation agencies in budgeting and planning. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Madsen, McMullen, Oke, Sellar, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

April 3, 1991

ESHB 2151 Prime Sponsor, House Committee on Transportation: Revising provisions relating to high capacity transportation systems. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Conner, Erwin, Madsen, Oke, Skratek, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

April 4, 1991

SHB 2152 Prime Sponsor, House Committee on Housing: Appointing a direct landlord pay task force. Reported by Committee on Children and Family Services

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, and Stratton.

MINORITY recommendation: Do not pass. Signed by Senator Talmadge.

Passed to Committee on Rules for second reading.

April 4, 1991

HJM 4004 Prime Sponsor, Representative Nealey: Requesting Congress to increase ethanol content in motor fuel. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Roach, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

April 5, 1991

HJM 4005 Prime Sponsor, Representative Bray: Requesting Congress to create a HAMMER training center at Hanford. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

April 5, 1991

HJM 4007 Prime Sponsor, Representative Hine: Concerning the study of electric and magnetic fields. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

April 4, 1991

HJM 4011 Prime Sponsor, Representative Fisher: Asking Congress for adoption of the new Federal Surface Transportation Assistance Act by October 1, 1991. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Madsen, McMullen, Oke, Sellar, Skratek, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

April 4, 1991

HJM 4012 Prime Sponsor, Representative Fisher: Asking Congress to make motor fuel tax moneys available to the states for highway work. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Madsen, McMullen, Oke, Sellar, Skratek, Snyder, Thorsness, and Vognild.

Passed to Committee on Rules for second reading.

April 5, 1991

HJM 4016 Prime Sponsor, Representative Ludwig: Requesting that Hanford be acknowledged as a national research and development center. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland, and Williams.

Passed to Committee on Rules for second reading.

April 4, 1991

HJR 4218 Prime Sponsor, Representative Appelwick: Amending the Constitution as to the allowable number of county court commissioners. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

April 4, 1991

SHJR 4221 Prime Sponsor, House Committee on Judiciary: Amending the Constitution to revise the jurisdiction of the superior court. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

April 4, 1991

GA 9030 JEANNE A. PELKEY, reappointed August 2, 1990, for a term ending July 1, 1995, as a member of the Board of Trustees for the State School for the Blind.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Murray, Oke, Pelz, Rinehart, and Talmadge.

Passed to Committee on Rules.

April 5, 1991

GA 9044 ROBERT G. WALDO, appointed August 29, 1990, for a term ending at the Governor's pleasure, as Chair of the Energy Facilities Site Evaluation Council.
Reported by Committee on Energy and Utilities

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland, and Williams.

Passed to Committee on Rules.

April 5, 1991

GA 9147 SHARON NELSON, reappointed December 10, 1990, for a term beginning January 2, 1991, and ending January 1, 1997, as Chair of the Utilities and Transportation Commission.
Reported by Committee on Energy and Utilities

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland, and Williams.

Passed to Committee on Rules.

MOTION

At 6:03 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Monday, April 8, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

EIGHTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 8, 1991

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Madsen, McMullen, Nelson, Patterson and Wojahn. On motion of Senator Anderson, Senators Nelson and Patterson were excused. On motion of Senator Murray, Senator Wojahn was excused.

The Sergeant at Arms Color Guard, consisting of Pages Katie Morrison and Jeff Ellington, presented the Colors. Reverend Jim Todd, pastor of the Sonrise Church of God of Olympia, offered the prayer.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5956 by Senators Thorsness, Bailey, Skratek, Oke, Pelz, Murray, A. Smith, Johnson, Anderson, Patterson, Sellar, Metcalf, Hayner, Craswell, L. Smith, Nelson, Bauer, Conner, Sutherland and Gaspard

AN ACT Relating to the general fund--state operating budget on K-12 education; and adding a new section to chapter 43.88 RCW.

Referred to Committee on Ways and Means.

SB 5957 by Senators Thorsness, Stratton, Saling, Jesernig, Nelson, Skratek, Snyder, von Reichbauer, A. Smith, Johnson, Patterson, Sellar, Metcalf, Hayner, Craswell, Bailey, L. Smith, Bauer, Conner, Sutherland and Gaspard

AN ACT Relating to the general fund--state operating budget on higher education; and adding a new section to chapter 43.88 RCW.

Referred to Committee on Ways and Means.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator McDonald, Gubernatorial Appointment No. 9062, Matthew J. Coyle, as a member of the Board of Tax Appeals, was confirmed.

APPOINTMENT OF MATTHEW J. COYLE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 44.

Absent: Senators Matson, McMullen - 2.

Excused: Senators Nelson, Patterson, Wojahn - 3.

MOTION

On motion of Senator Murray, Senator Madsen was excused.

MOTION

On motion of Senator McDonald, Gubernatorial Appointment No. 9102, Dennis I. Okamoto, as Director of the Department of Revenue, was confirmed.

Senator Metcalf spoke to the confirmation of Dennis I. Okamoto as the Director of the Department of Revenue.

APPOINTMENT OF DENNIS I. OKAMOTO

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 45.

Excused: Senators Madsen, Nelson, Patterson, Wojahn - 4.

SECOND READING

HOUSE BILL NO. 1489, by Representatives H. Meyers, May, Grant, Miller, Ebersole, Ballard, Belcher, Casada, Leonard, Hine, Bray, Appelwick, Hochstatter, R. Meyers, Morris, Cooper, Rayburn, Schmidt, Broback, Neher, Wynne, Betrozoff and Winsley

Adding limited new services to the current common carrier exceptions to the privacy act.

The bill was read the second time.

MOTION

Senator Williams moved that the following amendment by Senators Williams, Jesernig, Kreidler and Murray be adopted:

On page 2, line 7, after "commission" insert "": PROVIDED, That in any approval of such service the commission shall require adequate safeguards for the privacy of individuals and protection for persons or organizations from acts of violence and harassment""

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Williams, Jesernig, L. Kreidler and Murray on page 2, line 7, to House Bill No. 1489.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 13; Nays, 35; Absent, 0; Excused, 1.

Voting yea: Senators Jesernig, L. Kreidler, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, Talmadge, Williams - 13.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Johnson, Madsen, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West - 35.

Excused: Senator Wojahn - 1.

MOTION

Senator Jesernig moved that the following amendment by Senators Jesernig, Williams, L. Kreidler and Rinehart be adopted:

On page 2, line 7, after "commission" insert "": PROVIDED, That nothing in this subsection shall be construed to allow the sale or commercial use of information compiled by the use of any automatic number, caller, or location identification service, including an enhanced 911 emergency service""

POINT OF ORDER

Senator Thorsness: "Mr. President, a point of order. I would challenge this on scope and object."

There being no objection, the President deferred further consideration of House Bill No. 1489.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1954, deferred on second reading April 5, 1991.

Having served notice of reconsideration of the vote on the amendments by Senator Metcalf on page 2, line 17, and beginning on line 23, to the Senate Committee on Agricultural and Water Resources striking amendment, Senator Owen moved for reconsideration of the vote on the Committee on Agriculture and Water Resources striking amendment, as amended.

MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 1954 was deferred.

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

There being no objection, the Senate resumed consideration of House Bill No. 1024, deferred on third reading April 5, 1991.

MOTIONS

On motion of Senator von Reichbauer, the rules were suspended, House Bill No. 1024 was returned to second reading and read the second time.

Senator von Reichbauer, moved that the following amendment by Senators von Reichbauer and Talmadge be adopted:

On page 2, line 22, after "information", insert "except that related to the commission of misdemeanors or felonies by the individual"

POINT OF INQUIRY

Senator McCaslin: "Senator von Reichbauer, does this cover volunteer firemen?"

Senator von Reichbauer: "Senator McCaslin, it does not cover volunteer firemen."

The President declared the question before the Senate to be the adoption of the amendment by Senators von Reichbauer and Talmadge on page 2, line 22, to House Bill No. 1024.

The motion by Senator von Reichbauer carried and the amendment was adopted.

MOTION

On motion of Senator von Reichbauer, the rules were suspended, House Bill No. 1024, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1024, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1024, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 48.

Excused: Senator Wojahn - 1.

HOUSE BILL NO. 1024, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

ENGROSSED HOUSE BILL NO. 1096, by Representatives Winsley, Nelson, Ballard, Wineberry, Mitchell, Franklin, Leonard, Ogden, Riley, Roland, Jones and Sheldon

Increasing the fine for failing to install smoke detectors.

The bill was read the second time.

MOTION

On motion of Senator Matson, the rules were suspended, Engrossed House Bill No. 1096 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1096.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1096 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 48.

Excused: Senator Wojahn - 1.

ENGROSSED HOUSE BILL NO. 1096, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

At 9:59 a.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 10:01 a.m. by President Pritchard.

There being no objection, the Senate resumed consideration of House Bill No. 1489 and the pending amendment by Senators Jesernig, Williams, L. Kreidler and Rinehart on page 2, line 7, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Thorsness, the President finds that House Bill No. 1489 is a measure which exempts common carrier automatic number, caller or location identification service including enhanced 911 emergency service, from the provisions of the Washington Privacy Act, if such service is approved by the Washington Utilities and Transportation Commission.

"The amendment proposed by Senators Jesernig, Williams, L. Kreidler and Rinehart would prohibit the sale or commercial use of information obtained through such service.

"The President, therefore, finds the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senators Jesernig, Williams, L. Kreidler and Rinehart on page 2, line 7, to House Bill No. 1489 was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment by Senators Jesernig, Williams, L. Kreidler and Rinehart on page 2, line 7, to House Bill No. 1489.

Senator Jesernig demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Jesernig, Williams, L. Kreidler and Rinehart on page 2, line 7, to House Bill No. 1489.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 18; Nays, 31; Absent, 0; Excused, 0.

Voting yea: Senators Cantu, Gaspard, Jesernig, L. Kreidler, McMullen, Moore, Murray, Niemi, Owen, Patterson, Pelz, Rasmussen, Rinehart, Skratek, Talmadge, Vognild, Williams, Wojahn - 18.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Hansen, Hayner, Johnson, Madsen, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, von Reichbauer, West - 31.

MOTION

On motion of Senator Thorsness, the rules were suspended, House Bill No. 1489, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Lela Kreidler: "Senator Thorsness, I would like to make sure that the Legislature knows exactly what the results of this service will be and I was wondering has the Energy Committee requested a report from the UTC to know exactly what will be happening?"

Senator Thorsness: "I'm not sure I understand exactly your question, Senator Kreidler. If it is what is the UTC's attitude toward the technology in the options of blocking--we had a lot of discussion on that--they have said that they will provide blocking if in a tariff--free of charge. Also, we will have resolution on this same issue later this morning. I don't know if that answers your question, but I'm not sure I understood it either."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Thorsness, in the question that Senator Kreidler asked you, did I hear you say that free line blocking would be provided under this service?"

Senator Thorsness: "Senator Rasmussen, I'm quoting a letter--I'm not sure it is on your desk or not--dated the twenty-fifth of March. Basically, this bill only authorizes the services which have been approved by the UTC. I think we have discussed that the Commission has the authority to impose blocking or any other restriction it chooses and in this letter it states its intention to require telephone companies to offer customers both the per line and per call blocking options free of charge."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1489.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1489 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West - 36.

Voting nay: Senators Cantu, Jesernig, L. Kreidler, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Talmadge, Williams, Wojahn - 13.

HOUSE BILL NO. 1489, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1460, by House Committee on Local Government (originally sponsored by Representatives Franklin, Haugen, Ferguson and Ebersole)

Providing an alternative to drainage districts.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1460 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to the roll call on the final passage of Substitute House Bill No. 1460.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1460 and the bill passed the Senate by the following vote: Yeas, 49; Nays 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SUBSTITUTE HOUSE BILL NO. 1460, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1812, by Representatives Riley, Brumsickle, Sheldon, Rasmussen and Cooper

Adopting the woodland stewardship assistance act.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, House Bill No. 1812 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1812.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1812 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 48.

Absent: Senator West - 1.

HOUSE BILL NO. 1812, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1137, by House Committee on Local Government (originally sponsored by Representatives Haugen, Horn, Wang, Prince, Scott, Wilson, Zellinsky, Riley, Morris, Rayburn, Dorn, Wood, Paris, Orr, Ferguson, Winsley, Bray, Ludwig, Chandler, Inslee, Ogden, Ballard, Forner, Rasmussen, Roland, R. Johnson, Vance, Sheldon, Appelwick, Spanel, Leonard, Broback, D. Sommers, Hine, Kremen, Hargrove, Jones, May, Edmondson, Brough, Holland, Betrozoff, Wynne, Nealey, Miller, Bowman and Moyer) (by request of Task Force on City/County Finances)

Clarifying "criminal justice purposes" for local government criminal justice assistance.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Law and Justice amendment was adopted:

On page 6, line 28, after "more," insert "any county located east of the crest of the Cascade mountains with a population of one hundred fifty thousand or more,"

On motion of Senator Talmadge, the following amendment by Senators Talmadge, Nelson and Madsen was adopted:

On page 5, after line 21, insert a new subsection to read as follows:

"(6) Beginning January 1, 1992, no city with a population in excess of four hundred thousand shall receive any distribution of moneys from the municipal criminal justice assistance account until the city has entered an agreement with the office of court administrator regarding the utilization of the district and municipal court information system. The agreement shall require any municipal court system of such cities to be linked to the system and be fully capable of on-line use of the data contained therein. The agreement shall specify a date by which such linkage and use shall be effective and in no event shall the date be later than January 1, 1994, unless funding is not made available by the legislature, in which case the date for linkage shall be postponed only until such funding is available."

Renumber the remaining subsections consecutively and correct internal cross references.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1137, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1137, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1137, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 49.

SUBSTITUTE HOUSE BILL NO. 1137, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

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

SENATE RESOLUTION 1991-8652

By Senator McMullen

WHEREAS, The beautiful Skagit Valley is the tulip capital of the Northwest; and

WHEREAS, Every April, the tulips are in bloom celebrating the beginning of spring; and

WHEREAS, The Skagit Valley begins the festival season in Washington State with the Skagit Valley Tulip Festival; and

WHEREAS, The eighth annual event will run from April 5 through April 21, with the festival focusing around the towns of Sedro Woolley, Burlington, Anacortes, La Conner, and Mt. Vernon; and

WHEREAS, Nearly one-half million people visited the festival last year, bringing pleasure and excitement to visitors and a strong economic impact to the Skagit Valley; and

WHEREAS, Visitors will be overwhelmed by more than one thousand five hundred acres of tulips reflecting all the colors of the rainbow and by the fullness of life in the valley and its wonderful people; and

WHEREAS, The Festival of Foods, Street Fair, Sousa Concert, Paccar Open House, 10K Slug Run, and the Great Skagit Duck Race highlight the event;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate salute the five communities of Skagit County and their Chambers of Commerce for their Skagit County Tulip Festival; and

BE IT FURTHER RESOLVED, That we commend the community leaders and corporate sponsors responsible for the success of this important event and that we encourage citizens from across Washington State to take the time to enjoy the Skagit Valley Tulip Festival; and

BE IT FURTHER RESOLVED, That the Washington State Senate issue this resolution in recognition of the Skagit Valley Tulip Festival April 5 through April 22, 1991.

Senators McMullen and Metcalf spoke to Senate Resolution 1991-8652.

INTRODUCTION OF SPECIAL GUESTS

The President introduced "Little Miss Tulips" - Desiree Dralle and Vanessa Johnson - from the Skagit Valley Tulip Festival, and guests of Senator McMullen, who were seated on the rostrum.

The honored guests presented the President with a bouquet of tulips.

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

SECOND READING

HOUSE BILL NO. 1013, by Representatives Zellinsky, Ferguson, Haugen, Horn, Roland, Wood and Mitchell

Changing provisions relating to newly incorporated cities and towns.

The bill was read the second time.

MOTIONS

On motion of Senator McCaslin, the following Committee on Governmental Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 35.02.078 and 1986 c 234 s 10 are each amended to read as follows:

An election shall be held in the area proposed to be incorporated to determine whether the proposed city or town shall be incorporated if the boundary review board approves or modifies and approves the proposal, or if the county legislative authority does not disapprove the proposal as provided in RCW 35.02.070. Voters at this election shall determine if the area is to be incorporated.

The initial election on the question of incorporation shall be held at the next special election date specified in RCW 29.13.020 that occurs sixty or more days after the final public hearing by the county legislative authority or authorities, or the approval or modification and approval by the boundary review board or boards. The county legislative authority or authorities shall call for this election and, if the incorporation is approved, shall call for other elections to elect the elected officials as provided in this section. If the vote in favor of the incorporation receives ~~((forty))~~ thirty percent or less of the total vote on the question of incorporation, no new election on the question of incorporation for the area or any portion of the area proposed to be incorporated may be held for a period of three years from the date of the election in which the incorporation failed. This three-year prohibition shall not apply to any proposed city or town in which such election was held before the effective date of this act and the vote in favor of the incorporation received thirty percent or more of the total on the question of incorporation.

If the incorporation is authorized as provided by RCW 35.02.120, separate elections shall be held to nominate and elect persons to fill the various elective offices prescribed by law for the population and type of city or town, and to which it will belong. The primary election to nominate candidates for these elective positions shall be held at the next special election date, as specified in RCW 29.13.020, that occurs sixty or more days after the election on the question of incorporation or, if the incorporation election was held in April or May, at a special election by mail ballots to be held on the third Tuesday in July. The election to fill these elective positions shall be held at the next special election date, as specified in RCW 29.13.020, that occurs thirty or more days after certification of the results of the primary election or, if the primary election was held in April or May, at a special election by mail ballots to be held on the third Tuesday in July.

NEW SECTION. Sec. 2. A new section is added to chapter 35.02 RCW to read as follows:

A newly incorporated city or town shall be liable for its proportionate share of the costs of all elections, after the election on whether the area should be incorporated,

at which an issue relating to the city or town is placed before the voters, as if the city or town was in existence after the election at which voters authorized the area to incorporate.

Sec. 3. RCW 35.02.130 and 1986 c 234 s 16 are each amended to read as follows:

The city or town officially shall become incorporated at a date from one hundred eighty days to three hundred sixty days after the date of the election on the question of incorporation. An interim period shall exist between the time the newly elected officials have been elected and qualified and this official date of incorporation. During this interim period, the newly elected officials are authorized to adopt ordinances and resolutions which shall become effective on or after the official date of incorporation, and to enter into contracts and agreements to facilitate the transition to becoming a city or town and to ensure a continuation of governmental services after the official date of incorporation. Periods of time that would be required to elapse between the enactment and effective date of such ordinances, including but not limited to times for publication or for filing referendums, shall commence upon the date of such enactment as though the city or town were officially incorporated.

During this interim period, the city or town governing body may adopt rules establishing policies and procedures under the state environmental policy act, chapter 43.21C RCW, and may use these rules and procedures in making determinations under the state environmental policy act, chapter 43.21C RCW.

During this interim period, the newly formed city or town and its governing body shall be subject to the following as though the city or town were officially incorporated: RCW 4.24.470 relating to immunity; chapter 42.17 RCW relating to open government; chapter 40.14 RCW relating to the preservation and disposition of public records; chapters 42.20, 42.22, and 42.23 RCW relating to ethics and conflicts of interest; chapters 42.30 and 42.32 RCW relating to open public meetings and minutes; RCW 35.22.288, 35.23.310, 35.24.220, 35.27.300, 35A.12.160, as appropriate, and chapter 35A.65 RCW relating to the publication of notices and ordinances; RCW 35.21.875 and 35A.21.230 relating to the designation of an official newspaper; RCW 36.16.138 relating to liability insurance; RCW 35.22.620, 35.23.352, and 35A.40.210, as appropriate, and statutes referenced therein relating to public contracts and bidding; and chapter 39.34 RCW relating to interlocal cooperation. Tax anticipation or revenue anticipation notes or warrants and other short-term obligations may be issued and funds may be borrowed on the security of these instruments during this interim period, as provided in chapter 39.50 RCW. Funds also may be borrowed from federal, state, and other governmental agencies in the same manner as if the city or town were officially incorporated.

RCW 84.52.020 and 84.52.070 shall apply to the extent that they may be applicable, and the governing body of such city or town may take appropriate action by ordinance during the interim period to adopt the property tax levy for its first full calendar year following the interim period.

The governing body of the new city or town may acquire needed facilities, supplies, equipment, insurance, and staff during this interim period as if the city or town were in existence. An interim city manager or administrator, who shall have such administrative powers and duties as are delegated by the governing body, may be appointed to serve only until the official date of incorporation. After the official date of incorporation the governing body of such a new city organized under the council manager form of government may extend the appointment of such an interim manager or administrator with such limited powers as the governing body determines, for up to ninety days. This governing body may submit ballot propositions to the voters of the city or town to authorize taxes to be collected on or after the official date of incorporation, or authorize an annexation of the city or town by a fire protection

district or library district to be effective immediately upon the effective date of the incorporation as a city or town.

The boundaries of a newly incorporated city or town shall be deemed to be established for purposes of RCW 84.09.030 on the date that the results of the initial election on the question of incorporation are certified or the first day of January following the date of this election if the newly incorporated city or town does not impose property taxes in the same year that the voters approve the incorporation.

The newly elected officials shall take office immediately upon their election and qualification with limited powers during this interim period as provided in this section. They shall acquire their full powers as of the official date of incorporation and shall continue in office until their successors are elected and qualified at the next general municipal election after the official date of incorporation: PROVIDED, That if the date of the next general municipal election is less than ~~((seventy five days))~~ twelve months after the ~~((official))~~ date ~~((of incorporation, the))~~ of the first election of councilmembers, those initially elected ((officials)) councilmembers shall ((hold office)) serve until their successors are elected and qualified at the next following general municipal election ((next following)) as provided in RCW 29.04.170. For purposes of this section, the general municipal election shall be the date on which city and town general elections are held throughout the state of Washington, pursuant to RCW 29.13.020.

The official date of incorporation shall be on a date from one hundred eighty to three hundred sixty days after the date of the election on the question of incorporation, as specified in a resolution adopted by the governing body during this interim period. A copy of the resolution shall be filed with the county legislative authority of the county in which all or the major portion of the newly incorporated city or town is located. If the governing body fails to adopt such a resolution, the official date of incorporation shall be three hundred sixty days after the date of the election on the question of incorporation. The county legislative authority of the county in which all or the major portion of the newly incorporated city or town is located shall file a notice with the county assessor that the city or town has been authorized to be incorporated immediately after the favorable results of the election on the question of incorporation have been certified. The county legislative authority shall file a notice with the secretary of state that the city or town is incorporated as of the official date of incorporation.

NEW SECTION. Sec. 4. A new section is added to chapter 35.02 RCW to read as follows:

The newly elected officials shall adopt an interim budget for the interim period or until January 1 of the following year, whichever occurs first. A second interim budget shall be adopted for any period between January 1 and the official date of incorporation. These interim budgets shall be adopted in consultation with the office of the state auditor, division of municipal corporations.

The governing body shall adopt a budget for the newly incorporated city or town for the period between the official date of incorporation and January 1 of the following year. The mayor or governing body, whichever is appropriate shall prepare or the governing body may direct the interim city manager to prepare a preliminary budget in detail to be made public at least sixty days before the official date of incorporation as a recommendation for the final budget. The mayor, governing body, or the interim city manager shall submit as a part of the preliminary budget a budget message that contains an explanation of the budget document, an outline of the recommended financial policies and programs of the city or town for the ensuing fiscal year, and a statement of the relation of the recommended appropriation to such policies and programs. Immediately following the release of the preliminary budget, the governing body shall cause to be published a notice once each week for two consecutive weeks of a public hearing to be held at least twenty days before the official date of

incorporation on the fixing of the final budget. Any taxpayer may appear and be heard for or against any part of the budget. The governing body may make such adjustments and changes as it deems necessary and may adopt the final budget at the conclusion of the public hearing or at any time before the official date of incorporation.

NEW SECTION. Sec. 5. A new section is added to chapter 35.02 RCW to read as follows:

Upon the certification of election of officers, the governing body may by resolution borrow money from the municipal sales and use tax equalization account, up to one hundred thousand dollars or five dollars per capita based on the population estimate required by RCW 35.02.030, whichever is less.

The loan authorized by this section shall be repaid over a three-year period. The state treasurer shall withhold moneys from the funds otherwise payable to the city or town that has obtained such a loan, either from the municipal sales and use tax equalization account or from sales and use tax entitlements otherwise distributable to such city or town, so that the account is fully reimbursed over the three-year period. The state treasurer shall adopt by rule procedures to accomplish the purpose of this section on a reasonable and equitable basis over the three-year period.

NEW SECTION. Sec. 6. A new section is added to chapter 35.02 RCW to read as follows:

The department of community development shall identify federal, state, and local agencies that should receive notification that a new city or town is about to incorporate and shall assist newly formed cities and towns during the interim period before the official date of incorporation in providing such notification to the identified agencies.

NEW SECTION. Sec. 7. A new section is added to chapter 35.02 RCW to read as follows:

During the interim period, the governing body of the newly formed city or town and the board of fire commissioners may by written agreement delay the transfer of the district's assets and liabilities, and the city's or town's responsibility for the provision of fire protection, that would otherwise occur under RCW 35.02.190 or 35.02.200 for up to one year after the official date of incorporation. During the one-year period, the fire protection district may annex the city or town pursuant to chapter 52.04 RCW and retain the responsibility for fire protection.

Sec. 8. RCW 35.02.210 and 1986 c 234 s 21 are each amended to read as follows:

At the option of the governing body of a newly incorporated city or town, any fire protection district or library district serving any part of the area so incorporated shall continue to provide services to such area until the city or town ~~((receives distributions of property tax receipts from these special districts pursuant to RCW 35.02.140, or the city or town))~~ receives its own property tax receipts~~((, whichever is earlier))~~.

Sec. 9. RCW 35.02.220 and 1986 c 234 s 22 are each amended to read as follows:

The approval of an incorporation by the voters of a proposed city or town, and the existence of a transition period to become a city or town, shall not remove the responsibility of any county, road district, library district, or fire district, within which the area is located, to continue providing services to the area until the official date of the incorporation.

A county shall continue to provide the following services to a newly incorporated city or town, or that portion of the county within which the newly incorporated city or town is located, at the preincorporation level as follows:

(1) Law enforcement services shall be provided for a period not to exceed sixty days from the official date of the incorporation or until the city or town is receiving or could have begun receiving sales tax distributions under RCW 82.14.030(1), whichever is the shortest time period.

(2) Road maintenance shall be for a period not to exceed sixty days from the official date of the incorporation or until ~~((any))~~ forty percent of the anticipated annual tax distribution from the road district tax levy is made to the newly incorporated city or town pursuant to RCW 35.02.140, whichever is the shorter time period.

Sec. 10. RCW 52.02.020 and 1984 c 230 s 1 are each amended to read as follows:

Fire protection districts for the provision of fire prevention services, fire suppression services, emergency medical services, and for the protection of life and property in areas outside of cities and towns, except where the cities and towns have been annexed into a fire protection district or where the district is continuing service pursuant to section 7 of this act, are authorized to be established as provided in this title.

NEW SECTION. **Sec. 11.** A new section is added to chapter 35.02 RCW to read as follows:

During the interim period, the governing body of the newly formed city or town may adopt resolutions establishing moratoria during the interim transition period on the filing of applications with the county for development permits or approvals, including, but not limited, subdivision approvals, short subdivision approvals, and building permits.

NEW SECTION. **Sec. 12.** A new section is added to chapter 35.02 RCW to read as follows:

Cities, towns, counties, and other local government agencies and state agencies may make loans of staff and equipment, and technical and financial assistance to the newly formed city or town during the interim period to facilitate the transition to an incorporated city or town. Such loans and assistance may be without compensation.

NEW SECTION. **Sec. 13.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 1 of the title, after "towns;" strike the remainder of the title and insert "amending RCW 35.02.078, 35.02.130, 35.02.210, 35.02.220, and 52.02.020; adding new sections to chapter 35.02 RCW; and declaring an emergency."

MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1013, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1013, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1013, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling,

Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 48.

Absent: Senator Vognild - 1.

HOUSE BILL NO. 1013, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Anderson, Senator Bluechel was excused.

On motion of Senator Murray, Senator Vognild was excused.

SECOND READING

HOUSE BILL NO. 2073, by Representatives Padden, Morris, Silver, Winsley, Casada, Bowman, Vance, Broback, Fuhrman, P. Johnson, Morton, Wynne, Moyer, Edmondson, Van Luven and Mitchell

Increasing the penalties for selling controlled substances for profit.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 2073 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2073.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2073 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Bluechel, Vognild - 2.

HOUSE BILL NO. 2073, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1112, by House Committee on Natural Resources and Parks (originally sponsored by Representatives Ferguson, Belcher, Brumsickle, R. King, Rasmussen and Miller)

Providing for environmental interpretation in state parks.

The bill was read the second time.

MOTIONS

On motion of Senator Metcalf, the following Committee on Environment and Natural Resources amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. INTENT. The legislature finds that the lands owned and managed by the state parks and recreation commission are a significant collection of valuable natural, historical, and cultural resources for the citizens of Washington state. The legislature further finds that if citizens understand and appreciate the state park ecological resources, they will come to appreciate and understand the ecosystems and natural resources throughout the state. Therefore, the state parks and recreation commission may increase the use of its facilities and resources to provide environmental interpretation throughout the state parks system.

NEW SECTION. Sec. 2. DEFINITIONS. The state parks and recreation commission may provide environmental interpretative activities for visitors to state parks that:

- (1) Explain the functions, history, and cultural aspects of ecosystems;
- (2) Explain the relationship between human needs, human behaviors and attitudes, and the environment; and
- (3) Offer experiences and information to increase citizen appreciation and stewardship of the environment and its multiple uses.

NEW SECTION. Sec. 3. The state parks and recreation commission may consult and enter into agreements with and solicit assistance from private sector organizations and other governmental agencies that are interested in conserving and interpreting Washington's environment. The commission shall not permit commercial advertising in state park lands or interpretive centers as a condition of such agreements. Logos or credit lines for sponsoring organizations may be permitted. The commission shall maintain an accounting of all monetary gifts provided, and expenditures of monetary gifts shall not be used to increase personnel.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act are each added to chapter 43.51 RCW.

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, line 2 of the title, after "parks;" strike the remainder of the title and insert "and adding new sections to chapter 43.51 RCW."

MOTION

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 1112, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1112, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1112, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senator Matson - 1.

Excused: Senators Bluechel, Vognild - 2.

SUBSTITUTE HOUSE BILL NO. 1112, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1572, by Representatives Spanel, Wilson, R. King, Morris, Haugen, Orr, Cole, Fuhrman, Padden, Kremen and Paris

Requiring additional labeling on salmon sold for human consumption.

The bill was read the second time.

MOTIONS

On motion of Senator Metcalf, the following Committee on Environment and Natural Resources amendment was adopted:

On page 3, line 11, after "act." insert:

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

On motion of Senator Metcalf, the rules were suspended, Engrossed House Bill No. 1572, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1572, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1572, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senator Matson - 1.

Excused: Senator Vognild - 1.

ENGROSSED HOUSE BILL NO. 1572, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, the Senate returned to the fifth order of business.

INTRODUCTION AND FIRST READING

SCR 8406 by Senator Hayner

Amending the cutoff resolution, House Concurrent Resolution No. 4402, to allow for further consideration of Senate Bill No. 5149.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8406 was advanced to second reading and read the second time.

MOTION

Senator Gaspard moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 3, after "5149" insert "and House Bill No. 1025"

On page 2, line 6, after "5149" insert "and House Bill No. 1025"

On page 2, line 11, after "5149" insert "and House Bill No. 1025"

MOTION

Senator Hayner moved that the additional following amendments, the first group by Senator von Reichbauer and the second group by Senator Gaspard be considered simultaneously with the above group by Senator Gaspard, and be adopted:

On page 2, line 3, after "5149" insert "and Engrossed House Bill No. 1868"

On page 2, line 6, after "5149" insert "and Engrossed House Bill No. 1868"
 On page 2, line 11, after "5149" insert "and Engrossed House Bill No. 1868"

On page 2, line 3, after "5149" insert "and House Bill No. 1434"
 On page 2, line 6, after "5149" insert "and House Bill No. 1434"
 On page 2, line 11, after "5149" insert "and House Bill No. 1434"

The President declared the question before the Senate to be the adoption of the amendments by Senators Gaspard and von Reichbauer on page 2, to Senate Concurrent Resolution No. 8406.

The amendments by Senators Gaspard and von Reichbauer on page 2, to Senate Concurrent Resolution No. 8406 were adopted.

MOTION

On motion of Senator Newhouse, Engrossed Senate Concurrent Resolution No. 8406 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted by voice vote.

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

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5149, deferred on second reading April 5, 1991.

MOTIONS

Senator Nelson moved that the following amendment by Senators Nelson and Rasmussen be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 42.17.020 and 1990 c 139 s 2 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(3) "Benefit" means any commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of any commercial, proprietary, financial, economic, or monetary disadvantage.

(4) "Depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

~~((4))~~ (5) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

~~((5))~~ (6) "Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

((6)) (7) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

((7)) (8) "Commission" means the agency established under RCW 42.17.350.

((8)) (9) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.241, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

((9)) (10) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

((10)) (11) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality and the rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. Volunteer services, for the purposes of this chapter, means services or labor for which the individual is not compensated by any person. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of the tickets, and only the excess over the actual cost of the consumables shall be deemed a contribution.

((11)) (12) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

((12)) (13) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

((13)) (14) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

((14)) (15) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For

the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported.

~~((15))~~ (16) "Final report" means the report described as a final report in RCW 42.17.080(2).

~~((16))~~ (17) "Gift" means a rendering of money, property, services, discount, loan forgiveness, payment of indebtedness, reimbursements from or payments by persons, other than the state of Washington or any agency or political subdivision thereof, for travel or anything else of value in excess of fifty dollars in return for which legal consideration of equal or greater value is not given and received but does not include:

(a) Any contribution that is required to be reported under RCW 42.17.090 or 42.17.243;

(b) Any informational material that is transferred for the purpose of informing the recipient about matters pertaining to official agency business, and that is not intended to financially benefit that recipient;

(c) Any symbolic presentation that is not intended to financially benefit the recipient;

(d) Any honorarium that is required to be reported under this chapter;

(e) Any hosting in the form of entertainment, meals, or refreshments, the value of which does not exceed one hundred dollars, furnished in connection with official appearances, official ceremonies, and occasions where official agency business is discussed;

(f) Gifts that are not used and that, within thirty days after receipt, are returned to the donor or delivered to a charitable organization without being claimed as a charitable contribution for tax purposes;

(g) Intrafamily gifts; or

(h) Gifts received in the normal course of private business or social interaction that are not related to public policy decisions or agency actions.

(18) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household.

~~((17))~~ (19) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

~~((18))~~ (20) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

~~((19))~~ (21) "Lobbyist" includes any person who lobbies either in his or her own or another's behalf.

~~((20))~~ (22) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

~~((21))~~ (23) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

~~((22))~~ (24) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a

legal disability, the term "person in interest" means and includes the parent or duly appointed legal representative.

~~((23))~~ (25) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

~~((24))~~ (26) "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

~~((25))~~ (27) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

~~((26))~~ (28) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

~~((27))~~ (29) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

~~((28))~~ (30) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

Sec. 2. RCW 42.17.095 and 1982 c 147 s 8 are each amended to read as follows:

The surplus funds of a candidate, or of a political committee supporting or opposing a candidate, may only be disposed of in any one or more of the following ways:

(1) Return the surplus to a contributor in an amount not to exceed that contributor's original contribution;

(2) Transfer the surplus to the candidate's personal account as reimbursement for lost earnings incurred as a result of that candidate's election campaign. Such lost earnings shall be verifiable as unpaid salary or, when the candidate is not salaried, as an amount not to exceed income received by the candidate for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the candidate or the candidate's political committee. The committee shall include a copy of such record when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090;

(3) Transfer all or part of the surplus to a public office fund established in accordance with RCW 42.17.243;

(4) Transfer the surplus to one or more candidates or to a political committee or party;

~~((4))~~ (5) Donate the surplus to a charitable organization registered in accordance with chapter 19.09 RCW;

~~((5))~~ (6) Transmit the surplus to the state treasurer for deposit in the general fund; or

~~((6))~~ (7) Hold the surplus in the ~~((campaign))~~ depository or depositories designated in accordance with RCW 42.17.050 for possible use in a future election campaign, for political activity, or for community activity, or for nonreimbursed public office related expenses and report any such disposition in accordance with RCW 42.17.090(~~(: PROVIDED, That)~~). However, if the candidate subsequently announces or publicly files for office, information as appropriate is reported to the commission in accordance with RCW 42.17.040 through 42.17.090. If a subsequent office is not sought the surplus held shall be disposed of in accordance with the requirements of this section.

Sec. 3. RCW 42.17.170 and 1990 c 139 s 3 are each amended to read as follows:

(1) Any lobbyist registered under RCW 42.17.150 and any person who lobbies shall file with the commission periodic reports of his activities signed by the lobbyist. The reports shall be made in the form and manner prescribed by the commission. They shall be due monthly and shall be filed within fifteen days after the last day of the calendar month covered by the report.

(2) Each such monthly periodic report shall contain:

(a) The totals of all expenditures for lobbying activities made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report. Such totals for lobbying activities shall be segregated according to financial category, including compensation; food and refreshments; living accommodations; advertising; travel; contributions; and other expenses or services. Each individual expenditure of more than ~~((twenty-five))~~ fifty dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants.

Notwithstanding the foregoing, lobbyists are not required to report the following:

(i) Unreimbursed personal living and travel expenses not incurred directly for lobbying;

(ii) Any expenses incurred for his or her own living accommodations;

(iii) Any expenses incurred for his or her own travel to and from hearings of the legislature;

(iv) Any expenses incurred for telephone, and any office expenses, including rent and salaries and wages paid for staff and secretarial assistance.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(c) An itemized listing of each such expenditure in the nature of a contribution of money or of tangible or intangible personal property to any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition, or for or on behalf of any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition. All contributions made to, or for the benefit of, any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition shall be identified by date, amount, and the name of the candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition receiving, or to be benefited by each such contribution. When a listing or a report of contributions is made to the commission under this subsection (2)(c), a copy of the listing or report must be given to the candidate, elected official, or officer or employee

of any agency, or any political committee supporting or opposing any ballot proposition named in the listing or report.

(d) The subject matter of proposed legislation or other legislative activity or rule-making under chapter 34.05 RCW, the state Administrative Procedure Act, and the state agency considering the same, which the lobbyist has been engaged in supporting or opposing during the reporting period.

(e) Such other information relevant to lobbying activities as the commission shall by rule prescribe. Information supporting such activities as are required to be reported is subject to audit by the commission.

Sec. 4. RCW 42.17.240 and 1989 c 158 s 1 are each amended to read as follows:

(1) Every elected official and every executive state officer shall after January 1st and before April 15th of each year file with the commission a statement of financial affairs for the preceding calendar year. However, any local elected official whose term of office expires immediately after December 31st shall file the statement required to be filed by this section for the year that ended on that December 31st. In addition to and in conjunction with the statement of financial affairs, every official and officer shall file a statement describing any gifts received during the preceding calendar year.

(2) Every candidate shall within two weeks of becoming a candidate file with the commission a statement of financial affairs for the preceding twelve months.

(3) Every person appointed to a vacancy in an elective office or executive state officer position shall within two weeks of being so appointed file with the commission a statement of financial affairs for the preceding twelve months.

(4) A statement of a candidate or appointee filed during the period from January 1st to April 15th shall cover the period from January 1st of the preceding calendar year to the time of candidacy or appointment if the filing of the statement would relieve the individual of a prior obligation to file a statement covering the entire preceding calendar year.

(5) No individual may be required to file more than once in any calendar year.

(6) Each statement of financial affairs filed under this section shall be sworn as to its truth and accuracy.

(7) For the purposes of this section, the term "executive state officer" includes those listed in RCW 42.17.2401.

(8) This section does not apply to incumbents or candidates for a federal office or the office of precinct committee officer.

Sec. 5. RCW 42.17.243 and 1977 ex.s. c 366 s 5 are each amended to read as follows:

(1) Elected and appointed officials required to report under RCW 42.17.240(,) shall report for themselves and for members of their immediate family to the commission any contributions received ~~((during the preceding calendar year))~~ for the officials' use in defraying nonreimbursed public office related expenses. Contributions ~~((reported under this section))~~ received for this purpose shall be referred to as a "public office fund" and shall ~~((not be transferred to a political committee nor used to promote or oppose a candidate or ballot proposition, other than as provided by subsection (3) (a) of this section. For the purposes of this section contributions shall include reimbursements from or payments by persons, other than the state of Washington or any agency, for travel expenses))~~ be held in a separate bank account established for that purpose.

(2) Within two weeks of the day the public office fund is established, the official for whom it is established shall file with the commission a registration statement to include:

(a) The name of the official;

(b) The name and business address of the person who will maintain all financial records of the fund;

(c) Such other information as the commission may prescribe by rule, in keeping with the policies and purposes of this chapter.

Any official who has a public office fund in existence on the effective date of this act shall file a registration statement at the time the quarterly report required by subsection (3) of this section first comes due.

(3) A report shall be filed ~~((during the month of January of any year following a year))~~ within one month after the end of each calendar quarter in which ~~((such contributions were received for or expenditures made from))~~ a public office fund existed. The report shall include:

(a) The name and address of each contributor;

(b) A description of each contribution, including the date on which it was received and its amount or, if its dollar value is unascertainable, an estimate of its fair market value; ~~((and))~~

(c) A description of each expenditure made from a public office fund, including the name and address of the recipient, the amount, and the date of each ~~((such))~~ expenditure; and

(d) Such other information as the commission may prescribe by rule, in keeping with the policies and purpose of this chapter.

The official for whom the office fund is established shall certify that the report is correct.

~~((2))~~ (4) No report under ~~((subsection (1)))~~ subsections (2) and (3) of this section ~~((shall be))~~ is required if:

(a) ~~The receipt of the contribution has been reported pursuant to RCW 42.17.065 (continuing political committee reports) or RCW 42.17.090 (political committee reports); or~~

~~((b))~~ the contribution is in the form of meals, refreshments, or entertainment given in connection with official appearances or occasions where public business was discussed.

~~((3))~~ (5) Expenditures may be made from a public office fund only to pay expenses incurred by the official or members of the official's immediate family solely because of the person holding a public office.

(a) No funds or assets of a public office fund may be used to support or oppose a candidate or ballot proposition, political party, or political committee except as provided in subsection (6)(a) of this section.

(b) No payment may be made from a public office fund to an official to reimburse that official or a member of the official's family for lost earnings incurred as a result of that person being a public official.

(c) No funds or assets of a public office fund may be transferred to the public office fund of another person.

(d) All payments shall be substantiated by receipts or other appropriate documentation.

(6) Any funds ~~((which))~~ or other assets, whether tangible or intangible, that remain in a public office fund after all permissible public office related expenses have been paid may only be disposed of in one or more of the following ways:

(a) Returned to a contributor in an amount not to exceed that contributor's original contribution; or

(b) Donated to a charitable organization registered in accordance with chapter 19.09 RCW; or

(c) Transferred to the state treasurer for deposit in the general fund; or

(d) In the case of tangible assets, transferred to the government agency in which the official holds office.

(7) The official or person named in the registration statement shall preserve books of account, bills, receipts, and all other financial records of the office fund for not less than five calendar years following the year in which the transaction occurred.

NEW SECTION. Sec. 6. This act shall take effect January 1, 1992.

On motion of Senator Nelson, the following amendment to the striking amendment by Senators Nelson and Rasmussen was adopted:

On page 10 of the amendment, line 28, after "official," insert "professional staff member of the legislature."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Nelson and Rasmussen, as amended, to Substitute Senate Bill No. 5149.

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Nelson and Rasmussen, as amended, to Substitute Senate Bill No. 5149.

The motion by Senator Nelson carried and the striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "funds;" strike the remainder of the title and insert "amending RCW 42.17.020, 42.17.095, 42.17.170, 42.17.240, and 42.17.243; and providing an effective date."

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 5149 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5149.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5149 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Voting nay: Senator Matson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5149, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, Senate Bill No. 5956, which was referred to the Committee on Ways and Means on the Introduction and First Reading Calendar earlier today, was referred to the Committee on Education.

On motion of Senator Newhouse, Senate Bill No. 5957, which was referred to the Committee on Ways and Means on the Introduction and First Reading Calendar earlier today, was referred to the Committee on Higher Education.

On motion of Senator Newhouse, the Committee on Ways and Means was relieved of further consideration of Substitute House Bill No. 1059.

On motion of Senator Newhouse, Substitute House Bill No. 1059 was referred to the Committee on Rules.

MOTION

At 11:52 a.m., on motion of Senator Newhouse, the Senate recessed until 6:00 p.m.

The Senate was called to order at 5:56 p.m. by Vice President Pro Tempore Bluechel.

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

REPORTS OF STANDING COMMITTEES

April 8, 1991

ESHB 1028 Prime Sponsor, House Committee on Environmental Affairs: Making major changes to air quality laws. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Bluechel, Gaspard, Hayner, L. Kreidler, Metcalf, Murray, Niemi, Owen, Rinehart, Talmadge, and Wojahn.

Passed to Committee on Rules for second reading.

April 8, 1991

HB 1126 Prime Sponsor, Representative Braddock: Revising provisions for nursing facilities. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 8, 1991

ESHB 1127 Prime Sponsor, House Committee on Judiciary: Adding superior court judge positions. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 8, 1991

ESHB 1136 Prime Sponsor, House Committee on Commerce and Labor: Revising provisions regulating cosmetology. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Bailey, Bauer, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Niemi, Owen, L. Smith, Talmadge, and Wojahn.

Passed to Committee on Rules for second reading.

April 8, 1991

HB 1151 Prime Sponsor, Representative Ferguson: Changing blood and breath alcohol content standards for intoxication for those persons under the age of twenty-one. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Murray, Newhouse, Niemi, Owen, Saling, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 8, 1991

EHB 1228 Prime Sponsor, Representative Brumsickle: Managing state government receivables. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 8, 1991

SHB 1317 Prime Sponsor, House Committee on Revenue: Clarifying the tax exemption for medically prescribed oxygen. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 8, 1991

ESHB 1329 Prime Sponsor, House Committee on Education: Authorizing special educational services demonstration projects. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Education. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Gaspard, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 8, 1991

ESHB 1378 Prime Sponsor, House Committee on Appropriations: Changing provisions relating to superior court fees. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Metcalf, Murray, Newhouse, Niemi, Owen, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 8, 1991

ESHB 1534 Prime Sponsor, House Committee on Judiciary: Providing training for investigating and prosecuting sexual assault cases. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Metcalf, Murray, Newhouse, Niemi, Owen, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 8, 1991

EHB 1674 Prime Sponsor, Representative Orr: Freezing tuition and fees at 1990 rates for Persian Gulf veterans. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Metcalf, Murray, Newhouse, Niemi, Owen, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 8, 1991

ESHB 1884 Prime Sponsor, House Committee on Judiciary: Providing for domestic violence programs and community response. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Law and Justice. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Metcalf, Murray, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 8, 1991

HB 1891 Prime Sponsor, Representative Braddock: Coordinating the basic health plan with medical assistance. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 8, 1991

SHB 1997 Prime Sponsor, House Committee on Judiciary: Clarifying provisions relating to registration of sex offenders. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, and Wojahn.

Passed to Committee on Rules for second reading.

April 8, 1991

ESHB 2031 Prime Sponsor, House Committee on Energy and Utilities: Providing rate regulation for low-level waste sites. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Energy and Utilities. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, Matson, Metcalf, Newhouse, Owen, Saling, L. Smith, and West.

Passed to Committee on Rules for second reading.

April 8, 1991

HB 2057 Prime Sponsor, Representative Day: Allowing public facilities districts to impose excise tax. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Metcalf, Murray, Newhouse, Niemi, Owen, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 8, 1991

EHB 2093 Prime Sponsor, Representative Locke: Modifying authorized uses of the excise tax on lodgings. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Hayner, Johnson, Metcalf, Murray, Niemi, Owen, Rinehart, L. Smith, Talmadge, and Williams.

Passed to Committee on Rules for second reading.

April 8, 1991

ESHB 2100 Prime Sponsor, House Committee on Health Care: Exempting nursing homes for underserved ethnic minorities from certificate of need requirements. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Murray, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 8, 1991

HB 2119 Prime Sponsor, Representative Appelwick: Sentencing sexually violent offenders. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

April 8, 1991

SHB 2132 Prime Sponsor, House Committee on Revenue: Modifying the definition of employee to include certain insurance salespersons for the purposes of the business and occupation tax exemption under RCW 82.04.360. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Matson, Metcalf, Murray, Newhouse, Owen, Saling, L. Smith, and West.

Passed to Committee on Rules for second reading.

April 8, 1991

HB 2147 Prime Sponsor, Representative Heavey: Restricting certain lottery activities. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Passed to Committee on Rules for second reading.

MOTION

At 5:57 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Tuesday, April 9, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

EIGHTY-SIXTH DAY-----
MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 9, 1991

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Moore, Niemi, Pelz, Rinehart, Sellar and Linda Smith. On motion of Senator Anderson, Senator Sellar was excused. On motion of Senator Murray, Senators Pelz and Rinehart were excused.

The Sergeant at Arms Color Guard, consisting of Pages Chris Kunard and Steven Ricks, presented the Colors. Reverend Jim Todd, pastor of the Sunrise Church of God of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

April 6, 1991

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1058,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1330,

HOUSE BILL NO. 1889, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 8, 1991

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5036,

SENATE BILL NO. 5047,

SUBSTITUTE SENATE BILL NO. 5090,

SENATE BILL NO. 5103,

SENATE BILL NO. 5190, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1058 by House Committee on Revenue (originally sponsored by Representatives Wang, Holland and Fraser) (by request of State Treasurer and Office of Financial Management)

Reorganizing treasurer-managed funds and accounts.

Referred to Committee on Ways and Means.

ESHB 1330 by House Committee on Appropriations (originally sponsored by Representatives Locke, Silver, Spanel, Inslee, Morton and Holland) (by request of Governor Gardner)

Making appropriations and authorizing expenditures for the fiscal biennium ending June 30, 1993.

Referred to Committee on Ways and Means.

HB 1889 by Representative Locke (by request of Office of Financial Management and Department of Social and Health Services)

Increasing the maximum deductible an indigent person pays under the limited casualty program.

Referred to Committee on Ways and Means.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Bailey, Gubernatorial Appointment No. 9030, Jeanne A. Pelkey, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

APPOINTMENT OF JEANNE A. PELKEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Absent: Senators Moore, Niemi, L. Smith - 3.

Excused: Senators Pelz, Rinehart, Sellar - 3.

President Pro Tempore Craswell assumed the Chair.

MOTION

On motion of Senator Anderson, Senator Linda Smith was excused.

MOTION

On motion of Senator Bailey, Gubernatorial Appointment No. 9065, Benny Dockter, as a member of the Board of Trustees for the State School for the Deaf, was confirmed.

APPOINTMENT OF BENNY DOCKTER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Pelz, Sellar, L. Smith - 3.

MOTION

At 9:16 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:58 a.m. by President Pritchard.

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

MESSAGE FROM THE HOUSE

April 6, 1991

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1200,

SUBSTITUTE HOUSE BILL NO. 1304,

HOUSE BILL NO. 1450, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1200,

SUBSTITUTE HOUSE BILL NO. 1304,

HOUSE BILL NO. 1450.

MOTION

At 11:59 a.m., on motion of Senator Newhouse, the Senate recessed until 2:00 p.m.

The Senate was called to order at 3:09 p.m. by President Pritchard.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5036,

SENATE BILL NO. 5047,

SUBSTITUTE SENATE BILL NO. 5090,

SENATE BILL NO. 5103,

SENATE BILL NO. 5190.

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

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1954 and the pending motion by Senator Owen made on April 8, 1991, to reconsider the vote by which the Committee on Agriculture and Water Resources striking amendment, as amended, was adopted April 5, 1991.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Owen to reconsider the vote by which the Committee on Agriculture and Water Resources striking amendment, as amended, was adopted.

The motion by Senator Owen to reconsider the Committee on Agriculture and Water Resources striking amendment, as amended, failed on a rising vote.

MOTION

On motion of Senator Anderson, Senator Matson was excused.

MOTION

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 1954, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1954, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1954, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Roach, Saling, L. Smith, Snyder, Stratton, Sutherland, Thorsness, von Reichbauer, West, Wojahn - 38.

Voting nay: Senators Moore, Murray, Owen, Rinehart, Skratek, A. Smith, Talmadge, Vognild, Williams - 9.

Excused: Senators Matson, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 1954, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1204, by House Committee on Natural Resources and Parks (originally sponsored by Representatives Riley, Beck, Fraser, Wynne, Winsley and Jacobsen)

Changing provisions relating to natural resources conservation areas.

The bill was read the second time.

MOTIONS

On motion of Senator Metcalf, the following Committee on Environment and Natural Resources amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 79.71.010 and 1987 c 472 s 1 are each amended to read as follows:

The legislature finds that: (1) ~~((That))~~ There is an increasing and continuing need by the people of Washington for certain areas of the state to be conserved, in rural as well as urban settings, for the benefit of present and future generations; (2) ~~((that))~~ such areas are worthy of conservation for their outstanding scenic and ecological values and provide opportunities for ~~((dispersed))~~ low impact public ~~((recreation))~~ use; (3) ~~((that))~~ in certain cases acquisition of property or rights in property is necessary to protect these areas for public purposes; and (4) ~~((that))~~ there is a need for ~~((an))~~ a state agency to act in an effective and timely manner to acquire interests in such areas and to develop appropriate management strategies for conservation purposes.

Sec. 2. RCW 79.71.020 and 1987 c 472 s 2 are each amended to read as follows:

Lands possessing the following characteristics are considered by the legislature to be worthy of consideration for conservation purposes:

(1) Lands identified as having high priority for conservation, natural systems, wildlife, and ~~((dispersed recreational))~~ low-impact public use values;

(2) ~~((Prime natural features of the Washington landscape or portions thereof, inland or coastal wetlands, significant littoral, estuarine, or aquatic sites, or important geological features))~~ An area of land or water, or land and water, that has flora, fauna, geological, archaeological, scenic, or similar features of critical importance to the people of Washington and that has retained to some degree or has reestablished its natural character;

(3) Examples of native ecological communities; and

(4) Environmentally significant sites threatened with conversion to incompatible or ecologically irreversible uses.

Sec. 3. RCW 79.71.030 and 1987 c 472 s 3 are each amended to read as follows:

As used in this chapter:

"Commissioner" means the commissioner of public lands.

"Department" means the department of natural resources.

"Conservation purposes" include but are not limited to: (1) Maintaining, enhancing, or restoring ecological systems, including but not limited to aquatic, coastal, riparian, montane, and geological systems, whether such systems be unique or typical to the state of Washington; (2) maintaining exceptional scenic landscapes; (3) maintaining habitat for threatened, endangered, and sensitive species; (4) enhancing sites for primitive recreational purposes; and (5) outdoor environmental education.

"Low-impact public use" includes public recreation uses and improvements that do not adversely affect the resource values, are appropriate to the maintenance of the site in a relatively unmodified natural setting, and do not detract from long-term ecological processes.

"Management (~~for conservation purposes~~) activities" may include limited production of income from forestry, agriculture, or other resource management activities, if such actions are consistent with the other purposes and requirements of this chapter.

~~("Washington natural resources conservation area" is an area of land and/or water which retains to some degree or has reestablished its natural character, although it need not be completely undisturbed, or has flora, fauna, geological, archaeological, scenic, or similar features of critical importance to the people of Washington.)~~

"Natural resources conservation area" or "conservation area" means an area having the characteristics identified in RCW 79.71.020.

Sec. 4. RCW 79.71.050 and 1987 c 472 s 5 are each amended to read as follows:

The department is authorized to transfer fee simple interest or less than fee interests in trust land, as defined by Article XVI of the Washington Constitution, for the creation of natural resources conservation (~~(management)~~) areas, (~~(providing there is)~~) provided the owner of the trust land receives full fair market value compensation for all rights transferred. The proceeds from such transfers shall be used for the exclusive purpose of acquiring real property to replace those interests utilized for the conservation area in order to meet the department's fiduciary obligations and to maintain the productive land base of the various trusts.

Sec. 5. RCW 79.71.060 and 1987 c 472 s 6 are each amended to read as follows:

The department shall hold a public hearing in the county where the majority of the land in the proposed natural resources conservation area is located prior to establishing the boundary. An area proposed for designation must contain resources consistent with (~~(the purposes of this chapter)~~) characteristics identified in RCW 79.71.020.

Sec. 6. RCW 79.71.070 and 1987 c 472 s 7 are each amended to read as follows:

The department shall develop a management plan for each designated area. The plan shall identify the significant resources to be conserved consistent with the purposes of this chapter and identify the areas with potential for ~~((primitive recreation))~~ low-impact public and environmental educational uses. The plan shall specify what types of management activities ~~((will be))~~ and public uses that are permitted, consistent with the conservation purposes of this chapter. The department shall make such plans available for review and comment by the public and other state, tribal, and local agencies, prior to final approval by the commissioner.

Sec. 7. RCW 79.71.080 and 1987 c 472 s 8 are each amended to read as follows:

The department is authorized to administer natural ~~((resource{s}))~~ resources conservation areas and may enter into management agreements for these areas with ~~((other))~~ federal agencies, state agencies, local governments, and private nonprofit conservancy corporations, as defined in RCW 64.04.130, when such agreements are consistent with the purposes of acquisition as defined in the adopted ~~((site))~~ management plan. All management activities within a Washington natural resources conservation area will conform with the plan. Any moneys derived from the management of these areas in conformance with the adopted plan shall be deposited in the natural resources conservation areas stewardship account ~~((established in RCW 79.71.090)).~~

Sec. 8. RCW 79.71.090 and 1987 c 472 s 9 are each amended to read as follows:

There is hereby created the natural resources conservation areas stewardship account in the state treasury to ensure proper and continuing management of land acquired or designated pursuant to this chapter. Funds for the stewardship account shall be derived from appropriations of state general funds, federal funds, grants, donations, gifts, bond issue receipts, securities, interest, and other monetary instruments of value. Income derived from the management of natural resources conservation areas and all earnings from investments of balances in the account shall also be deposited in this stewardship account. The state treasurer may not deduct a fee for managing the funds in the stewardship account.

Appropriations from this account to the department shall be expended for no other purpose than to manage the areas approved by the legislature in fulfilling the purposes of this chapter, property acquired as natural area preserves under chapter 79.70 RCW, and property transferred under the authority and appropriation provided by the legislature to be managed under chapters 79.70 and 79.71 RCW or acquired under chapter 43.98A RCW.

Sec. 9. RCW 43.84.090 and 1990 2nd ex.s. c 1 s 203 are each amended to read as follows:

Except as otherwise provided by RCW 43.250.030, 67.40.025, 79.71.090, and 82.14.050, twenty percent of all income received from such investments shall be deposited in the state general fund.

NEW SECTION. Sec. 10. The balance in the conservation area account is transferred to the natural resources conservation areas stewardship account under RCW 79.71.090.

NEW SECTION. Sec. 11. Two million dollars from the existing stewardship account balance shall remain in the account to create an endowment. Only the interest from this endowment may be appropriated to the department for management purposes as provided in RCW 79.71.090.

NEW SECTION. Sec. 12. RCW 79.71.110 and 1987 c 472 s 11 are each repealed.

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, line 1 of the title, after "areas;" strike the remainder of the title and insert "amending RCW 79.71.010, 79.71.020, 79.71.030, 79.71.050, 79.71.060, 79.71.070, 79.71.080, 79.71.090, and 43.84.090; creating new sections; and repealing RCW 79.71.110."

MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute House Bill No. 1204, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1204, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1204, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, West, Williams, Wojahn - 46.

Absent: Senator Hayner - 1.

Excused: Senators Matson, Sellar - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1204, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2163, by Representatives Orr, Rasmussen, Wineberry, Bray, Dorn, R. Meyers, Dellwo, R. King, Ferguson and Anderson

Revoking licenses of persons who assault wildlife agents and other law enforcement officers.

The bill was read the second time.

MOTIONS

On motion of Senator Metcalf, the following Committee on Environment and Natural Resources amendments were considered simultaneously and were adopted:

On page 1, line 8, after "officer" strike "that is assisting the agent,"

On page 1, beginning on line 10, after "officer" strike "that was assisting the agent"

On page 1, beginning on line 12, after "officer" strike "that was assisting the agent"

On motion of Senator Owen, the following amendment was adopted:

On page 2, line 21, after "or licenses." add the following: "The ten year period shall be tolled during any time the convicted person is incarcerated in any state or local correctional or penal institution, in community supervision, or home detention for an offense under this section."

MOTION

On motion of Senator Metcalf, the rules were suspended, House Bill No. 2163, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2163, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2163, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Pelz, Rasmussen, Roach, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 38.

Voting nay: Senators Conner, Moore, Niemi, Patterson, Rinehart, Skratek, A. Smith, Vognild - 8.

Absent: Senator Saling - 1.

Excused: Senators Matson, Sellar - 2.

HOUSE BILL NO. 2163, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1400, by Representatives Morton, Grant, Fuhrman, Bray, Sprenkle, Morris, Chandler, Paris, Rasmussen, McLean, Forner and Rayburn (by request of Department of Health)

Modifying grant criteria for rural health care projects.

The bill was read the second time.

MOTION

Senator Hansen moved that the following amendment by Senators Hansen, Snyder and Barr be adopted:

On page 3, after line 18, insert the following:

NEW SECTION. Sec. 2. The legislature finds that there are barriers to providing residents of rural areas with access to affordable health care coverage through both public and private programs. The legislature further finds that the report on these barriers requested by the legislature in 1990 was prepared by the insurance commissioner's committee on the availability of affordable health insurance in rural areas of Washington state and declares that the regulatory and voluntary actions identified in this report should be pursued within the public and private sectors. The legislature intends through this act to foster the development and implementation of one community-based pilot project aimed at demonstrating the viability of providing health care services to residents of a rural area within the state.

NEW SECTION. Sec. 3. A new section is added to chapter 70.175 RCW to read as follows:

In administering and making awards for rural health projects under RCW 70.175.050, the secretary shall establish a process for selecting and making an award to a single participant for the development, design, and implementation of a project designed to provide a rural health care services program to residents of a rural community. Applications for rural health care services pilot programs shall include only contiguous health care catchment areas of the state that are designated as rural. Project funds may be used for any purposes related to the development, design, implementation, or introduction of a rural health care services program except that funds shall not be used to directly contribute to any program reserves used to assure the financial viability of the program. Final approval of a project funded and authorized under this section must be obtained from the secretary before final implementation. No liability may attach or otherwise accrue to the state for the provision of or charges for services under the rural health care services program authorized under this chapter.

Sec. 4. RCW 70.175.020 and 1989 1st ex.s. c 9 s 702 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrative structure" means a system of contracts or formal agreements between organizations and persons providing health services in an area that establishes the roles and responsibilities each will assume in providing the services of the rural health care facility.

(2) "Department" means the department of health.

(3) "Health care delivery system" means services and personnel involved in providing health care to a population in a geographic area.

(4) "Health care facility" means any land, structure, system, machinery, equipment, or other real or personal property or appurtenances useful for or associated with delivery of inpatient or outpatient health care service or support for such care or any combination thereof which is operated or undertaken in connection with a hospital, clinic, health maintenance organization, diagnostic or treatment center, extended care facility, or any facility providing or designed to provide therapeutic, convalescent or preventive health care services.

(5) "Health care system strategic plan" means a plan developed by the participant and includes identification of health care service needs of the participant, services and personnel necessary to meet health care service needs, identification of health status

outcomes and outcome measures, identification of funding sources, and strategies to meet health care needs including measures of effectiveness.

(6) "Institutions of higher education" means educational institutions as defined in RCW 28B.10.016.

(7) "Local administrator" means an individual or organization representing the participant who may enter into legal agreements on behalf of the participant.

(8) "Participant" means communities, counties, and regions that serve as a health care catchment area where the project site is located.

(9) "Project" means the Washington rural health system project.

(10) "Project site" means a site selected to participate in the project.

(11) "Rural health care facility" means a facility, group, or other formal organization or arrangement of facilities, equipment, and personnel capable of providing or assuring availability of health services in a rural area. The services to be provided by the rural health care facility may be delivered in a single location or may be geographically dispersed in the community health service catchment area so long as they are organized under a common administrative structure or through a mechanism that provides appropriate referral, treatment, and follow-up.

(12) "Secretary" means the secretary of health.

(13) "Rural health care services program" means an arrangement sponsored by a health care organization, municipal corporation, or combination of public and private entities that provides, exclusively for rural residents of its health care catchment area, access to primary, acute, or secondary health care services, either by contract or through the direct delivery of the services.

Sec. 5. RCW 70.175.030 and 1989 1st ex.s. c 9 s 703 are each amended to read as follows:

(1) The department shall establish the Washington rural health system project to provide financial and technical assistance to participants. The goal of the project is to help assure access to affordable health care services to citizens in the rural areas of Washington state.

(2) Administrative costs necessary to implement this project shall be kept at a minimum to insure the maximum availability of funds for participants.

(3) The secretary may appoint such technical or advisory committees as he or she deems necessary consistent with the provisions of RCW 43.70.040. In appointing an advisory committee the secretary should assure representation by health care professionals, health care providers, and those directly involved in the purchase, provision, or delivery of health care services as well as consumers, rural community leaders, and those knowledgeable of the issues involved with health care public policy. Individuals appointed to any technical advisory committee shall serve without compensation for their services as members, but may be reimbursed for their travel expenses pursuant to RCW 43.03.050 and 43.03.060.

(4) The secretary may contract with third parties for services necessary to carry out activities to implement this chapter where this will promote economy, avoid duplication of effort, and make the best use of available expertise.

(5) The secretary may apply for, receive, participate in, and accept gifts, grants, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects related to the delivery of health care in rural areas.

(6) In designing and implementing the project the secretary shall consider the report of the Washington rural health care commission established under chapter 207, Laws of 1988, and for purposes of section 3 of this act, the report of the committee on the availability of affordable health insurance in rural areas of Washington state established under chapter 271, Laws of 1990. Nothing in this chapter requires the

secretary to follow any specific recommendation contained in ~~((that))~~ those reports except as it may also be included in this chapter.

(7) The secretary shall appoint a special advisory committee for the purpose of assisting in establishing standards, making awards, designing the final project, coordinating technical assistance, and providing oversight of the demonstration project authorized under section 3 of this act. This committee shall include the director of the medical assistance program of the department of social and health services, the administrator of the state health care authority, the administrator of the basic health plan, and the director of the department of labor and industries, and may include any other representatives deemed necessary by the secretary.

(8) The successful applicant for implementation of a project under section 3 of this act is exempt from all provisions of Title 48 RCW after the secretary makes a specific determination that the applicant:

(a) Has obtained an actuarial study through a consultant approved by the secretary which concludes that the rural health care services program is financially viable;

(b) Has demonstrated public support from the citizens residing within the catchment area of the rural health care services program through an affirmative vote on that issue presented to them at a general or special election; and

(c) Has verified that all provider contracts within the rural health care services program hold individual beneficiaries harmless for charges for services arising in the event of a failure of the plan.

(9) The secretary, in consultation with the special advisory committee authorized in subsection (7) of this section, shall evaluate the project authorized under section 3 of this act. The secretary shall report to the legislature and the governor within four years of the initial commencement of health care service delivery. The evaluation shall assess whether the program has maintained financial viability, improved access to health care services, and increased utilization of local health care providers. The evaluation shall also include recommendations to continue or expand the program, including any necessary legislative changes.

(10) The secretary may authorize enrollment limits to the program provided such limits do not jeopardize its financial viability.

NEW SECTION. Sec. 6. If specific funding for the purposes of sections 2 through 5 of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 2 through 5 of this act shall be null and void.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Hansen, Snyder and Barr on page 3, after line 18, to House Bill No. 1400.

The motion by Senator Hansen carried and the amendment was adopted.

MOTIONS

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "health;" strike the remainder of the title and insert "amending RCW 70.175.050, 70.175.020 and 70.175.030; adding a new section to chapter 70.175 RCW; and creating new sections."

On motion of Senator West, the rules were suspended, House Bill No. 1400, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1400, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1400, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Matson, Sellar - 2.

HOUSE BILL NO. 1400, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1174, by House Committee on Education (originally sponsored by Representatives Holland, Cole, Peery, Brumsickle, G. Fisher, Brough, Valle, Rasmussen, Phillips, Jones, Dorn, P. Johnson, Padden, Appelwick, Jacobsen, Winsley, Pruitt, Inslee, Ogden, Ballard, Wood, R. Johnson, Vance, Sheldon, Day, Spanel, Leonard, Broback, Parish, Rust, Scott, Haugen, Hine, Cantwell, Rayburn, Edmondson, Basich, Mitchell, Betrozoff, Nealey, Miller, Bowman, Moyer, Fraser, O'Brien, Sprenkle, Tate and McLean) (by request of Task Force on Student Transportation Safety)

Allowing school bus drivers to report drivers who fail to stop.

The bill was read the second time.

MOTIONS

On motion of Senator Bailey, the following Committee on Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 46.61 RCW to read as follows:

If a law enforcement officer investigating a violation of RCW 46.61.370 has reasonable cause to believe that a violation has occurred, the officer may request the owner of the motor vehicle to supply information identifying the driver of the vehicle at the time the violation occurred. When requested, the owner of the motor vehicle shall identify the driver to the best of the owner's ability. The owner of the vehicle is not required to supply identification information to the law enforcement officer if the owner believes the information is self-incriminating.

NEW SECTION. Sec. 2. A new section is added to chapter 46.61 RCW to read as follows:

(1) The driver of a school bus who observes a violation of RCW 46.61.370 may prepare a written report on a form provided by the state patrol or another law enforcement agency indicating that a violation has occurred. The driver of the school bus or a school official may deliver the report to a law enforcement officer of the state, county, or municipality in which the violation occurred but not more than seventy-two hours after the violation occurred. The driver shall include in the report the time and location at which the violation occurred, the vehicle license plate number, and a description of the vehicle involved in the violation.

(2) The law enforcement officer shall initiate an investigation of the reported violation within ten working days after receiving the report described in subsection (1) of this section by contacting the owner of the motor vehicle involved in the reported violation and requesting the owner to supply information identifying the driver. Failure to investigate within the ten-working-day-period does not prohibit further investigation or prosecution. If, after an investigation, the law enforcement officer is able to identify the driver and has reasonable cause to believe a violation of RCW 46.61.370 has occurred, the law enforcement officer shall prepare a notice of traffic infraction and have it served upon the driver of the vehicle.

NEW SECTION. Sec. 3. By December 1, 1991, the superintendent of public instruction shall review the current use of aides on special education buses and provide to the education committees of the house of representatives and the senate recommended guidelines, with associated fiscal impacts, for increasing the use of aides on special education buses.

NEW SECTION. Sec. 4. The superintendent of public instruction, in cooperation with at least one school district, shall conduct a pilot program to test the feasibility of using video cameras to identify motorists and vehicles that illegally pass school buses when the bus is loading and unloading students. The superintendent shall report his or her findings to the legislature by December 30, 1992.

NEW SECTION. Sec. 5. The sum of forty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the general fund to the superintendent of public instruction for the purposes of section 4 of this act.

On motion of Senator Bailey, the following title amendment was adopted:

On page 1, line 1 of the title, after "safety;" strike the remainder of the title and insert "adding new sections to chapter 46.61 RCW; creating new sections; and making an appropriation."

MOTION

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute House Bill No. 1174, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1174, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1174, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Matson, Sellar - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1174, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1118, by Representative R. Fisher, Meyers, Schmidt and Prince

Adjusting length restrictions on buses.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Engrossed House Bill No. 1118 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1118.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1118 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams - 44.

Voting nay: Senators Rasmussen, Vognild, Wojahn - 3.

Excused: Senators Matson, Sellar - 2.

ENGROSSED HOUSE BILL NO. 1118, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1625, by Representative McLean, Rayburn, Kremen, Chandler, Grant, Fuhrman, Ballard, Moyer and Rasmussen

Removing the requirement for the development of a plan for voluntary combined reporting for agricultural employers.

The bill was read the second time.

MOTION

On motion of Senator Barr, the rules were suspended, House Bill No. 1625 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1625.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1625 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Matson, Sellar - 2.

HOUSE BILL NO. 1625, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1955, by Representative Rayburn, Nealey, Kremen, McLean, Roland, Inslee, Rasmussen, Basich and Brekke (by request of Department of Agriculture)

Changing provisions regarding misbranded or adulterated food.

The bill was read the second time.

MOTION

On motion of Senator Barr, the rules were suspended, House Bill No. 1955 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1955.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1955 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Matson, Sellar - 2.

HOUSE BILL NO. 1955, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1740, by Representatives Ogden, Winsley, Nelson, Leonard, May, Ebersole, Ballard, R. Johnson and Wineberry

Changing provisions relating to housing authorities.

The bill was read the second time.

MOTIONS

On motion of Senator Anderson, the following Committee on Commerce and Labor amendments were considered simultaneously and were adopted:

On page 11, line 4 after "elderly" insert "1"

On page 5, line 18 after "(9)" insert:

"To initiate eviction proceedings against any tenant as provided by law. Activity occurring in any housing authority unit which constitutes a violation of chapter 69.41, 69.50 or 69.52 RCW, shall constitute a nuisance for the purpose of RCW 59.12.030 (5)."

Renumber the remaining subsections accordingly.

On motion of Senator Anderson, the rules were suspended, Engrossed House Bill No. 1740, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1740, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1740, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Matson, Sellar - 2.

ENGROSSED HOUSE BILL NO. 1740, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1995, by Representatives R. Fisher, Jones, Wood, R. Meyers, Horn, Wilson, Mielke and Miller

Exempting converter gear and tow dollies from licensing.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 1995 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Murray, Senator Pelz was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1995.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1995 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith,

L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Matson, Pelz, Sellar - 3.

HOUSE BILL NO. 1995, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1789, by House Committee on Health Care (originally sponsored by Representatives Braddock, Paris and Prentice)

Concerning the filling of prescriptions written by out-of-state prescribers.

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 1789 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1789.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1789 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Matson, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 1789, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1156, by Representatives Winsley, Rayburn, Rasmussen, R. Johnson, Cole and Wilson

Regulating structural pest control inspectors.

The bill was read the second time.

MOTION

On motion of Senator Barr, the rules were suspended, Engrossed House Bill No. 1256 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1156.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1156 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Matson, Sellar - 2.

ENGROSSED HOUSE BILL NO. 1156, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE JOINT MEMORIAL NO. 4008, by Representatives R. King, Hochstatter, Cole, Orr, Haugen, Basich, Wilson, Spanel, Fuhrman, Padden, Winsley, D. Sommers, Bowman, Paris, May, Miller, Riley, Brough, Silver, Nealey, Forner, Wynne, Sheldon, Fraser, Phillips, Jones, Brumsickle, Nelson, Neher, Horn, Casada, H. Myers, Leonard Moyer, Sprengle, Brekke and Anderson

Requesting Congress and the President to ban driftnets.

The joint memorial was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed House Joint Memorial No. 4008 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Joint Memorial No. 4008.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Joint Memorial No. 4008 and the joint memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Matson, Sellar - 2.

ENGROSSED HOUSE JOINT MEMORIAL NO. 4008, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1877, by House Committee on Natural Resources and Parks (originally sponsored by Representatives Hargrove, Belcher, Jones, Phillips, Jacobsen, Sheldon, Basich and Rasmussen)

Creating the Olympic natural resources center.

The bill was read the second time.

MOTION

Senator Owen moved that the following amendment be adopted:

On page 2, line 13, after "center" insert ", guided by the policies established by the 1989 Commission on Old Growth Alternatives for Washington's Forest Trust Lands,"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Owen on page 2, line 13, to Engrossed Substitute House Bill No. 1877.

The motion by Senator Owen carried and the amendment was adopted.

MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute House Bill No. 1877, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1877, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1877, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Matson, Sellar - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1877, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

TO: Gordon Golob
FROM: Senator Dean Sutherland
SUBJECT: April 9 Roll Calls

On April 9, 1991, I was excused on roll calls on the following: Senator Murray amendment on page 6, line 22, to the Committee on Agriculture and Water Resources striking amendment to Engrossed Substitute House Bill No. 1426; final passage of Engrossed Substitute House Bill No. 1426; and final passage of House Bill No. 1091. For the record, I would like to indicate that I would have voted 'yes' on the above.

I missed all of the above votes because of prior commitments to meet with my constituents at public meetings in Cowlitz County.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426, by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Grant, Ballard, Rayburn, Nealey, Rust, Belcher, Ludwig, Prince, Heavey, Inslee, Bray, Rasmussen, Jacobsen, Lisk, Kremen, Spanel and Edmondson)

Establishing the center for sustaining agriculture and natural resources, and the food and environmental quality laboratory as research and extension programs of Washington State University.

The bill was read the second time.

MOTIONS

Senator Barr moved that the following Committee on Agriculture and Water Resources amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** The legislature finds that public concerns are increasing about the need for significant efforts to develop sustainable systems in agriculture. The sustainable systems would address many anxieties, including the erosion of agricultural lands, the protection and wise utilization of natural resources, and the safety of food production. Consumers have demonstrated their apprehension in the marketplace by refusing to purchase products whose safety is suspect and consumer confidence is essential for a viable agriculture in Washington. Examples of surface and ground water contamination by pesticides and chemical fertilizers raise concerns about deterioration of environmental quality. Reducing soil erosion would maintain water quality and protect the long-term viability of the soil for agricultural productivity. Both farmers and farm labor are apprehensive about the effects of pesticides on their health and personal safety. Development of sustainable farming systems would strengthen the economic viability of Washington's agricultural production industry.

Public anxieties over the use of chemicals in agriculture have resulted in congress amending the federal insecticide, fungicide and rodenticide act which requires all pesticides and their uses registered before November 1984 to be reregistered, complying with present standards, by the end of 1997. The legislature finds that the pesticide reregistration process and approval requirements could reduce the availability of chemical pesticides for use on minor crops in Washington and may jeopardize the farmers' ability to grow these crops in Washington.

The legislature recognizes that Washington State University supports research and extension programs that can lead to reductions in pesticide use where viable alternatives are both environmentally and economically sound. Yet, the legislature finds that a focused and coordinated program is needed to develop possible alternatives, increase public confidence in the safety of the food system, and educate farmers and natural resource managers on land stewardship.

The legislature further finds that growers, processors, and agribusiness depend upon pesticide laboratories associated with manufacturers, regional universities, state departments of agriculture, and the United States department of agriculture to provide residue data for registering essential pesticides. The registration of uses for minor crops, which include vegetables, fruits, nuts, berries, nursery and greenhouse crops, and reregistration of needed chemicals, are activities of particular concern to ensure crop production. Furthermore, public demands for improved information and education on pesticides and risk assessment efforts justify these efforts.

The legislature further finds that multiple alternatives are needed for pest control, including programs for integrated pest management, genetic resistance to pests, biological control, cultural practices, and the use of appropriate approved chemicals.

NEW SECTION. **Sec. 2.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Center" means the center for sustaining agriculture and natural resources established at Washington State University.

(2) "Laboratory" means the food and environmental quality laboratory established at Washington State University at Tri-Cities.

(3) "Integrated pest management" is a strategy that uses various combinations of pest control methods, biological, cultural, and chemical, in a compatible manner to achieve satisfactory control and ensure favorable economic and environmental consequences.

(4) "IR-4 program" means interregional research project number four, clearances of chemicals and biologics for minor or special uses, established in 1963 by the cooperative state research service of the United States department of agriculture, the coordinated national program involving land-grant universities and the United States department of agriculture to provide data required for the registration of pesticides needed for the production of minor crops.

(5) "Natural resources" means soil, water, air, forests, wetlands, wildlands, and wildlife.

(6) "Pesticide" means chemical or biologic used to control pests such as insect, rodent, nematode, snail, slug, weed, virus, or any organism the director of agriculture may declare to be a pest.

(7) "Registration" means use of a pesticide approved by the state department of agriculture.

(8) "Sustainable agriculture" means a systems approach to farming, ranching, and natural resource production that builds on and supports the physical, biological, and ecological resource base upon which agriculture depends. The goals of sustainable agriculture are to provide human food and fiber needs in an economically viable manner for the agriculture industry and in a manner which protects the environment and contributes to the overall safety and quality of life.

NEW SECTION. Sec. 3. A center for sustaining agriculture and natural resources is established at Washington State University. The center shall provide state-wide leadership in research, extension, and resident instruction programs to sustain agriculture and natural resources.

NEW SECTION. Sec. 4. The center is to work cooperatively with the University of Washington to maximize the use of financial resources in addressing forestry issues. The center's primary activities include but are not limited to:

(1) Research programs which focus on developing possible alternative production and marketing systems through:

- (a) Integrated pest management;
- (b) Biological pest control;
- (c) Plant and animal breeding;
- (d) Conservation strategies; and
- (e) Understanding the ecological basis of nutrient management;

(2) Extension programs which focus on:

(a) On-farm demonstrations and evaluation of alternative production practices;

(b) Information dissemination, and education concerning sustainable agriculture and natural resource systems; and

(c) Communication and training on sustainable agriculture strategies for consumers, producers, and farm and conservation-related organizations;

(3) On-farm testing and research to calculate and demonstrate costs and benefits, including economic and environmental benefits and trade-offs, inherent in farming systems and technologies;

(4) Crop rotation and other natural resource processes such as pest-predator interaction to mitigate weed, disease, and insect problems, thereby reducing soil erosion and environmental impacts;

(5) Management systems to improve nutrient uptake, health, and resistance to diseases and pests by incorporating the genetic and biological potential of plants and animals into production practices;

(6) Soil management, including conservation tillage and other practices to minimize soil loss and maintain soil productivity; and

(7) Animal production systems emphasizing preventive disease practices and mitigation of environmental pollution.

NEW SECTION. Sec. 5. The center is managed by an administrator. The administrator shall hold a joint appointment as an assistant director in the Washington State University agricultural research center and cooperative extension.

(1) A committee shall advise the administrator. The dean of the Washington State University college of agriculture and home economics shall make appointments to the advisory committee so the committee is representative of affected groups, such as the Washington department of social and health services, the Washington department of ecology, the Washington department of agriculture, the chemical and fertilizer industry, food processors, marketing groups, consumer groups, environmental groups, farm labor, and natural resource and agricultural organizations.

(2) Each appointed member shall serve a term of three years, and one-third are appointed every year. The entire committee is appointed the first year: One-third for a term of one year, one-third for a term of two years, and one-third for a term of three years. A member shall continue to serve until a successor is appointed. Vacancies are filled by appointment for the unexpired term. The members of the advisory committee shall serve without compensation but shall be reimbursed for travel expenses incurred while engaged in the business of the committee as provided in RCW 43.03.050 and 43.03.060.

(3) It is the responsibility of the administrator, in consultation with the advisory committee, to:

(a) Recommend research and extension priorities for the center;

(b) Conduct a competitive grants process to solicit, review, and prioritize research and extension proposals; and

(c) Advise Washington State University on the progress of the development and implementation of research, teaching, and extension programs that sustain agriculture and natural resources of Washington.

NEW SECTION. Sec. 6. A food and environmental quality laboratory is established in the Tri-Cities area to conduct pesticide residue studies concerning fresh and processed foods, in the environment, and for human and animal safety. The laboratory shall cooperate with public and private laboratories in Washington, Idaho, and Oregon.

NEW SECTION. Sec. 7 The responsibilities of the laboratory shall include:

(1) Evaluating regional requirements for minor crop registration through the federal IR-4 program;

(2) Conducting studies on the fate of pesticides on crops and in the environment, including soil, air, and water;

(3) Improving pesticide information and education programs; and

(4) Assisting federal and state agencies with questions regarding registration of pesticides which are deemed critical to crop production, consistent with priorities established in section 8 of this act; and

(5) Assisting in the registration of biopesticides, pheromones, and other alternative chemical and biological methods.

NEW SECTION. Sec. 8. The laboratory is advised by a board appointed by the dean of the Washington State University college of agriculture and home economics. The dean shall cooperate with appropriate officials in Washington, Idaho, and Oregon in selecting board members.

(1) The board shall consist of one representative from each of the following interests: A human toxicologist or a health professional knowledgeable in worker exposure to pesticides, the Washington State University vice-provost for research or research administrator, representatives from the state department of agriculture, the department of ecology, the department of health, the department of labor and industry, privately owned Washington pesticide analytical laboratories, federal regional pesticide laboratories, an Idaho and Oregon laboratory, whether state, university, or private, a chemical and fertilizer industry representative, farm organizations, food processors,

marketers, farm labor, environmental organizations, and consumers. Each board member shall serve a three-year term. The members of the board shall serve without compensation but shall be reimbursed for travel expenses incurred while engaged in the business of the board as provided in RCW 43.03.050 and 43.03.060.

(2) The board is in liaison with the pesticide advisory board and the pesticide incident reporting and tracking panel and shall review the chemicals investigated by the laboratory according to the following criteria:

(a) Chemical uses for which a data base exists on environmental fate and acute toxicology, and that appear safer environmentally than pesticides available on the market;

(b) Chemical uses not currently under evaluation by public laboratories in Idaho or Oregon for use on Washington crops;

(c) Chemicals that have lost or may lose their registration and that no reasonably viable alternatives for Washington crops are known; and

(d) Other chemicals vital to Washington agriculture.

(3) The laboratory shall conduct research activities using approved good laboratory practices, namely procedures and recordkeeping required of the national IR-4 minor use pesticide registration program.

(4) The laboratory shall coordinate activities with the national IR-4 program.

NEW SECTION. Sec. 9. The center for sustaining agriculture and natural resources at Washington State University shall prepare and present an annual report to the appropriate legislative committees. The report shall include the center's priorities to find alternatives to the use of agricultural chemicals that pose human and environmental risks. The first report, due no later than November 1, 1992, shall use federal criteria of acceptable risk of human and environmental exposure for establishing such priorities and for conducting responsive research and education programs. For each subsequent year, the report shall detail the center's progress toward meeting the goals identified in the center's plan.

NEW SECTION. Sec. 10. The sum of one million two hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the general fund to Washington State University for purposes of carrying out sections 1 through 5 and 9 of this act.

NEW SECTION. Sec. 11. The sum of one million two hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the general fund to Washington State University for purposes of carrying out sections 6 through 8 of this act.

NEW SECTION. Sec. 12. If by June 30, 1991, the omnibus operating budget appropriations act for the 1991-93 biennium does not provide specific funding for section 10 of this act, referencing the specific section of this act by bill number and section number, section 10 of this act is null and void.

NEW SECTION. Sec. 13. If by June 30, 1991, the omnibus operating budget appropriations act for the 1991-93 biennium does not provide specific funding for sections 6 through 8 and 11 of this act, referencing those specific sections of this act by bill number and section numbers, those sections of this act are null and void.

NEW SECTION. Sec. 14. Sections 1 through 9 of this act shall constitute a new chapter in Title 15 RCW.

NEW SECTION. Sec. 15. A new section is added to chapter 15.58 RCW to read as follows:

The legislature finds that agriculture is the largest industry in the state of Washington largely due to the tremendous diversity of agricultural crops produced in the state. The tremendous public benefit from this diversity takes many forms, including greater selection and quality of foods for consumers. This crop diversity is heavily reliant on the ability of producers to effectively control pests. While new technologies are being developed to aid in pest control, their effectiveness has yet to

be proven, and immediate needs can only be met through the use of plant protection products.

The legislature further finds that in order to preserve the agricultural diversity of the state and the availability of abundant, high quality food for consumers, it is vital that the registration and production of plant protection products for minor uses be maintained. The high cost of developing the necessary scientific information to support registration for these products for minor uses has caused many manufacturers to discontinue their involvement in these product development areas. As a result, growers who depend on the products for minor uses must now attempt to produce the necessary scientific information for product registration through other means to maintain an adequate array of products to produce the high quality crops demanded by processors and the consuming public. The registration procedure is so complex that it is beyond the ability of most small grower organizations to complete without technical assistance.

The purpose of this chapter is to enable the various agencies involved in pesticide registration to coordinate their activities to ensure the continued availability of plant protection products for minor uses. This coordination will promote the public welfare of the state of Washington by assuring the viability of farm operations, preventing the erosion of the tax base in rural areas, and enhancing the financial stability of the agricultural industry.

NEW SECTION. **Sec. 16.** A new section is added to chapter 15.58 RCW to read as follows:

(1) The minor uses advisory committee is created in the department. The committee shall consist of the coordinator of the interregional project number 4 program at Washington State University, who shall be a permanent member, and six members appointed by the director.

(2) The director shall make appointments to the advisory committee so that the committee is representative of affected segments of agriculture.

(3) Each appointed member shall serve a term of three years, and one-third shall be appointed every year. The entire committee shall be appointed the first year: One-third for a term of one year, one-third for a term of two years, and one-third for a term of three years. A member shall continue to serve until a successor is appointed. Vacancies shall be filled by appointment for the unexpired term.

(4) The committee shall meet at the call of the chairperson or the director. A majority of the members present at any meeting shall constitute a quorum, and a majority vote of the quorum at any meeting shall constitute an official act of the committee. At the first meeting of each calendar year, the committee shall select a chairperson.

(5) The dean of the college of agriculture of Washington State University and the director, or their representatives, shall be ex officio members without the right to vote.

(6) No person appointed to the minor uses advisory committee shall receive a salary or other compensation as a member of the committee. Each member shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060 for each day spent in actual attendance at or traveling to and from meetings of the committee or special assignments for the committee.

(7) The committee shall:

(a) Advise the department in the administration of this chapter as it relates to minor use registrations;

(b) Advise the department on ways to track the availability of effective pest control methods for minor crops or for any crops suffering unique conditions that require the minor use of plant protection products, and provide information to grower organizations;

(c) Cooperate with the United States department of agriculture's interregional project number 4 and the United States environmental protection agency in obtaining federal registrations of plant protection products for minor uses; and

(d) Maintain close contact between the department and agricultural producers regarding the need for research to support registration of plant protection products for minor uses.

NEW SECTION. Sec. 17. A new section is added to chapter 15.58 RCW to read as follows:

The department shall develop a program to provide assistance and information on the registration and reregistration process for pesticides under the federal insecticide, fungicide and rodenticide act and the 1988 amendments to the act to interested grower organizations. The department, in consultation with the minor uses advisory committee established under section 16 of this act, shall:

(1) Track the availability of effective pest control methods for the various minor crops produced in this state in addition to any crops suffering unique conditions that require the minor use of plant protection products;

(2) Provide information to grower organizations in the form of seminars or informational meetings and brochures. The information supplied shall include:

(a) The environmental protection agency's registration and reregistration processes; and

(b) Field and laboratory testing programs and procedures; and

(3) Provide technical and financial assistance to minor use research efforts at Washington State University.

NEW SECTION. Sec. 18. Sections 15 through 17 of this act shall cease to exist April 1, 1995, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 19. The sum of forty-nine thousand five hundred dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of agriculture for the biennium ending June 30, 1993, for the purposes of administering this act.

Senator Murray moved that the following amendment to the Committee on Agriculture and Water Resources amendment be adopted:

On page 2, line 12, after "that" insert "government,"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Murray on page 2, line 12, to the Committee on Agriculture and Water Resources amendment to Engrossed Substitute House Bill No. 1426.

The motion by Senator Murray failed and the amendment to the committee amendment was not adopted.

MOTION

Senator Murray moved that the following amendment to the Committee on Agriculture and Water Resources amendment be adopted:

On page 2, beginning on line 13, after "agribusiness" strike all material through "essential" on line 16, and insert "interests need scientific data to determine whether to register or reregister"

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Murray on page 2, beginning on line 13, to the Committee on Agriculture and Water Resources amendment to Engrossed Substitute House Bill No. 1426.

The motion by Senator Murray failed and the amendment to the committee amendment was not adopted.

MOTIONS

On motion of Senator Barr, the following amendment to the Committee on Agriculture and Water Resources amendment was adopted:

On page 6, line 13, after "laboratory" insert "operated by Washington State University"

Senator Murray moved that the following amendment to the Committee on Agriculture and Water Resources amendment be adopted:

On page 6, line 22, strike subsection (2) and insert the following:

"(2) Conducting studies on the effects of:

(a) the consumption of foods raised with pesticides;

(b) pesticide exposure on agricultural workers and others; and

(c) pesticides on crops and the environment, including soil, air, and water;"

Debate ensued.

Senator Snyder demanded a roll call and the demand was sustained.

MOTION

On motion of Senator Adam Smith, Senator Sutherland was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Murray on page 6, line 22, to the Committee on Agriculture and Water Resources amendment to Engrossed Substitute House Bill No. 1426.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 20; Nays, 26; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Conner, Gaspard, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Talmadge, Vognild, Williams, Wojahn - 20.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hansen, Hayner, Jesernig, Johnson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, L. Smith, Stratton, Thorsness, von Reichbauer, West - 26.

Excused: Senators Matson, Sellar, Sutherland - 3.

PERSONAL PRIVILEGE

Senator Hansen: "A point of personal privilege, Mr. President. I extend an invitation to every 'yea' vote here to come over and look at some of the research. We have probes in the ground to tell you exactly what pesticides go where, where they can hold, what is the limitation of the use, etc. So, when you get this invitation, don't just throw it in the waste paper basket, come on over and take a look and see exactly the research that is going on, has been going on and continues to go on in the area of this amendment. I just urge you to please come over and look."

MOTIONS

On motion of Senator Bailey, the following amendment to the Committee on Agriculture and Water Resources amendment was adopted:

On page 8, beginning on line 23 of the amendment, strike all material down to and including line 15, on page 9, and insert the following:

NEW SECTION. Sec. 10. (1) The legislature finds that the center for sustaining agriculture and natural resources, established under sections 1 through 5 and 9 of this act, will require an appropriation in the 1991-93 omnibus appropriations act of one million two hundred thousand dollars.

(2) The legislature finds that the food and environmental quality laboratory established under sections 6 through 8 of this act will require an appropriation in the 1991-93 omnibus appropriations act of one million two hundred thousand dollars. If specific funding for the purposes of sections 6 through 8 of this act, referencing sections 6 through 8 of this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 6 through 8 of this act shall be null and void.

Renumber the sections consecutively and correct any internal references accordingly.

On motion of Senator Bailey, the following amendment to the Committee on Agriculture and Water Resources amendment was adopted:

On page 13, beginning on line 8 of the amendment, strike "this act." and insert "sections 15 through 17 of this act."

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Agriculture and Water Resources striking amendment, as amended, to Engrossed Substitute House Bill No. 1426.

The motion by Senator Barr carried and the Committee on Agriculture and Water Resources amendment, as amended, was adopted.

MOTIONS

On motion of Senator Barr, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "University;" strike the remainder of the title and insert "adding new sections to chapter 15.58 RCW; adding a new chapter to Title 15 RCW; creating new sections; making appropriations; and providing an expiration date."

On page 13, beginning on line 14 of the title amendment, strike "creating new sections; making appropriations" and insert "creating a new section; making an appropriation"

On motion of Senator Barr, the rules were suspended, Engrossed Substitute House Bill No. 1426, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Adam Smith, Senator McMullen was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1426, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1426, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senator Vognild - 1.

Excused: Senators Matson, McMullen, Sellâr, Sutherland - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Linda Smith, Senators Barr, Erwin, Saling and von Reichbauer were excused.

SECOND READING

HOUSE BILL NO. 1091, by Representative Appelwick

Establishing the uniform foreign-money claims act.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 1091 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1091.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1091 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen,

McCasin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Skratek, L. Smith, Snyder, Stratton, Talmadge, Thorsness, Vognild, West, Williams, Wojahn - 40.

Absent: Senator A. Smith - 1.

Excused: Senators Barr, Erwin, Matson, McMullen, Saling, Sellar, Sutherland, von Reichbauer - 8.

HOUSE BILL NO. 1091, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, the Senate reverted to the first order of business.

REPORT OF STANDING COMMITTEE

April 5, 1991

ESHB 1777 Prime Sponsor, House Committee on Capital Facilities and Financing: Expediting new prison construction. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Metcalf, Murray, Newhouse, Owen, Rinehart, and Saling.

MINORITY recommendation: Do not pass. Signed by Senators L. Kreidler, Talmadge, and Williams.

MOTION

Senator Newhouse moved that Engrossed Substitute House Bill No. 1777, which did not get read in on the Standing Committee Reports, Monday, April 5, 1991, be referred to the Committee on Rules.

POINT OF ORDER

Senator Talmadge: "A point of order, Mr. President. I believe under the cutoff resolution adopted by the House and the Senate, bill reports from the Ways and Means Committee had to be read in on Monday, the eighty-fifth legislative day. Insofar as this bill report is being read in on the eighty-sixth legislative day, it is beyond the cutoff resolution and therefore not properly before the Senate even as to referral to the Rules Committee. I would request that the President rule on that issue."

Engrossed Substitute House Bill No. 1777 was held on the desk.

MOTION

At 5:29 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Wednesday, April 10, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

EIGHTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 10, 1991

The Senate was called to order at 8:30 a.m. by President Pro Tempore Craswell. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators McMullen, Moore, Sellar, Skratek, Linda Smith, Stratton, Sutherland, Thorsness and Vognild. On motion of Senator Anderson, Senators Sellar, Linda Smith and Thorsness were excused. On motion of Senator Murray, Senators McMullen, Moore, Skratek, Stratton, Sutherland and Vognild were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jessica Jackson and Sandra Yarnell, presented the Colors. Reverend Jim Todd, pastor of the Sunrise Church of God of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

April 9, 1991

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5219,

SUBSTITUTE SENATE BILL NO. 5276,

ENGROSSED SENATE BILL NO. 5311,

SUBSTITUTE SENATE BILL NO. 5383,

SUBSTITUTE SENATE BILL NO. 5520,

SUBSTITUTE SENATE BILL NO. 5796,

SENATE JOINT MEMORIAL NO. 8009,

SENATE JOINT RESOLUTION NO. 8203, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 9, 1991

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5106,

SUBSTITUTE SENATE BILL NO. 5357, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

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

SENATE RESOLUTION 1991-8657

by Senators Anderson and Rasmussen

WHEREAS, Arbor Day is traditionally a day for tree planting; and

WHEREAS, The state of Washington is called the Evergreen State because of its abundant trees and plants; and

WHEREAS, The heritage of our state was built from the hardworking ethics of the families who helped harvest our rich forests to provide wood products and homes for our citizens; and

WHEREAS, Reforesting our land plays a vital role in the continued economic well-being of the state of Washington; and

WHEREAS, We enjoy the beauty trees bring to our environment; and

WHEREAS, Growing trees add oxygen to the air we breathe; and

WHEREAS, The Washington State Senate wishes to encourage our citizens to practice conservation;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby proclaims the celebration of Arbor Day on April 10, 1991.

Senator Anderson spoke to Senate Resolution 1991-8657.

There being no objection, the President Pro Tempore reverted the Senate to the sixth order of business.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9164, Jack Rabourn, as a member of the Liquor Control Board, was confirmed.

APPOINTMENT OF JACK RABOURN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Talmadge, von Reichbauer, West, Williams, Wojahn - 40.

Excused: Senators McMullen, Moore, Sellar, Skratek, L. Smith, Stratton, Sutherland, Thorsness, Vognild - 9.

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9044, Robert G. Waldo, as Chair of the Energy Facilities Site Evaluation Council, was confirmed.

Senator Hayner spoke to the confirmation of Robert Waldo, as Chair of the Energy Facilities Site Evaluation Council.

APPOINTMENT OF ROBERT G. WALDO

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 3; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, von Reichbauer, West, Williams, Wojahn - 37.

Voting nay: Senators Bauer, Hansen, Talmadge - 3.

Excused: Senators McMullen, Moore, Sellar, Skratek, L. Smith, Stratton, Sutherland, Thorsness, Vognild - 9.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5106,
SENATE BILL NO. 5219,
SUBSTITUTE SENATE BILL NO. 5276,
SUBSTITUTE SENATE BILL NO. 5357,
SUBSTITUTE SENATE BILL NO. 5383,
SUBSTITUTE SENATE BILL NO. 5520,
SUBSTITUTE SENATE BILL NO. 5796,
SENATE JOINT MEMORIAL NO. 8009,
SENATE JOINT RESOLUTION NO. 8203.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1222, by House Committee on Education (originally sponsored by Representatives Betzoff, Peery, Brumsickle, G. Fisher, Brough, Holland, Paris, Broback, Nealey and Orr)

Placing the responsibility for the formation of school director's districts with the districts' boards of directors.

The bill was read the second time.

MOTIONS

On motion of Senator Bailey, the following Committee on Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 28A.315 RCW to read as follows:

It is the responsibility of each school district board of directors to prepare for the division or redivision of the district into director districts no later than eight months after any of the following:

- (1) Receipt of federal decennial census data from the redistricting commission established in RCW 44.05.030;
- (2) Consolidation of two or more districts into one district under RCW 28A.315.270;
- (3) Transfer of territory to or from the district under RCW 28A.315.280;
- (4) Annexation of territory to or from the district under RCW 28A.315.290 or 28A.315.320; or
- (5) Approval by a majority of the registered voters voting on a proposition authorizing the division of the district into director districts pursuant to RCW 28A.315.590.

The districting or redistricting plan shall be consistent with the criteria and adopted according to the procedure established under RCW 29.70.100.

Sec. 2. RCW 28A.315.110 and 1990 c 161 s 2 are each amended to read as follows:

The powers and duties of each regional committee shall be:

(1) To initiate, on its own motion and whenever it deems such action advisable, proposals or alternate proposals for changes in the organization and extent of school districts in the educational service district; to receive, consider, and revise, whenever in its judgment revision is advisable, proposals initiated by petition or presented to the committee by the educational service district superintendent as provided for in this chapter; to prepare and submit to the state board any of the aforesaid proposals that are found by the regional committee to provide for satisfactory improvement in the school district system of the educational service district and state; to prepare and submit with the aforesaid proposals, a map showing the boundaries of existing school districts affected by any proposed change and the boundaries, including a description thereof, of each proposed new school district or of each existing school district as enlarged or diminished by any proposed change, or both, and a summary of the reasons for the proposed change; and such other reports, records, and materials as the state board may request. The committee may utilize as a basis of its proposals and changes that comprehensive plan for changes in the organization and extent of the school districts of the county prepared and submitted to the state board prior to September 1, 1956, or, if the then county committee found, after considering the factors listed in RCW 28A.315.120, that no changes in the school district organization of the county were needed, the report to this effect submitted to the state board.

(2)(a) To make an equitable adjustment of the property and other assets and of the liabilities, including bonded indebtedness and excess tax levies as otherwise authorized under this section, as to the old school districts and the new district or districts, if any, involved in or affected by a proposed change in the organization and extent of the school districts; and (b) to make an equitable adjustment of the bonded indebtedness outstanding against any of the aforesaid districts whenever in its judgment such adjustment is advisable, as to all of the school districts involved in or affected by any change heretofore or hereafter effected; and (c) to provide that territory transferred from a school district by a change in the organization and extent of school districts

shall either remain subject to, or be relieved of, any one or more excess tax levies which are authorized for the school district under RCW 84.52.053 before the effective date of the transfer of territory from the school district; and (d) to provide that territory transferred to a school district by a change in the organization and extent of school districts shall either be made subject to, or be relieved of, any one or more excess tax levies which are authorized for the school district under RCW 84.52.053 before the effective date of the transfer of territory to the school district; and (e) to submit to the state board the proposed terms of adjustment and a statement of the reasons therefor in each case. In making the adjustments herein provided for, the regional committee shall consider the number of children of school age resident in and the assessed valuation of the property located in each school district and in each part of a district involved or affected; the purpose for which the bonded indebtedness of any school district was incurred; the value, location, and disposition of all improvements located in the school districts involved or affected; and any other matters which in the judgment of the committee are of importance or essential to the making of an equitable adjustment.

(3) To hold and keep a record of a public hearing or public hearings (a) on every proposal for the formation of a new school district or for the transfer from one existing district to another of any territory in which children of school age reside or for annexation of territory when the conditions set forth in RCW 28A.315.290 or 28A.315.320 prevail; and (b) on every proposal for adjustment of the assets and of the liabilities of school districts provided for in this chapter. Three members of the regional committee or two members of the committee and the educational service district superintendent may be designated by the committee to hold any public hearing that the committee is required to hold. The regional committee shall cause notice to be given, at least ten days prior to the date appointed for any such hearing, in one or more newspapers of general circulation within the geographical boundaries of the school districts affected by the proposed change or adjustment. In addition notice may be given by radio and television, or either thereof, when in the committee's judgment the public interest will be served thereby.

(4) ~~((To divide into five school directors' districts all first and second class school districts now in existence and not heretofore so divided and all first and second class school districts hereafter established: PROVIDED, That no first or second class school district shall be divided into directors' districts and no second class school district shall be divided into a combination of no fewer than three directors' districts nor more than two directors at large, unless a majority of the registered voters voting thereon at an election shall approve a proposition authorizing the division of the district in such manner. The boundaries of each directors' district shall be so established that each such district shall comprise as nearly as practicable an equal portion of the population of the school district.~~

~~(5) To rearrange at any time the committee deems such action advisable in order to correct inequalities caused by changes in population and changes in school district boundaries, the boundaries of any of the directors' districts of any school district heretofore or hereafter so divided: PROVIDED, That a petition therefor, shall be required for rearrangement in order to correct inequalities caused by changes in population. Said petition shall be signed by at least ten registered voters residing in the aforesaid school district, and shall be presented to the educational service district superintendent. A public hearing thereon shall be held by the regional committee, which hearing shall be called and conducted in the manner prescribed in subsection (3) of this section.~~

(6)) To prepare and submit to the superintendent of public instruction from time to time or, upon his or her request, reports and recommendations respecting the urgency of need for school plant facilities, the kind and extent of the facilities required, and the

development of improved local school administrative units and attendance areas in the case of school districts that seek state assistance in providing school plant facilities.

Sec. 3. RCW 28A.315.580 and 1990 c 161 s 5 and 1990 c 33 s 319 are each reenacted and amended to read as follows:

Whenever an election shall be held for the purpose of securing the approval of the voters for the formation of a new school district other than a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties, if requested by one of the boards of directors of the school districts affected, there shall also be submitted to the voters at the same election a proposition to authorize the (~~(regional committee)~~) board of directors to divide the school district, if formed, into five directors' districts in first class school districts and a choice of five directors' districts or no fewer than three directors' districts with the balance of the directors to be elected at large in second class school districts. Such director districts in second class districts, if approved, shall not become effective until the regular school election following the next regular school election at which time a new board of directors shall be elected as provided in RCW 28A.315.550. Such director districts in first class districts, if approved, shall not become effective until the next regular school election at which time a new board of directors shall be elected as provided in RCW 28A.315.600, 28A.315.610, and 28A.315.620. Each of the five directors shall be elected from among the residents of the respective director district, or from among the residents of the entire school district in the case of directors at large, by the electors of the entire school district.

Sec. 4. RCW 28A.315.590 and 1990 c 161 s 6 are each amended to read as follows:

The board of directors of every first class school district other than a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties which is not divided into directors' districts may submit to the voters at any regular school district election a proposition to authorize the (~~(regional committee)~~) board of directors to divide the district into directors' districts or for second class school districts into director districts or a combination of no fewer than three director districts and no more than two at large positions. If a majority of the votes cast on the proposition (~~(shall be)~~) is affirmative, the (~~(regional committee)~~) board of directors shall proceed to divide the district into directors' districts following the procedure established in RCW 29.70.100. Such director districts, if approved, shall not become effective until the next regular school election when a new five member board of directors shall be elected, one from each of the director districts from among the residents of the respective director district, or from among the residents of the entire school district in the case of directors at large, by the electors of the entire district, two for a term of two years and three for a term of four years, unless such district elects its directors for six years, in which case, one for a term of two years, two for a term of four years, and two for a term of six years.

Sec. 5. RCW 28A.315.670 and 1990 c 33 s 327 are each amended to read as follows:

Notwithstanding any other provision of law, any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties shall be divided into seven director districts. The boundaries of such director districts shall be established by the members of the school board (~~(and approved by the county committee on school district organization)~~), such boundaries to be established so that each such district shall (~~(comprise)~~) comply, as nearly as practicable, (~~(an equal portion of the population of the school district)~~) with the criteria established in RCW 29.70.100. Boundaries of such director districts shall be adjusted by the school board (~~(and approved by the county committee)~~) following the procedure established in RCW 29.70.100 after each federal decennial census if

population change shows the need thereof to comply with the ~~((equal population requirement above))~~ criteria of RCW 29.70.100. No person shall be eligible for the position of school director in any such director district unless such person resides in the particular director district. Residents in the particular director district desiring to be a candidate for school director shall file their declarations of candidacy for such director district and for the position of director in that district and shall be voted upon in the primary election by the registered voters of that particular director district: PROVIDED, That if not more than one person files a declaration of candidacy for the position of school director in any director district, no primary election shall be held in that district, and such candidate's name alone shall appear on the ballot for the director district position at the general election. The name of the person who receives the greatest number of votes and the name of the person who receives the next greatest number of votes at the primary for each director district position shall appear on the general election ballot under such position and shall be voted upon by all the registered voters in the school district. Except as provided in RCW 28A.315.680, every such director so elected in school districts divided into seven director districts shall serve for a term of four years as otherwise provided in RCW 28A.315.460.

Sec. 6. RCW 28A.315.670 and 1990 c 59 s 99 and 1990 c 33 s 327 are each reenacted and amended to read as follows:

Notwithstanding any other provision of law, any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties shall be divided into seven director districts. The boundaries of such director districts shall be established by the members of the school board ~~((and approved by the county committee on school district organization))~~, such boundaries to be established so that each such district shall ~~((comprise))~~ comply, as nearly as practicable, ~~((an equal portion of the population of the school district))~~ with the criteria established in RCW 29.70.100. Boundaries of such director districts shall be adjusted by the school board ~~((and approved by the county committee))~~ following the procedure established in RCW 29.70.100 after each federal decennial census if population change shows the need thereof to comply with the ~~((equal population requirement above))~~ criteria of RCW 29.70.100. No person shall be eligible for the position of school director in any such director district unless such person resides in the particular director district. Residents in the particular director district desiring to be a candidate for school director shall file their declarations of candidacy for such director district and for the position of director in that district and shall be voted upon, in any primary required to be held for the position under Title 29 RCW, by the registered voters of that particular director district. In the general election, each position shall be voted upon by all the registered voters in the school district. The order of the names of candidates shall appear on the primary and general election ballots as required for nonpartisan positions under Title 29 RCW. Except as provided in RCW 28A.315.680, every such director so elected in school districts divided into seven director districts shall serve for a term of four years as otherwise provided in RCW 28A.315.460.

Sec. 7. RCW 28A.315.680 and 1990 c 33 s 328 are each amended to read as follows:

~~((Within thirty days after March 25, 1969,))~~ The school boards of any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties shall establish the director district boundaries ~~((and obtain approval thereof by the county committee on school district organization))~~. Appointment of a board member to fill any vacancy existing for a new director district prior to the next regular school election shall be by the school board. Prior to the next regular election in the school district and the filing of declarations of candidacy therefor, the incumbent school board shall designate said director districts by number. Directors appointed to fill vacancies as above provided

shall be subject to election, one for a six-year term, and one for a two-year term and thereafter the term of their respective successors shall be for four years. The term of office of incumbent members of the board of such district shall not be affected by RCW 28A.315.450, 28A.315.460, 28A.315.570, 28A.315.670, 28A.315.680, 29.21.180, and 29.21.210.

Sec. 8. RCW 28A.315.680 and 1990 c 59 s 72 and 1990 c 33 s 328 are each reenacted and amended to read as follows:

~~((Within thirty days after March 25, 1969,))~~ The school boards of any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties shall establish the director district boundaries ~~((and obtain approval thereof by the county committee on school district organization)).~~ Appointment of a board member to fill any vacancy existing for a new director district prior to the next regular school election shall be by the school board. Prior to the next regular election in the school district and the filing of declarations of candidacy therefor, the incumbent school board shall designate said director districts by number. Directors appointed to fill vacancies as above provided shall be subject to election, one for a six-year term, and one for a two-year term and thereafter the term of their respective successors shall be for four years. The term of office of incumbent members of the board of such district shall not be affected by RCW 28A.315.450, 28A.315.460, 28A.315.570, 28A.315.670, 28A.315.680, and 29.21.180.

NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.315 RCW to read as follows:(1) Any district boundary changes, including changes in director district boundaries, shall be submitted to the county auditor by the school district board of directors within thirty days after the changes have been approved by the board. The board shall submit both legal descriptions and maps.

(2) Any boundary changes submitted to the county auditor after the fourth Monday in June of odd-numbered years shall not take effect until the following year.

NEW SECTION. **Sec. 10.** RCW 28A.315.685 and 1990 c 161 s 1 are each repealed.

NEW SECTION. **Sec. 11.** Sections 5 and 7 of this act shall expire July 1, 1992.

NEW SECTION. **Sec. 12.** Sections 6 and 8 of this act shall take effect July 1, 1992.

NEW SECTION. **Sec. 13.** Sections 1 through 5, 7, and 10 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On motion of Senator Bailey, the following title amendment was adopted:

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 28A.315.110, 28A.315.590, 28A.315.670, and 28A.315.680; reenacting and amending RCW 28A.315.580, 28A.315.670, and 28A.315.680; adding new sections to chapter 28A.315 RCW; repealing RCW 28A.315.685; providing an effective date; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Bailey, the rules were suspended, Substitute House Bill No. 1222, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1222, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1222, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators McMullen, Moore, Sellar, Skratek, L. Smith - 5.

SUBSTITUTE HOUSE BILL NO. 1222, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1675, by Representatives Inslee, Riley, R. Meyers, Roland, Winsley, Ludwig, Orr, H. Myers and Wineberry

Establishing civil docket priority for parties over seventy years of age or terminally ill.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 4.44 RCW to read as follows:

When setting civil cases for trial, unless otherwise provided by statute, upon motion of a party, the court may give priority to cases in which a party is frail and over seventy years of age or is afflicted with a terminal illness."

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 2 of the title, after "ill;" strike the remainder of the title and insert "and adding a new section to chapter 4.44 RCW."

MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 1675, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1675, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1675, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators McMullen, Moore, Sellar, Skratek, L. Smith - 5.

HOUSE BILL NO. 1675, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1716, by Representatives Wood, Haugen, Ferguson, Cooper, Zellinsky, Miller, Franklin, Beck, Bray, Edmondson, Horn, Wynne, Rayburn, Nealey, Roland, Mitchell, Winsley and Paris

Standardizing terminology relating to county auditors and recording officers.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1716 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1716.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1716 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators McMullen, Sellar, Skratek, L. Smith - 4.

HOUSE BILL NO. 1716, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

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

SENATE RESOLUTION 1991-8659

By Senators Nelson, Oke, Metcalf, Thorsness, Rasmussen, Bluechel, Cantu, McCaslin, Talmadge, Vognild, Sutherland, McMullen, Snyder, Bauer and Stratton

WHEREAS, The recent success of the coalition forces in halting ruthless military aggression in the Persian Gulf brings back memories of World War II, in which this country similarly stopped hostilities against free and peace-loving people; and

WHEREAS, In the darkness of the early morning hours of April 28, 1944, seven hundred and forty-nine American soldiers and sailors perished when "Exercise Tiger," a virtually unescorted practice mission in the English Channel, was attacked by German torpedo boats; and

WHEREAS, In the true spirit of mankind, those aboard the vessel LST 515 bravely and unselfishly risked their lives to rescue the survivors of the sister ships that had been sunk; and

WHEREAS, Lieutenant Roger P. Shaeffer of Bellevue, Washington, a crewmember of LST 289, a vessel damaged in Exercise Tiger, was severely injured during the brief, but deadly battle; and

WHEREAS, Joseph E. "Eddie" McCann, Jr. of Everett, Washington, a fifteen year-old Coxswain at the time, quickly launched his small landing craft from LST 515 and with the bravery, skill, and intuition of a person many years his senior, navigated through the wreckage, retrieving survivors from the cold, oily water; and

WHEREAS, For more than forty years, a military veil of secrecy kept from public view the tragedy of Exercise Tiger; and

WHEREAS, The personal sacrifices made by those who served this country so faithfully and with so much courage and bravery during Exercise Tiger deserve the gratitude of all Americans;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and pay tribute to the soldiers and sailors who served this country in Exercise Tiger and that the twenty-eighth day of April, 1991, be designated as "Exercise Tiger Day"; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Roger P. Shaeffer and Joseph E. McCann, Jr.

Senators Nelson and Vognild spoke to Senate Resolution 1991-8659

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore introduced Roger P. Shaeffer and Joseph E. "Eddie" McCann, Jr. who were seated in the gallery with their families.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 5395, by Senators McDonald, Niemi, Conner, Rasmussen, Bauer and Erwin (by request of Governor Gardner)

Making appropriations and authorizing expenditures for the fiscal biennium ending June 30, 1991.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 5395 was substituted for Senate Bill No. 5395 and the substitute bill was placed on second reading and read the second time.

Senator Snyder moved that the following amendments by Senators Snyder, McDonald, Metcalf and Niemi be considered simultaneously and be adopted:

On page 81, line 19, strike "50,618,500" and insert "50,704,300"

On page 82, line 12, strike "153,520,500" and insert "153,606,300"

On page 85, after line 27, insert the following:

"(17) \$85,800 of the general fund-state appropriation is provided solely for initial identification and control of spartina (cordgrass)."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Snyder, McDonald, Metcalf and Niemi on page 81, line 19; page 82, line 12; and page 85, after line 27, to Substitute Senate Bill No. 5395.

The motion by Senator Snyder carried and the amendments were adopted.

MOTION

On motion of Senator Anderson, Senator Amondson was excused.

MOTION

On motion of Senator McDonald, the rules were suspended, Engrossed Substitute Senate Bill No. 5395 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5395.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5395 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senator Matson - 1.

Excused: Senators Amondson, Sellar, Skratek, L. Smith - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5395, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1105, by House Committee on Revenue (originally sponsored by Representatives Jones, Betrozoff, Kremen, Dellwo, Hargrove, Inslee, Miller, Fraser, Haugen, Wilson, Winsley, Ferguson, Riley, Broback, Edmondson, D. Sommers, May, Wynne, Chandler, Brumsickle and Orr)

Exempting property in this state from execution in favor of another state.

The bill was read the second time.

MOTIONS

On motion of Senator McCaslin, the following Committee on Governmental Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** The legislature recognizes that retired persons generally are financially dependent on fixed pension or retirement benefits and passive income from investment property. Because of this dependency, retired persons are more vulnerable than others to inflation and depletion of their assets. It is the purpose of this act to increase the protection of income of retired persons residing in the state of Washington from collection of income taxes imposed by other states.

Sec. 2. RCW 6.13.030 and 1987 c 442 s 203 are each amended to read as follows:

A homestead may consist of lands, as described in RCW 6.13.010, regardless of area, but the homestead exemption amount shall not exceed the lesser of ~~((+))~~ (1) the total net value of the lands, mobile home, and improvements as described in RCW 6.13.010, or ~~((+))~~ (2) the sum of thirty thousand dollars, except where the homestead is subject to execution, attachment, or seizure by or under any legal process whatever

to satisfy a judgment in favor of any state for failure to pay that state's income tax on benefits received while a resident of the state of Washington from a pension or other retirement plan, in which event there shall be no dollar limit on the value of the exemption.

NEW SECTION. Sec. 3. A new section is added to chapter 6.15 RCW to read as follows:

Where a judgment is in favor of any state for failure to pay that state's income tax on benefits received while a resident of the state of Washington from a pension or other retirement plan, all property in this state, real or personal, tangible or intangible, of a judgment debtor shall be exempt from execution, attachment, garnishment, or seizure by or under any legal process whatever, and when a debtor dies, or absconds, and leaves his or her spouse and dependents any property exempted by this section, the same shall be exempt to the surviving spouse and dependents.

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 1 of the title, after "execution;" strike the remainder of the title and insert "amending RCW 6.13.030; adding a new section to chapter 6.15 RCW; and creating a new section."

MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute House Bill No. 1105, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1105, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1105, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Voting nay: Senators Moore, Niemi, Talmadge - 3.

Excused: Senators Sellar, Skratek, L. Smith - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1105, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION TO LIMIT DEBATE

Senator Newhouse: "Mr. President, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time. This motion shall be in effect through the end of session."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Newhouse to limit debate.

The motion by Senator Newhouse carried and debate was limited to three minutes through the end of the session.

MOTION

On motion of Senator Bauer, Senator Vognild was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2042, by House Committee on Judiciary (originally sponsored by Representatives Appelwick and Padden)

Establishing conditions for the forfeiture of an earnest money deposit as an exclusive remedy.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 3, after line 1, insert a new section to read as follows:

NEW SECTION. Sec. 2. The provisions of this act apply only to written agreements entered on or after the effective date of this act.

Debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 2042 was deferred.

SECOND READING

HOUSE BILL NO. 2021, by Representatives Fraser, Miller, Valle, McLean, Edmondson, Jacobsen, Nealey, Paris, Chandler and Wynne (by request of Joint Select committee on Water Resources Policy)

Extending the joint select committee on water resource policy.

The bill was read the second time.

MOTION

On motion of Senator Barr, the rules were suspended, House Bill No. 2021 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2021.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2021 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Sellar, Skratek, L. Smith, Vognild - 4.

HOUSE BILL NO. 2021, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 2042 and the pending amendment by Senator Talmadge on page 3, after line 1, deferred earlier today.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 3, after line 1, to Substitute House Bill No. 2042.

The motion by Senator Talmadge carried and the amendment was adopted.

MOTIONS

On motion of Senator Nelson, the following title amendment was adopted: On line 1 of the title, after "agreements;" add "creating a new section;"

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 2042, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2042, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2042, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Sellar, Skratek, L. Smith, Vognild - 4.

SUBSTITUTE HOUSE BILL NO. 2042, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1081, by House Committee on Transportation (originally sponsored by Representatives Morris, R. Fisher, Braddock, Winsley, Moyer, Parish, Day, G. Fisher, Prentice, H. Sommers, Cooper, R. Johnson, Rust, Dellwo, Pruitt, Phillips, Sprenkle, Riley, Wineberry, Basich, Jacobsen, Leonard, Roland, Bowman, Brekke, Orr, Appelwick and Anderson)

Implementing a bicycle safety program.

The bill was read the second time.

MOTIONS

On motion of Senator Anderson, the following amendment by Senators Anderson, West, Pelz and Roach was adopted:

On page 4, line 25, after "any" strike "bicycle or"

On motion of Senator Patterson, the rules were suspended, Engrossed Substitute House Bill No. 1081, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Patterson, did I hear right, did you say that this would permit bicycles to use the highways?"

Senator Patterson: "That is correct."

Senator Rasmussen: "All the highways? I'm glad that we adopted that amendment then, because they will probably need head phones to block out the traffic noise. They are going to be a hazard on the highways if we allow them free use. I thought they were rather restricted at the present time."

Senator Patterson: "I think, Senator, that there are certain highways that have been restricted. That is the purpose of the awareness program to try and identify for bicyclists, particularly those that are going to go across the state and into other states, the routes that probably are the safer routes for them to be on. I personally wouldn't want to be on the freeways myself on a bike. I'm not sure that will be an approved area. This bill provides for a lot of education in the use of a bicycle on the highways and the streets of the urban areas that are primarily addressed. I think that when you get out on the freeway and in the areas where you are going across country that there will still remain a lot of restricted highways. My guess is that some of the highways that do not have marked shoulders will probably be restricted in their use. It is primarily, from the beginning, to try to utilize, particularly in the congested areas of the cities--greater utilization of bicycles since it does reduce pollution, etc."

MOTION

On motion of Senator Anderson, Senators McDonald and Saling were excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1081, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1081, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 42.

Voting nay: Senator Conner - 1.

Excused: Senators McDonald, Saling, Sellar, Skratek, L. Smith, Vognild - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1081, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

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

SENATE RESOLUTION 1991-8655

By Senators Rinehart, Niemi and Bluechel

WHEREAS, Professor Charles R. Johnson has taught at the University of Washington for fourteen years and has directed the creative writing program for the past three years; and

WHEREAS, Washington has honored Professor Johnson's work twice before with the 1983 and 1989 Governor's Award for Literature; and

WHEREAS, The University of Washington recently named Professor Johnson the Pollock Professor for English, an appointment usually reserved for visiting professors; and

WHEREAS, Professor Johnson's third novel, The Middle Passage, won the 1990 National Book Award for fiction, and has been described as "heroic in proportion" and as "an emancipation proclamation for black writers"; and

WHEREAS Professor Johnson is the fourth African-American writer to receive the award in its forty year history, joining the ranks of Ralph Ellison, Gloria Naylor, and Alice Walker; and

WHEREAS, Professor Johnson's other works include two novels -- Faith and the Good Thing and Oxherding Tale; a volume of short stories -- The Sorcerer's Apprentice and a critical study of black writers -- Being and Race, as well as film and television scripts; and

WHEREAS, Professor Johnson is prized and respected at the University of Washington as an effective and committed teacher as well as a writer;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington, recognize Professor Charles R. Johnson for the honor and distinction he has brought to himself, the University of Washington and to the state of Washington; and

BE IT FURTHER RESOLVED, That the Senate salute the unique literary style that has earned Professor Johnson his many honors; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Professor Johnson and to University of Washington President William P. Gerberding.

Senator Rinehart spoke to Senate Resolution 1991-8655.

INTRODUCTION OF SPECIAL GUEST

The President Pro Tempore introduced Professor Charles R. Johnson who was seated on the rostrum.

With permission of the Senate, business was suspended to permit Professor Johnson to address the Senate.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1050, by House Committee on Local Government (originally sponsored by Representatives Morris, Cooper, Wynne, Peery, Ogden, Wang, Nealey and H. Myers)

Modifying the type of emergency medical service districts that may impose excess levies.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1050 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1050.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1050 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators McDonald, Saling, Sellar, Skratek, L. Smith - 5.

SUBSTITUTE HOUSE BILL NO. 1050, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1915, by House Committee on Human Services (originally sponsored by Representatives R. King, Prentice, Morris, Prince, Nealey, Ogden and Chandler)

Providing employment services in mental health programs.

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 1915 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator West, the way I read the bill, however, suggests that it is mandatory that each county provide vocational rehabilitation services to mentally ill people as part of their community mental health effort. While I think that is worthy, I do have the concern that you raised about the fiscal issue. Can you assure me that each county does not then have to make provision for mandatory vocational rehabilitation services to mentally ill people if this bill passes?"

Senator West: "The way I understand it, Senator Talmadge, is that the counties will have the same discretion they do now in the manner in which they allocate the priorities for the services required by the state. This will be an additional service required, but they will be contracted with by the department for the level of the services provided. Each county can be different; some providing, essentially, very minimal or almost nothing and other counties providing very much. It is regionalized to the needs of that area. This is all done through a contracting process."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1915.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1915 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators McDonald, Saling, Sellar, Skratek, L. Smith - 5.

SUBSTITUTE HOUSE BILL NO. 1915, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1536, by Representatives Anderson, Moyer, Sprenkle, Paris, Wynne, Jacobsen and Winsley

Continuing hospice services an additional two years for medical assistance recipients.

The bill was read the second time.

MOTIONS

On motion of Senator West, the following Committee on Health and Long-Term Care amendment was adopted:

On page 3, after line 28, insert the following:

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "benefits;" strike the remainder of the title, and insert "reenacting and amending RCW 74.09.520; and declaring an emergency."

MOTION

On motion of Senator West, the rules were suspended, House Bill No. 1536, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1536, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1536, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, West, Williams, Wojahn - 43.

Excused: Senators Matson, McDonald, Saling, Sellar, Skratek, L. Smith - 6.

HOUSE BILL NO. 1536, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Anderson, Senator Amondson was excused.

On motion of Senator Murray, Senator Moore was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1244, by Representatives Heavey, Cole, R. King, Winsley, Jones, Prentice, O'Brien, R. Meyers, Ebersole and Rasmussen

Requiring a study by the legislative budget committee of employer avoidance of industrial insurance premiums and unemployment compensation contributions.

The bill was read the second time.

MOTION

On motion of Senator Anderson, the rules were suspended, Engrossed House Bill No. 1244 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1244.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1244 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 41.

Excused: Senators Amondson, Matson, McDonald, Moore, Saling, Sellar, Skratek, L. Smith - 8.

ENGROSSED HOUSE BILL NO. 1244, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1500, by Representatives Riley, Hargrove, Basich, Wood, Roland, Appelwick, Paris and Scott

Increasing the pay for jail labor performed by prisoners with outstanding fines and costs.

The bill was read the second time.

MOTION

Senator Rasmussen moved that the following amendment be adopted:

On page 2, after line 3, insert the following:

Sec. 2. RCW 2.36.150 and 1987 c 202 s 105 are each amended to read as follows:

Jurors shall receive for each day's attendance, besides mileage at the rate determined under RCW 43.03.060, ~~((the following))~~ compensation((:

~~(1) Grand jurors may receive up to twenty five dollars but in no case less than ten dollars;~~

~~(2) Petit jurors may receive up to twenty five dollars but in no case less than ten dollars;~~

~~(3) Coroner's jurors may receive up to twenty five dollars but in no case less than ten dollars;~~

~~(4) District court jurors may receive up to twenty five dollars but in no case less than ten dollars: PROVIDED, That))~~ at not less than the state minimum wage. A person excused from jury service at his or her own request shall be allowed not more than a per diem and such mileage, if any, as to the court shall seem just and equitable under all circumstances(~~(: PROVIDED FURTHER, That)).~~ The state shall fully reimburse the county in which trial is held for all jury fees and witness fees related to criminal cases which result from incidents occurring within an adult or juvenile correctional institution(~~(: PROVIDED FURTHER, That)).~~ The compensation paid jurors shall be determined by the county legislative authority and shall be uniformly applied within the county.

POINT OF ORDER

Senator Hayner: "Madam President, a point of order. I challenge the scope and object of this amendment. I certainly think that Senator Rasmussen has a lot of tenacity on this issue, but it really doesn't fit on this bill. I think it is an issue that we need to deal with separately and I would commend the President of the Senate to find that it is not within the scope of this bill."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Engrossed House Bill No. 1500 was deferred.

MOTION

On motion of Senator Murray, Senators Pelz and Vognild were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2069, by House Committee on Commerce and Labor (originally sponsored by Representatives Lisk, Heavey, Ballard, Grant, D. Sommers, Kremen, Fuhrman, Prince, Rayburn, Chandler, Winsley, Mitchell, Vance, Inslee and Silver)

Revising provisions for employer relief from unemployment insurance charges.

The bill was read the second time.

MOTION

On motion of Senator Anderson, the rules were suspended, Substitute House Bill No. 2069 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2069.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2069 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 5; Absent, 0; Excused, 10.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, A. Smith, Snyder, Stratton, Sutherland, Thorsness, von Reichbauer, West, Wojahn - 34.

Voting nay: Senators L. Kreidler, Niemi, Rinehart, Talmadge, Williams - 5.

Excused: Senators Amondson, Matson, McDonald, Moore, Pelz, Saling, Sellar, Skratek, L. Smith, Vognilid - 10.

SUBSTITUTE HOUSE BILL NO. 2069, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1342, by House Committee on Transportation (originally sponsored by Representatives Kremen, Braddock, R. Fisher, Spanel, R. Johnson and Nelson)

Authorizing cities to impose an excise tax on the sale or distribution of motor vehicle fuel and special fuel.

The bill was read the second time.

MOTIONS

On motion of Senator Patterson, the following Committee on Transportation amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislative authority of a border area jurisdiction may, by resolution for the purposes authorized in this chapter and by approval of a majority of the registered voters of the jurisdiction voting on the proposition at a general or special election, fix and impose an excise tax on the retail sale of motor

vehicle fuel and special fuel within the jurisdiction. An election held under this section must be held not more than twelve months before the date on which the proposed tax is to be levied. The ballot setting forth the proposition shall state the tax rate that is proposed. The rate of such tax shall be in increments of one-tenth of a cent per gallon and shall not exceed one cent per gallon.

The tax imposed in this section shall be collected and paid to the jurisdiction but once in respect to any motor vehicle fuel or special fuel. This tax shall be in addition to any other tax authorized or imposed by law.

For purposes of this chapter, the term "border area jurisdictions" means all cities and towns within ten miles of an international border crossing and any transportation benefit district established under RCW 36.73.020 which has within its boundaries an international border crossing.

NEW SECTION. Sec. 2. The definitions set forth in this section shall apply throughout this chapter unless the context clearly requires otherwise.

(1) "Motor vehicle fuel" has the meaning given in RCW 82.36.010(2).

(2) "Special fuel" has the meaning given in RCW 82.38.020(5).

(3) "Motor vehicle" has the meaning given in RCW 82.36.010(1).

NEW SECTION. Sec. 3. The entire proceeds of the tax imposed under this chapter, less refunds authorized by the resolution imposing such tax and less amounts deducted by the border area jurisdiction for administration and collection expenses, shall be used solely for the purposes of border area jurisdiction street maintenance and construction.

Sec. 4. RCW 82.36.440 and 1990 c 42 s 204 are each amended to read as follows:

The tax levied in this chapter is in lieu of any excise, privilege, or occupational tax upon the business of manufacturing, selling, or distributing motor vehicle fuel, and no city, town, county, township or other subdivision or municipal corporation of the state shall levy or collect any excise tax upon or measured by the sale, receipt, distribution, or use of motor vehicle fuel, except as provided in RCW 82.80.010 and section 1 of this act.

Sec. 5. RCW 82.38.280 and 1990 c 42 s 205 are each amended to read as follows:

The tax levied in this chapter is in lieu of any excise, privilege, or occupational tax upon the business of manufacturing, selling, or distributing special fuel, and no city, town, county, township or other subdivision or municipal corporation of the state shall levy or collect any excise tax upon or measured by the sale, receipt, distribution, or use of special fuel, except as provided in RCW 82.80.010 and section 1 of this act.

NEW SECTION. Sec. 6. Sections 1 through 3 of this act shall constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 2 of the title, after "fuels;" strike the remainder of the title and insert "amending RCW 82.36.440 and 82.38.280; adding a new chapter to Title 82 RCW; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1342, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1342, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1342, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 5; Absent, 0; Excused, 8.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Talmadge, Thorsness, von Reichbauer, West, Wojahn - 36.

Voting nay: Senators Craswell, Jesernig, Rasmussen, Sutherland, Williams - 5.

Excused: Senators Amondson, Matson, Moore, Pelz, Sellar, Skratek, L. Smith, Vognild - 8.

SUBSTITUTE HOUSE BILL NO. 1342, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1313, by House Committee on Revenue (originally sponsored by Representatives Fraser, Brumsickle, Phillips, Jones and Scott)

Modifying qualifications for senior citizen property tax relief.

The bill was read the second time.

MOTION

Senator Gaspard moved that the following amendments by Senators Gaspard, Snyder, Hansen, Rasmussen, Bluechel, Vognild, Jesernig, Conner, Williams, Wojahn, Moore, Rinehart, Murray, Pelz, A. Smith, Niemi, Sutherland, Stratton, L. Kreidler, Bauer, Talmadge, von Reichbauer and McCaslin be considered simultaneously and be adopted:

On page 3, line 4, after "income of" strike "eighteen" and insert "thirty"

On page 3, line 7, after "income of" strike "fourteen" and insert "twenty-four"

On page 3, line 9, after "greater of" strike "twenty-four" and insert "~~((twenty-four))~~ forty"

On page 3, line 11, before "thousand" strike "forty" and insert "~~((forty))~~ one hundred"

On page 3, line 13, after "income of" strike "twelve" and insert "~~((twelve))~~ eighteen"

On page 3, line 14, after "greater of" strike "twenty-eight" and insert "~~((twenty-eight))~~ forty"

On page 3, line 16, after "residence" insert ", but not to exceed one hundred thousand dollars of the valuation of his or her residence"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Gaspard, Snyder, Hansen, Rasmussen, Bluechel, Vognild, Jesernig, Conner, Williams, Wojahn, Moore, Rinehart, Murray, Pelz, A. Smith, Niemi, Sutherland, Stratton, L. Kreidler, Bauer, Talmadge, von Reichbauer and McCaslin on page 3, lines 4, 7, 9, 11, 13, 14 and 16, to Substitute House Bill No. 1313.

The motion by Senator Gaspard carried and the amendments were adopted.

MOTION

On motion of Senator McDonald, the rules were suspended, Substitute House Bill No. 1313, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Anderson, Senator Barr was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1313, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1313, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Amondson, Barr, Sellar, Skratek, L. Smith - 5.

SUBSTITUTE HOUSE BILL NO. 1313, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Anderson, Senator West was excused.

On motion of Senator Murray, Senators Bauer and Vognild were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1270, by House Committee on Appropriations (originally sponsored by Representatives Spanel, Silver, Hine, Paris, May, P. Johnson, Winsley, Hochstatter, Nealey, Wynne, Edmondson, Bowman, D. Sommers, Betzoff, Wood, Horn, Miller, Ballard, McLean and Basich)

Reorganizing the statutes governing the state's retirement system.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, Substitute House Bill No. 1270 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1270.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1270 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Williams, Wojahn - 41.

Absent: Senator Moore - 1.

Excused: Senators Amondson, Bauer, Sellar, Skratek, L. Smith, Vognild, West - 7.

SUBSTITUTE HOUSE BILL NO. 1270, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:10 a.m., the President Pro Tempore declared the Senate to be at ease.

The Senate was called to order at 11:13 a.m. by President Pro Tempore Craswell.

MOTION

On motion of Senator Murray, Senator Moore was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1496, by House Committee on Revenue (originally sponsored by Representatives O'Brien, Holland, Morris, Brumsickle, Leonard and Vance)

Changing the disposition of professional license fees.

The bill was read the second time.

MOTIONS

On motion of Senator McDonald, the following Committee on Ways and Means amendment was adopted:

On page 2, line 14, after "chapter." strike all material down to and including "~~fund-)~~)" on line 16, and insert "All earnings of investments on balances in the professional engineers' account shall be credited to the general fund."

On motion of Senator McDonald, the rules were suspended, Substitute House Bill No. 1496, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1496, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1496, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Williams, Wojahn - 40.

Absent: Senator Pelz - 1.

Excused: Senators Amondson, Bauer, Moore, Sellar, Skratek, L. Smith, Vognild, West - 8.

SUBSTITUTE HOUSE BILL NO. 1496, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed

House Bill No. 1500 and the pending amendment by Senator Rasmussen on page 2, after line 3, deferred earlier today.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Craswell: "In ruling upon the point of order raised by Senator Hayner, the President finds that Engrossed House Bill No. 1500 is a measure which increases the daily amount credited to jail inmates while in custody for failure to pay fines and costs.

"The amendment proposed by Senator Rasmussen would increase the compensation for jurors to the state minimum wage.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Rasmussen on page 2, after line 3, to Engrossed House Bill No. 1500 was ruled out of order.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed House Bill No. 1500 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1500.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1500 and the bill failed to pass the Senate by the following vote: Yeas, 19; Nays, 27; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McDonald, Metcalf, Nelson, Newhouse, Owen, Roach, Saling, Williams - 19.

Voting nay: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McCaslin, McMullen, Moore, Murray, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Wojahn - 27.

Excused: Senators Sellar, Skratek, L. Smith - 3.

ENGROSSED HOUSE BILL NO. 1500, having failed to receive the constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator von Reichbauer served notice that he would move to reconsider the vote by which Engrossed House Bill No. 1500 failed to pass the Senate.

MOTION

On motion of Senator Newhouse, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 9, 1991

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5170 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 3.34.040 and 1984 c 258 s 10 are each amended to read as follows:

A district judge serving a district having a population of forty thousand or more persons, and a district judge receiving a salary (~~greater than~~) equal to the maximum salary ((provided in RCW 3.58.020(6)) set by the salary commission under RCW 3.58.020 for district judges shall be deemed full time judges and shall devote all of their time to the office and shall not engage in the practice of law. Other judges shall devote sufficient time to the office to properly fulfill the duties thereof and may engage in other occupations but shall maintain a separate office for private business and shall not use for private business the services of any clerk or secretary paid for by the county or office space or supplies furnished by the judicial district.

Sec. 2. RCW 3.58.020 and 1984 c 258 s 35 are each amended to read as follows:

~~The annual salaries of part time district judges shall be set by the ((county legislative authority in each county in accordance with the minimum and maximum salaries provided in this subsection:~~

~~(1) In districts having a population under two thousand five hundred persons, the salary shall be not less than one thousand five hundred dollars nor more than twelve thousand dollars;~~

~~(2) In districts having a population of two thousand five hundred persons or more, but less than five thousand, the salary shall be set at not less than one thousand eight hundred dollars nor more than fifteen thousand five hundred dollars;~~

~~(3) In districts having a population of five thousand persons or more, but less than seven thousand five hundred, the salary shall be set at no less than one thousand eight hundred or more than twenty five thousand dollars;~~

~~(4) In districts having a population of seven thousand five hundred persons or more, but less than ten thousand, the salary shall be set at not less than two thousand two hundred fifty dollars or more than thirty thousand dollars;~~

~~(5) In districts having a population of ten thousand persons or more, but less than twenty thousand, the salary shall be set at no less than three thousand dollars or more than thirty two thousand dollars;~~

~~(6) In districts having a population of twenty thousand persons or more, but less than thirty thousand, the salary shall be set at not less than five thousand two hundred fifty dollars or more than forty thousand dollars)) citizens' commission on salaries.~~

On page 1, line 1 of the title, after "judges;" strike the remainder of the title and insert "and amending RCW 3.34.040 and 3.58.020.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate refuses to concur in the House amendments to Senate Bill No. 5170 and asks the House to recede therefrom.

MOTION

At 11:39 a.m., on motion of Senator Newhouse, the Senate recessed until 1:15 p.m.

The Senate was called to order at 1:21 p.m., by President Pro Tempore Craswell.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1800, by House Committee on State Government (originally sponsored by Representatives Fraser, Ballard, Van Loven, Ebersole, Anderson, McLean, Jacobsen, Cantwell, Ferguson, Belcher, Rasmussen, Wang, Locke, Winsley, Paris, Phillips and Wineberry)

Creating the office of international relations and protocol.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1800 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator McCaslin, my question about this bill is, I want to make sure, I guess, that we are not transferring any of the international trade and economic development functions of the Department of Trade and Economic Development to the office of Governor. If you could, I guess, confirm for me that the only thing that is transferring from the DTED head to the Governor is the responsibility for protocol and kind of social relations between the state of Washington and foreign governments. It would certainly lay to rest some of the concerns I might have."

Senator McCaslin: "Thank you for the question, Senator Talmadge. That is my understanding of this bill that in dealing with foreign governments a protocol officer from the Governor's office would carry more weight and more esteem and prestige in dealing with those people."

Senator Talmadge: "So, if there was some question, say for example, about the marketing of apples or the marketing of wheat, or whatever, those kinds of functions would remain with the DTED head and the commodities commissions and would not be transferred, in any way, to the Governor's office?"

Senator McCaslin: "It is my understanding that he would have nothing to do with that. That would go back to the agency or the committee or whatever that handles that at the present time."

MOTION

On motion of Senator Murray, Senator Moore was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1800.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1800 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Absent: Senators Nelson, Saling - 2.

Excused: Senators Moore, Sellar, Skratek, L. Smith - 4.

SUBSTITUTE HOUSE BILL NO. 1800, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1008, by House Committee on Health (originally sponsored by Representatives O'Brien, Dellwo, Wineberry and Winsley)

Evaluating labels for over-the-counter medications.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1008 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Amondson, Senator Cantu was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1008.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1008 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Cantu, Sellar, Skratek, L. Smith - 4.

SUBSTITUTE HOUSE BILL NO. 1008, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1824, by House Committee on Judiciary (originally sponsored by Representative Appelwick)

Changing district courts' jurisdiction.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 3, after line 8, insert a new section to read as follows:

NEW SECTION. Sec. 2. A new section is added to chapter 3.66 RCW to read as follows:

(1) The district courts of each county may, by a majority vote of the judges thereof, authorize mandatory arbitration of civil actions under this chapter.

(2) In no event may an award in single arbitration under this chapter exceed the amount of the monetary jurisdiction level of the district courts.

(3) The subject matter jurisdiction of mandatory arbitration shall be the same as the subject matter jurisdiction of the district courts.

(4) Any arbitrator appointed under this chapter is immune from suit in any civil action based on any proceedings or other official acts performed in their capacity as arbitrators, except for acts of willful or wanton misconduct.

(5) All memoranda, work notes or products, or case files of an arbitrator are confidential and privileged and are not subject to disclosure in any civil judicial or administrative proceeding, except when the willful or wanton misconduct of the arbitrator is at issue.

(6) The Washington state magistrates association shall adopt standards for a person to become an arbitrator under this chapter. Such standards shall include admission to the practice of law in this state for a minimum of seven years and reasonable experience at litigation of civil matters of law.

(7) The Washington state magistrates association shall recommend to the supreme court rules of procedure for mandatory arbitration in the district courts. In the adoption of such rules, the court shall be guided by the statutory requirements of mandatory arbitration set forth in chapter 7.06 RCW."

Renumber the remaining sections consecutively and correct internal cross-references accordingly.

Debate ensued.

Vice President Pro Tempore Bluechel assumed the Chair.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 3, after line 8, to Engrossed Substitute House Bill No. 1824.

The motion by Senator Talmadge failed and the amendment was not adopted.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 1824 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Murray, Senator McMullen was excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1824.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1824 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Cantu, McMullen, Sellar, Skratek, L. Smith - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1824, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Johnson was excused.

SECOND READING

HOUSE BILL NO. 1757, by Representatives Ferguson, Van Luven, Heavey, D. Sommers, Dorn, Miller, R. Meyers, Paris, Hargrove, Silver, Prentice, Moyer, Betrozoff, Winsley, Horn, Chandler, Tate, Vance, Nealey, Edmondson, Fuhrman, Broback, Wynne, Ballard, Hochstatter, Jacobsen, Wineberry, Roland, Bowman, Brough and Forner

Changing "driving while intoxicated" to driving while under the influence of intoxicating liquor or any drug."

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following amendment by Senators Nelson and Talmadge was adopted:

On page 15, after line 4, insert the following:

Sec. 7. RCW 46.61.502 and 1987 c 373 s 2 are each amended to read as follows:

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

~~((1))~~ (a) ~~The person has ((0.10 grams or more of alcohol per two hundred ten liters of breath))~~ alcohol in his or her breath at or above the alcohol concentration standard defined in subsection (2) of this section, as shown by analysis of the person's breath made under RCW 46.61.506; or

~~((2))~~ (b) ~~The person has ((0.10 percent or more by weight of alcohol in the person's blood))~~ alcohol in his or her blood at or above the alcohol concentration standard defined in subsection (2) of this section as shown by analysis of the person's blood made under RCW 46.61.506; or

~~((3))~~ (c) The person is under the influence of or affected by intoxicating liquor or any drug; or

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

(2) "Alcohol concentration standard" means:

(a) For a person under the age of twenty-one years:

(i) Any amount more than 0.04 grams of alcohol per two hundred ten liters of breath; or

(ii) Any more than 0.04 percent by weight of alcohol in the blood; and

(b) For a person age twenty-one years or older:

(i) 0.08 grams of alcohol per two hundred ten liters of breath; or

(ii) 0.08 percent by weight of alcohol in the blood.

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

Sec. 8. RCW 46.61.504 and 1987 c 373 s 3 are each amended to read as follows:

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

~~((1))~~ (a) The person has ~~((0.10 grams or more of alcohol per two hundred ten liters of breath))~~ alcohol in his or her breath at or above the alcohol concentration standard defined in RCW 46.61.502, as shown by analysis of the person's breath made under RCW 46.61.506; or

~~((2))~~ (b) The person has ~~((0.10 percent or more by weight of alcohol in the person's blood))~~ alcohol in his or her blood at or above the alcohol concentration standard defined in RCW 46.61.502, as shown by analysis of the person's blood made under RCW 46.61.506; or

~~((3))~~ (c) The person is under the influence of or affected by intoxicating liquor or any drug; or

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

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

Sec. 9. RCW 46.61.506 and 1987 c 373 s 4 are each amended to read as follows:

(1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the amount of alcohol in the person's blood or breath at the time alleged as shown by analysis of his blood or breath is less than ~~((0.10 percent by weight of alcohol in his blood or 0.10 grams of alcohol per two hundred ten liters of the person's breath))~~ the alcohol concentration standard defined in RCW 46.61.502, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug.

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

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

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

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

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

Sec. 10. RCW 9.41.098 and 1989 c 222 s 8 are each amended to read as follows:

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

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

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

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

(d) Found concealed on a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, having ~~((0.10 grams or more of alcohol per two hundred ten liters of breath or 0.10 percent or more by weight of alcohol in the person's blood))~~ alcohol in his or her breath or blood at or above the alcohol concentration standard defined in RCW 46.61.502, as shown by analysis of the person's breath, blood, or other bodily substance;

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

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

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

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

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

(2) Upon order of forfeiture, the court in its discretion shall order destruction of any firearm that is illegal for any person to possess. All firearms legal for citizen possession that are judicially forfeited or forfeited due to failure to make a claim under RCW 63.32.010, 63.40.010, or 63.35.020 shall be submitted for auction to commercial sellers once a year if the submitting agency has accumulated at least ten firearms authorized for sale. Law enforcement agencies may conduct joint auctions for the purpose of maximizing efficiency. A maximum of ten percent of such firearms may be retained for use by local law enforcement agencies and the Washington state patrol. Before submission for auction, a court may temporarily retain forfeited firearms if needed for evidence. The proceeds from any sale shall be divided as follows: The local jurisdiction and the Washington state patrol shall retain its costs, including actual costs of storage and sale, and shall forward the remainder to the state department of wildlife for use in its firearms training program pursuant to RCW 77.32.155.

If a firearm is delivered to a law enforcement agency and the agency no longer requires use of the firearm, the agency shall dispose of the firearm by auction as provided by this subsection. The public auctioning agency shall, as a minimum, maintain a record of all forfeited firearms by manufacturer, model, caliber, serial number, date and circumstances of forfeiture, and final disposition. The records shall be open to public inspection and copying.

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

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

Sec. 11. RCW 88.02.095 and 1990 c 231 s 3 & 1990 c 31 s 1 are each reenacted and amended to read as follows:

(1) It shall be unlawful for any person to operate a vessel in a negligent manner. For the purpose of this section, to "operate in a negligent manner" shall be construed to mean the operation of a vessel in such manner as to endanger or be likely to endanger any persons or property or to operate at a rate of speed greater than will permit the operator in the exercise of reasonable care to bring the vessel to a safe stop.

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

(a) The person has ~~((0.10 grams or more of alcohol per two hundred ten liters of breath))~~ alcohol in his or her breath at or above the alcohol concentration standard defined in RCW 46.61.502, as shown by analysis of the person's breath made under RCW 46.61.506; or

(b) The person has ~~((0.10 percent or more by weight of alcohol in the person's blood))~~ alcohol in his or her blood at or above the alcohol concentration standard defined in RCW 46.61.502, as shown by analysis of the person's blood made under RCW 46.61.506; or

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

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

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

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

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

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

On motion of Senator Nelson, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "drug;" strike "and"

On page 1, line 3 of the title, after "46.61.990," strike "and" and after "70.96A.120" insert ", 46.61.502, 46.61.504, 46.61.506, and 9.41.098; and reenacting and amending RCW 88.02.095"

MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 1757, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1757, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1757, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, L. Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 43.

Voting nay: Senator Vognild - 1.

Excused: Senators Johnson, McMullen, Sellar, Skratek, L. Smith - 5.

HOUSE BILL NO. 1757, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1269, by House Committee on Appropriations (originally sponsored by Representatives Silver, Spanel, Paris, May, P. Johnson, Fuhrman, Winsley, Hochstatter, Nealey, Wynne, Edmondson, Bowman, D. Sommers, Brumsickle, Betrozoff, Wood, Neher, Horn, Mielke, Miller, Ballard, Tate and McLean) (by request of Joint Committee on Pension Policy)

Changing provision relating to public retirement.

The bill was read the second time.

MOTIONS

On motion of Senator McDonald, the following Committee on Ways and Means amendment was adopted:

On page 12, after line 9, insert the following:

Sec. 11. RCW 41.50.130 and 1987 c 490 s.1 are each amended to read as follows:

(1) The director may at any time correct errors appearing in the records of the retirement systems listed in RCW 41.50.030. Should any error in such records result in any member or beneficiary receiving more or less than he or she would have been entitled to had the records been correct, the director, subject to the conditions set forth in this section, shall adjust the payment in such a manner that the benefit to which such member or beneficiary was correctly entitled shall be paid in accordance with the following:

(a) In the case of underpayments to a member or beneficiary, the retirement system shall correct all future payments from the point of error detection, and shall compute the additional payment due for the allowable prior period which shall be paid in a lump sum by the appropriate retirement system.

(b) In the case of overpayments to a member or beneficiary, the retirement system shall adjust the payment in such a manner that the benefit to which such member or beneficiary was correctly entitled shall be reduced by an amount equal to the actuarial equivalent of the amount of overpayment. Alternatively the member shall have the option of repaying the overpayment in a lump sum within ninety days of notification and receive the proper benefit in the future. In the case of overpayments to a member or beneficiary resulting from actual fraud on the part of the member or beneficiary, the benefits shall be adjusted to reflect the full amount of such overpayment, plus interest at the maximum rate allowed under RCW 19.52.020(1) as it was in effect the first month the overpayment occurred.

(2) Except in the case of actual fraud, in the case of overpayments to a member or beneficiary, the benefits shall be adjusted to reflect only the amount of overpayments made within three years of discovery of the error, notwithstanding any provision to the contrary in chapter 4.16 RCW.

(3) Except in the case of actual fraud, the director, pursuant to rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.05 RCW, may exercise his or her discretion to waive, in whole or in part, the amount of any overpayment where the member or beneficiary through no fault of his or her own receives an overpayment and the amount of the overpayment is not such as to put a reasonable person on notice that an overpayment had occurred.

(4)(a) The employer shall elicit on a written form from all new employees as to their having been retired from a retirement system listed in RCW 41.50.030.

(b) In the case of overpayments which result from the failure of an employer to report properly to the department the employment of a retiree from information received in subparagraph (a), the employer shall, upon receipt of a billing from the department, pay into the appropriate retirement system the amount of the overpayment plus interest as determined by the director. However, except in the case of actual employer fraud, the overpayments charged to the employer under this subsection shall not exceed five thousand dollars for each year of overpayments received by a retiree. The retiree's benefits upon rereirement shall not be reduced because of such overpayment except as necessary to recapture contributions required for periods of employment.

(c) The provision of this subsection regarding the reduction of retirees' benefits shall apply to recovery actions commenced on or after January 1, 1986, even though the overpayments resulting from retiree employment were discovered by the department prior to that date. The provisions of this subsection regarding the billing of employers for overpayments shall apply to overpayments made after January 1, 1986.

((4)) (5) Except in the case of actual fraud, no monthly benefit shall be reduced by more than fifty percent of the member's or beneficiary's corrected benefit.

((5)) (6) Except as provided in subsection (2) of this section, obligations of employers or members until paid to the department shall constitute a debt from the employer or member to the department, recovery of which shall not be barred by laches or statutes of limitation.

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

Senator Rasmussen moved that the following amendment by Senators Rasmussen, Niemi and McDonald be adopted:

On page 12, after line 9, insert the following:

Sec. 11. RCW 41.40.150 and 1990 c 249 s 17 are each amended to read as follows:

Should any member die, or should the individual separate or be separated from service without leave of absence before attaining age sixty years, or should the individual become a beneficiary, except a beneficiary of an optional retirement allowance as provided by RCW 41.40.188, the individual shall thereupon cease to be a member except;

(1) As provided in RCW 41.40.170.

(2) An employee not previously retired who reenters service shall upon completion of six months of continuous service and upon the restoration, in one lump sum or in annual installments, of all withdrawn contributions with interest as computed by the director, which restoration must be completed within a total period of five years of membership service following the member's first resumption of employment, be returned to the status, either as an original member or new member which the member held at time of separation.

(3) Within the ninety days following the employee's resumption of employment, the employer shall notify the department of the resumption and the department shall then return to the employer a statement of the potential service credit to be restored, the amount of funds required for restoration, and the date when the restoration must be accomplished. The employee shall be given a copy of the statement and shall sign a copy of the statement which signed copy shall be placed in the employee's personnel file.

(4) A member who separates or has separated after having completed at least five years of service shall remain a member during the period of absence from service for the exclusive purpose of receiving a retirement allowance to begin at attainment of age sixty-five, however, such a member may on written notice to the director elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty-five: PROVIDED, That if such member should withdraw all or part of the member's accumulated contributions except those additional contributions made pursuant to RCW 41.40.330(2), the individual shall thereupon cease to be a member and this section shall not apply.

(5)(a) The recipient of a retirement allowance who is employed in an eligible position other than under RCW 41.40.120(12) shall be considered to have terminated his or her retirement status and shall immediately become a member of the retirement system with the status of membership the member held as of the date of retirement. Retirement benefits shall be suspended during the period of eligible employment and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered two uninterrupted years of service the type of retirement allowance the member had at the time of the member's previous retirement shall be reinstated;

(b) The recipient of a retirement allowance elected to office or appointed to office directly by the governor, and who shall apply for and be accepted in membership as provided in RCW 41.40.120(3) shall be considered to have terminated his or her retirement status and shall become a member of the retirement system with the status of membership the member held as of the date of retirement. Retirement benefits shall be suspended from the date of return to membership until the date when the member again retires and the member shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered six uninterrupted months of service the type of retirement allowance the member had at the time of the member's previous retirement shall be reinstated, but no additional service credit shall be allowed: AND PROVIDED FURTHER, That if such a recipient of a retirement allowance does not elect to apply for reentry into membership as provided in RCW 41.40.120(3), the member shall be considered to remain in a retirement status and the individual's retirement benefits shall continue without interruption.

(6) Any member who leaves the employment of an employer and enters the employ of a public agency or agencies of the state of Washington, other than those within the jurisdiction of the Washington public employees' retirement system, and who establishes membership in a retirement system or a pension fund operated by such agency or agencies and who shall continue membership therein until attaining age sixty, shall remain a member for the exclusive purpose of receiving a retirement allowance without the limitation found in RCW 41.40.180(1) to begin on attainment of age sixty-five; however, such a member may on written notice to the director elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits commencing at age sixty-five: PROVIDED, That if such member should withdraw all or part of the member's accumulated contributions except those additional contributions made pursuant to RCW 41.40.330(2), the individual shall thereupon cease to be a member and this section shall not apply.

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

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen, Niemi and McDonald on page 12, after line 9, to Substitute House Bill No. 1269.

The motion by Senator Rasmussen carried and the amendment was adopted.

MOTIONS

On motion of Senator Saling, the following amendments by Senators Saling, Bauer, Gaspard, Williams, Nelson, Stratton and McDonald were considered simultaneously and were adopted:

On page 12, after line 9, insert the following:

Sec. 11. RCW 41.32.575 and 1989 c 272 s 3 are each amended to read as follows:

(1) Beginning July 1, (~~1989~~) 1991, and every year thereafter, the department shall determine the following information for each retired member or beneficiary who is over the age of sixty-five:

(a) The dollar amount of the retirement allowance received by the retiree at the benefit age (~~((sixty-five))~~), to be known for the purposes of this section as the "((age sixty-five)) benefit age retirement allowance";

(b) The index for the calendar year prior to the year that the retiree reached the benefit age (~~((sixty-five))~~), to be known for purposes of this section as "index A";

(c) The index for the calendar year prior to the date of determination, to be known for purposes of this section as "index B";

(d) The ratio obtained when index B is divided by index A, to be known for the purposes of this section as the "full purchasing power ratio"; and

(e) The value obtained when the retiree's ~~((age sixty-five))~~ benefit age retirement allowance is multiplied by ~~((sixty-percent))~~ the applicable percentage of the retiree's full purchasing power ratio, to be known for the purposes of this section as the "target benefit."

(2) Beginning with the July payment, the retiree's ~~((age sixty-five))~~ benefit age retirement allowance shall be adjusted to be equal to the retiree's target benefit. In no event, however, shall the adjusted allowance:

(a) Be smaller than the retirement allowance received without the adjustment; ~~((nor))~~

(b) Differ from the previous year's allowance by more than three percent; or

(c) Be paid before the retiree is age sixty-six.

No adjustment shall be made if the benefit age retirement allowance is greater than three hundred percent of the poverty income level for a family of two as published annually by the United States department of health and human services.

(3) For members who retire after the benefit age (~~((sixty-five))~~), the ~~((age sixty-five))~~ benefit age retirement allowance shall be the initial retirement allowance received by the member.

(4) For beneficiaries of members who die prior to the benefit age (~~((sixty-five))~~):

(a) The ~~((age sixty-five))~~ benefit age retirement allowance shall be the allowance received by the beneficiary on the date the member would have turned the benefit age (~~((sixty-five))~~); and (b) index A shall be the index for the calendar year prior to the year the member would have turned the benefit age (~~((sixty-six))~~).

(5) Where the pension payable to a beneficiary was adjusted at the time the benefit commenced, the benefit provided by this section shall be adjusted in a manner consistent with the adjustment made to the beneficiary's pension.

(6) For the purposes of this section:

(a) "Index" means, for any calendar year, that year's average consumer price index--Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor;

(b) "Retired member" or "retiree" means any member who has retired for service or because of duty or nonduty disability, or the surviving beneficiary of such a member.

(7) The benefit age and the applicable percentage shall be determined by the state actuary using the funds appropriated for this purpose in each biennial omnibus appropriations act until the target levels established in this subsection are achieved. The benefit age shall be initially set at sixty-five, and the applicable percent shall be initially set at sixty percent. Each year, as available funds permit, the state actuary shall reduce the benefit age from age sixty-five to the age at retirement. After the benefit age has been adjusted to the age at retirement, the state actuary shall, as available funds permit, increase the applicable percentage on an incremental basis from sixty percent to seventy percent.

Sec. 12. RCW 41.40.325 and 1989 c 272 s 2 are each amended to read as follows:

(1) Beginning July 1, (~~(1989)~~) 1991, and every year thereafter, the department shall determine the following information for each retired member or beneficiary who is over the age of sixty-five:

(a) The dollar amount of the retirement allowance received by the retiree at the benefit age (~~(sixty-five)~~), to be known for the purposes of this section as the "~~((age sixty-five))~~ benefit age retirement allowance";

(b) The index for the calendar year prior to the year that the retiree reached the benefit age (~~(sixty-five)~~), to be known for purposes of this section as "index A";

(c) The index for the calendar year prior to the date of determination, to be known for purposes of this section as "index B";

(d) The ratio obtained when index B is divided by index A, to be known for the purposes of this section as the "full purchasing power ratio"; and

(e) The value obtained when the retiree's (~~(age sixty-five)~~) benefit age retirement allowance is multiplied by (~~(sixty percent)~~) the applicable percentage of the retiree's full purchasing power ratio, to be known for the purposes of this section as the "target benefit."

(2) Beginning with the July payment, the retiree's (~~(age sixty-five)~~) benefit age retirement allowance shall be adjusted to be equal to the retiree's target benefit. In no event, however, shall the adjusted allowance:

(a) Be smaller than the retirement allowance received without the adjustment; (~~(not)~~)

(b) Differ from the previous year's allowance by more than three percent; or

(c) Be paid before the retiree is age sixty-six.

No adjustment shall be made if the benefit age retirement allowance is greater than three hundred percent of the poverty income level for a family of two as published annually by the United States department of health and human services.

(3) For members who retire after the benefit age (~~(sixty-five)~~), the (~~(age sixty-five)~~) initial retirement allowance shall be the initial retirement allowance received by the member.

(4) For beneficiaries of members who die prior to the benefit age (~~(sixty-five)~~):

(a) The (~~(age sixty-five)~~) initial retirement allowance shall be the allowance received by the beneficiary on the date the member would have turned the benefit age (~~(sixty-five)~~); and (b) index A shall be the index for the calendar year prior to the year the member would have turned the benefit age (~~(sixty-five)~~).

(5) Where the pension payable to a beneficiary was adjusted at the time the benefit commenced, the benefit provided by this section shall be adjusted in a manner consistent with the adjustment made to the beneficiary's pension.

(6) For the purposes of this section:

(a) "Index" means, for any calendar year, that year's average consumer price index--Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor;

(b) "Retired member" or "retiree" means any member who has retired for service or because of duty or nonduty disability, or the surviving beneficiary of such a member.

(7) The benefit age and the applicable percentage shall be determined by the state actuary using the funds appropriated for this purpose in each biennial omnibus appropriations act until the target levels established in this subsection are achieved. The benefit age shall be initially set at sixty-five, and the applicable percent shall be initially set at sixty percent. Each year, as available funds permit, the state actuary shall reduce the benefit age from age sixty-five to the age at retirement. After the benefit age has been adjusted to the age at retirement, the state actuary shall, as available funds permit, increase the applicable percentage on an incremental basis from sixty percent to seventy percent.

NEW SECTION. Sec. 13. If specific funding for the purposes of sections 11 and 12 of this act, referencing sections 11 and 12 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 11 and 12 of this act shall be null and void.

Renumber the remaining section consecutively.

On page 12, line 10, after "Sec. 11." strike "This act is" and insert "Sections 1 through 10 of this act are"

On motion of Senator Roach, the following amendment by Senators Roach, Sutherland, Owen, Oke and Metcalf was adopted:

On page 12, after line 9, insert the following:

NEW SECTION. Sec. 11. A new section is added to chapter 28A.400 RCW to read as follows:

(1) If an employee of a school district or an educational service district is activated from either federal military reserve service or state militia service to active military service due to the situation known as "Desert Shield," "Desert Storm," or any operation following from these, from August 2, 1990, to a date specified by an agency of the federal government as the end of such operation, such employee's dependents shall be entitled to the same health care and other insurance in which such employee was enrolled immediately prior to being placed on active duty. This continuation of coverage shall continue until either:

(a) The employee is either released or discharged from active duty; or

(b) Six months after the employee is killed in the line of duty unless the surviving spouse or dependent has a prior right to continue such coverage by law or contract.

(2) The premium cost, if any, of such health care and other insurance programs to the spouse and/or dependents shall be the same as the premium that would have been required of the employee had he or she remained in the employ of the school or educational service district.

NEW SECTION. Sec. 12. A new section is added to chapter 41.04 RCW to read as follows:

(1) If an employee of the state, county, municipality, or other political subdivision is activated from either federal military reserve service or state militia service to active military service due to the situation known as "Desert Shield," "Desert Storm," or any operation following from these, from August 2, 1990, to a date specified by an agency of the federal government as the end of such operation, such employee's dependents shall be entitled to the same health care and other insurance in which such employee was enrolled immediately prior to being placed on active duty. This continuation of coverage shall continue until either:

(a) The employee is either released or discharged from active duty; or

(b) Six months after the employee is killed in the line of duty unless the surviving spouse or dependent has a prior right to continue such coverage by law or contract.

(2) The premium cost, if any, of such health care and other insurance programs to the spouse and/or dependents shall be the same as the premium that would have been required of the employee had he or she remained in the employ of the employer.

NEW SECTION. Sec. 13. A new section is added to chapter 41.04 RCW to read as follows:

(1) A member of any of the retirement systems listed in RCW 41.50.030 or those authorized under RCW 28B.10.400 whose public service is interrupted by activation from federal military reserve or state militia service to active military service due to the situation known as "Desert Shield," "Desert Storm," or any operation following from these, from August 2, 1990, to a date specified by an agency of the federal

government as the end of such operation, shall be considered as continuing his or her membership as though still in the employ of the employer.

(2) A member who qualifies under subsection (1) of this section shall receive service credit from the retirement system that he or she was a member of prior to military activation for the period of such activation if he or she:

(a) Enters employment by an employer, as defined by the respective retirement system, within one year of discharge from active service as described in subsection (1) of this section; and

(b) Applies to such employer for payment of retirement contributions to the department of retirement systems or the institution of higher education or community college under subsection (4) of this section within one year of such entering employment or one year of the effective date of this act.

(3) The employer required to pay the contributions specified in subsection (4) of this section shall be the employer of the member prior to activation.

(4) Upon receipt of an employee application under subsection (2) of this section or notification by the current employer, the responsible employer shall pay the necessary required retirement contributions to the department of retirement systems or the institution of higher education or community college. The necessary required contributions include the employee contribution as well as the employer contributions. The contributions shall be based on the salary being paid to the member at the time of entering active service incremented by either:

(a) Any subsequent general salary increase; or

(b) A negotiated salary increase.

(5) The department of retirement systems or the institution of higher education or community college shall treat the salary that the contributions are based on as compensation utilized in determining the final average salary, however it may be defined, in the normal retirement benefit or supplemental amount.

(6) Service shall be credited to the appropriate retirement system upon payment of the contributions to the member's account by the employer under this section.

Renumber the remaining sections consecutively.

MOTIONS

On motion of Senator McDonald, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "41.32.550," strike "and 41.18.015" and insert "41.18.015, and 41.50.130"

On page 1, line 2 of the title, after "41.32.550," strike "and 41.18.015" and insert "41.18.015, and 41.40.150"

On page 1, line 2 of the title, after "41.32.550," strike "and" and after "41.18.015" insert ", 41.32.575, and 41.40.325"

On page 1, line 4 of the title, after "43.43 RCW;" insert "adding a new section to chapter 28A.400 RCW; adding new sections to chapter 41.04 RCW;"

On motion of Senator McDonald, the rules were suspended, Substitute House Bill No. 1269, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Anderson, Senator Matson was excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1269, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1269, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 42.

Voting nay: Senators Cantu, Hayner - 2.

Excused: Senators Matson, McMullen, Sellar, Skratek, L. Smith - 5.

SUBSTITUTE HOUSE BILL NO. 1269, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Anderson, Senator Saling was excused.

On motion of Senator Murray, Senator Hansen was excused.

SECOND READING

HOUSE BILL NO. 1072, by Representatives McLean, Anderson, R. Fisher, Moyer, Sheldon, Chandler, Bowman, Pruitt, Winsley, Broback, Edmondson, Paris, D. Sommers, May, Wynne, Brumsickle, Nealey, Miller, P. Johnson, Casada, Wood, Forner and Mitchell

Changing provisions relating to elections.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1072 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1072.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1072 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, West, Williams, Wojahn - 43.

Excused: Senators Hansen, Matson, Saling, Sellar, Skratek, L. Smith - 6.

HOUSE BILL NO. 1072, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Craswell assumed the Chair.

MOTION

On motion of Senator Anderson, Senator Barr was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1958, by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Nealey, McLean, Chandler, Roland, Franklin and Rasmussen) (by request of Department of Agriculture)

Changing requirements and penalties for livestock brands.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Substitute House Bill No. 1958 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1958.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1958 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 2; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen,

Patterson, Pelz, Rasmussen, Rinehart, Roach, A. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, West, Williams, Wojahn - 40.

Absent: Senators McDonald, Stratton - 2.

Excused: Senators Barr, Hansen, Matson, Saling, Sellar, Skratek, L. Smith - 7.

SUBSTITUTE HOUSE BILL NO. 1958, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1470, by Representatives Ogden, Brough, H. Sommers, Jacobsen, Schmidt, Wynne, Paris, May, Haugen, Betzoff, Winsley, Edmondson, Cooper, Wilson, Forner, D. Sommers, Tate, Mitchell, Fraser, Spanel and R. Johnson (by request of Department of Community Development)

Making appropriations for public works projects.

The bill was read the second time.

MOTIONS

On motion of Senator Anderson, the following Committee on Commerce and Labor amendments were considered simultaneously and were adopted:

On page 2, beginning on line 3, after "(5)" strike all material through "(6)" on line 5

Renumber the subsections consecutively.

On page 7, beginning on line 3, after "1991," strike "seven million three hundred thirty thousand" and insert "six million five hundred sixty-eight thousand"

On page 7, line 8, after "systems" strike "\$371,000" and insert "\$338,200"

On page 7, line 10, after "line" strike "\$284,000" and insert "\$258,890"

On page 7, line 13, after "system" strike "\$2,259,947" and insert "\$1,947,177"

On page 7, line 15, after "streets" strike "\$1,254,200" and insert "\$1,143,310"

On page 7, line 17, after "area" strike "\$750,000" and insert "\$683,689"

On page 7, line 20, strike "\$2,432,520" and insert "\$2,217,448"

On page 7, line 22, after "act" strike "\$59,251,667" and insert "\$58,458,303"

On motion of Senator Anderson, the rules were suspended, House Bill No. 1470, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1470, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1470, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Excused: Senators Barr, Matson, Saling, Sellar, Skratek, L. Smith - 6.

HOUSE BILL NO. 1470, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1558, by Representatives R. Meyers, R. Fisher, Schmidt, Orr, Hargrove, G. Fisher, Cooper, Zellinsky, Holland, Winsley, Betzoff and Ludwig (by request of Legislative Transportation Committee)

Improving the state patrol compensation survey.

The bill was read the second time.

MOTIONS

On motion of Senator Madsen, the following Committee on Transportation amendment was adopted:

On page 2, line 20, after "markets" strike all material through "retention" on line 21

On motion of Senator Madsen, the rules were suspended, House Bill No. 1558, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1558, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1558, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Excused: Senators Barr, Matson, Saling, Sellar, Skratek, L. Smith - 6.

SUBSTITUTE HOUSE BILL NO. 1558, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137, by House Committee on Revenue (originally sponsored by Representatives Wang, Holland, Ebersole, Ballard, Appelwick, Fraser, McLean, May Winsley, Phillips, Peery, Bowman and Miller)

Changing excise tax on carbonated beverages and syrups.

The bill was read the second time.

MOTIONS

On motion of Senator McDonald, the following Committee on Ways and Means amendments were considered simultaneously and were adopted:

On page 3, beginning on line 24, strike all of subsection (3) and insert the following:

"(3) ((Any possession of a carbonated beverage or syrup where the first possession occurred before July 1, 1989)) Any sale at wholesale of a trademarked carbonated beverage or syrup by any person to a person commonly known as a bottler who is appointed by the owner of the trademark to manufacture, distribute, and sell such trademarked carbonated beverage or syrup within a specified geographic territory."

On page 4, beginning on line 13, after "tax." strike all material through "department." on line 14 and insert "The tax imposed in RCW 82.64.020(2) shall be paid by the retailer. The buyer is not obligated to pay or report to the department the taxes imposed in RCW 82.64.020."

On motion Senator Talmadge, the following amendment was adopted:

On page 5, line 27, after "measures." strike the remainder of the paragraph

MOTION

On motion of Senator McDonald, the rules were suspended, Engrossed Substitute House Bill No. 2137, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2137, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2137, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 15; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Craswell, Erwin, Hansen, Hayner, Jesernig, Johnson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Rasmussen, Roach, Saling, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 29.

Voting nay: Senators Conner, Gaspard, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rinehart, A. Smith, Snyder, Talmadge, Williams - 15.

Excused: Senators Barr, Matson, Sellar, Skratek, L. Smith - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4015, by Representatives Nelson, Brough, R. Fisher, Betrozoff, Paris, Winsley, Heavey, Forner, Prentice, Brekke and Anderson)

Asking Congress for equal tax treatment of employer-provided transportation benefits.

The joint memorial was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, House Joint Memorial No. 4015 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4015.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4015 and the joint memorial passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Barr, Matson, Sellar, Skratek, L. Smith - 5.

HOUSE JOINT MEMORIAL NO. 4015, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Murray, Senator Vognild was excused.

SECOND READING

HOUSE BILL NO. 2142, by Representatives Spanel and Winsley (by request of Department of Retirement Systems)

Providing a schedule for notification to public employees of accumulated service credit.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, House Bill No. 2142 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2142.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2142 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Matson, Sellar, Skratek, L. Smith, Vognild - 5.

HOUSE BILL NO. 2142, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1226, by House Committee on Health Care (originally sponsored by Representatives Prentice, Wood, Franklin, Braddock, May, Brekke, Leonard, Belcher, Day, Brough, R. Meyers, Morris, Pruitt, Silver, D. Sommers, Dellwo, Jones, Riley, Scott, Sheldon, Phillips, Orr, Basich, Ogden and Cantwell)

Making provisions for nursing home residents' discharge for temporary hospitalization.

The bill was read the second time.

MOTIONS

Senator West moved that the following Committee on Health and Long-Term Care amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 74.42 RCW to read as follows:

Each time a medicaid recipient is discharged from a medicaid provider's facility for the purpose of hospitalization, the provider shall hold open the recipient's bed for the recipient for a minimum of three days immediately following the day of discharge and shall not deny the recipient readmission and placement in the same bed vacated if sought during such three-day period following the day of discharge. If the medicaid recipient is eligible for medicare, the recipient may be readmitted to a bed in a medicare distinct part. In addition, the medicaid recipient may be readmitted to bed in a heavy care wing of the medicaid provider's facility, if the attending physician determines that the recipient's health status warrants the additional heavy care.

NEW SECTION. Sec. 2. A new section is added to chapter 74.46 RCW to read as follows:

The department shall develop and adopt rules to accurately keep record of a resident's social leave time and hospitalization time in compliance with RCW 74.46.620.

On motion of Senator West, the following amendment to the Committee on Health and Long-Term Care amendment was adopted:

On page 1, line 23, strike everything after "hospitalization time" down to and including "RCW 74.46.620" on line 24.

On motion of Senator West, the following amendment to the Committee on Health and Long-Term Care amendment was adopted:

On page 1, after line 24 of the amendment, insert the following:

Sec. 3. RCW 18.52.020 and 1991 c 3 s 116 are each amended to read as follows:

When used in this chapter, unless the context otherwise clearly requires:

(1) "Board" means the state board (~~(of examiners for the licensing)~~) of nursing home administrators representative of the professions and institutions concerned with the care of the chronically ill and infirm aged patients.

(2) (~~("Secretary" means the secretary of health)~~) "Department" means the department of health.

(3) "Nursing home" means any facility or portion thereof licensed under state law as a nursing home.

(4) "Nursing home administrator" means an individual in active administrative charge, as defined by the board, ~~of a nursing home (as defined herein, whether or not having an ownership interest in such homes, and although functions and duties may be shared with or delegated to other persons: PROVIDED HOWEVER, That nothing in this definition of this chapter shall be construed to prevent any person, so long as he or she is otherwise qualified, from obtaining and maintaining a license even though he or she has not administered or does not continue to administer a nursing home)).~~

(5) "Secretary" means the secretary of health or the secretary's designee.

NEW SECTION. Sec. 4. A new section is added to chapter 18.52 RCW to read as follows:

In addition to any other authority provided by law, the secretary shall have the following authority:

(1) To set all fees required in this chapter in accordance with RCW 43.70.250 which may include fees for approval of continuing competency, supervision of practical experience, all applications, verification, renewal, examination, and late penalties;

(2) To establish forms necessary to administer this chapter;

(3) To issue a license to any applicant who has met the education, training, and examination requirements for licensure and deny a license to applicants who do not meet the minimum qualifications for licensure, except that proceedings concerning the denial of licenses based on unprofessional conduct or impaired practice shall be governed by the uniform disciplinary act, chapter 18.130 RCW;

(4) To employ clerical, administrative, and investigative staff as needed to implement and administer this chapter and to employ individuals including those licensed under this chapter to serve as examiners or consultants as necessary to implement and administer this chapter; and

(5) To maintain the official department record of all applicants and licensees.

Sec. 5. RCW 18.52.030 and 1970 ex.s. c 57 s 3 are each amended to read as follows:

~~((On or after July 1, 1970))~~ Nursing homes operating within this state ((must)) shall be under the active, overall administrative charge and supervision of an on-site, full-time administrator licensed as provided in this chapter. ~~((An administrator may delegate functions and duties to other persons.))~~ No person acting in any capacity, unless ~~((he is))~~ the holder of a nursing home administrator's license issued under this chapter, shall be charged with the overall responsibility to make decisions or direct actions involved in managing the internal operation of a nursing home, except as specifically delegated in writing by the administrator to identify a responsible person to act on the administrator's behalf when the administrator is absent during the administrator's normal working hours. The administrator shall review the decisions upon the administrator's return and amend the decisions if necessary. The board shall define by rule the parameters for on-site, full-time administrators in nursing homes with small resident populations, nursing homes in rural areas, or separately licensed facilities collocated on the same campus, as well as provide for the requirements for nursing homes that are temporarily without administrators.

Sec. 6. RCW 18.52.040 and 1975 1st ex.s. c 97 s 1 are each amended to read as follows:

~~((There is hereby created a))~~ The state board of ~~((examiners for))~~ nursing home administrators ~~((which))~~ shall consist of nine members appointed by the governor. ~~((All members shall be representative of the professions and institutions concerned with the care and treatment of chronically ill or infirm elderly patients. However, at no time shall representatives of a single profession or a single institutional category compose a majority of the board membership. In addition, no member who is a noninstitutional representative shall have any direct financial interest in nursing homes while serving as a member of the board. For purposes of this section, nursing home administrators are considered representatives of institutions. Eight of the board's members shall be privately or self-employed persons who the governor finds have had at least four years of actual experience in the administration or overall management of licensed nursing homes in this state immediately prior to the governor's appointment of them to the board; or shall be representatives from the medical professions, or health care administration education, or persons with four years actual experience in the administration of the nursing home unit of a licensed hospital immediately preceding the governor's appointment of them to the board; and shall be privately or self-employed persons, or persons employed by educational institutions, whom the governor appoints because of their special knowledge or expertise in the field of long term care or the care of the aged and chronically ill: PROVIDED, That one member shall be a citizen eligible for medicare who shall have no financial interest in or family ownership connection with nursing homes. Board members selected who meet any of~~

~~the preceding qualifications may in addition be nurses, physicians or other persons with special health care training.)~~ Four members shall be persons licensed under this chapter who have at least four years actual experience in the administration of a licensed nursing home in this state immediately preceding appointment to the board and who are not employed by the state or federal government.

Four members shall be representatives of the health care professions providing medical or nursing services in nursing homes who are privately or self-employed; or shall be persons employed by educational institutions who have special knowledge or expertise in the field of health care administration, health care education or long-term care or both, or care of the aged and chronically ill.

One member shall be a nursing home resident or a family member of a nursing home resident. No member who is a nonadministrator representative shall have any direct or family financial interest in nursing homes while serving as a member of the board. The governor shall consult with and seek the recommendations of the appropriate state-wide business and professional organizations and societies primarily concerned with long term health care facilities in the course of considering his appointments to the board. Board members presently serving shall continue to serve until the expiration of their appointments.

Sec. 7. RCW 18.52.050 and 1970 ex.s. c 57 s 5 are each amended to read as follows:

Members of the board shall be citizens of the United States and residents of this state. ~~((Except for the initial appointments to the first board,))~~ All administrator members of the board shall be holders of licenses under this chapter. ~~((Three members of the board shall be appointed initially for terms of three years, three members shall be appointed for terms of two years, and three members shall be appointed for terms of one year. Thereafter))~~ The terms of all members shall be ~~((three))~~ five years. ~~((Members of the board may be removed by the governor for cause after appropriate notice and hearing.))~~ Any board member may be removed for just cause including a finding of fact of unprofessional conduct or impaired practice. The governor may appoint a new member to fill any vacancy on the board for the remainder of the unexpired term. No board member may serve more than two consecutive terms, whether full or partial. Board members shall serve until their successors are appointed. Board members shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. The board may elect annually a chair and vice-chair to direct the meetings of the board. The board shall meet at least four times each year and may hold additional meetings as called by the secretary or the chair.

NEW SECTION. Sec. 8. A new section is added to chapter 18.52 RCW to read as follows:

In addition to any authority provided by law, the board shall have the following authority:

(1) To adopt rules in accordance with chapter 34.05 RCW necessary to implement this chapter;

(2) To determine the minimum education and experience requirements for licensure, including but not limited to approval of educational programs;

(3) To prepare and administer or approve the preparation and administration of examinations for licensure;

(4) To conduct a hearing on an appeal of a denial of license based on the applicant's failure to meet the minimum qualifications for licensure. The hearing shall be conducted pursuant to chapter 34.05 RCW;

(5) To establish by rule the procedures for an appeal of an examination failure;

(6) To adopt rules implementing a continuing competency program;

(7) To issue subpoenas, statements of charges, statements of intent to deny licenses, and orders, and to delegate in writing to a designee to issue subpoenas; and

(8) To issue temporary license permits under circumstances defined by the board.

NEW SECTION. Sec. 9. A new section is added to chapter 18.52 RCW to read as follows:

The department shall issue a license to any person applying for a nursing home administrator's license after July 1, 1992, who meets the following requirements:

(1) Successful completion of the requirements for a baccalaureate degree from a recognized institution of higher learning: PROVIDED, That if education requirements are adopted by the federal government, the board may adopt rules requiring educational qualifications to meet those requirements;

(2) Successful completion of a practical experience requirement as determined by the board;

(3) Successful completion of examinations administered or approved by the board, or both, which shall be designed to test the candidate's competence to administer a nursing home;

(4) At least twenty-one years of age; and

(5) Not having engaged in unprofessional conduct as defined in RCW 18.130.180 or being unable to practice with reasonable skill and safety as defined in RCW 18.130.170. The board shall establish by rule what constitutes adequate proof of meeting the above requirements.

A limited license indicating the limited extent of authority to administer institutions certified by such church or denomination teaching religious or spiritual means for healing through prayer, shall be issued to individuals demonstrating membership in such church or denomination. However, nothing in this chapter shall be construed to require an applicant certified by any well established and generally recognized church or religious denomination teaching reliance on spiritual means alone to demonstrate proficiency in any medical techniques or to meet any medical educational qualifications or medical standards not in accord with the remedial care and treatment provided in such institutions.

Sec. 10. RCW 18.52.110 and 1991 c 3 s 120 are each amended to read as follows:

(1) Every holder of a nursing home administrator's license shall reregister (~~((~~ annually with the secretary)) on dates specified by the secretary (~~((~~ by making application for reregistration on forms provided by the secretary)). Such (~~((~~ reregistration)) relicensure shall be granted (~~((~~ automatically)) upon receipt of a fee determined by the secretary as provided in RCW 43.70.250, and upon fulfilling the continuing (~~((~~ education)) competency requirement. In the event that any license is not reregistered (~~((~~ within thirty days after the date for reregistration specified by the secretary)), the secretary (~~((~~ shall, in accordance with rules prescribed by the board, give notice to the license holder, and)) may (~~((~~ thereafter in accordance with rules prescribed by the board)) charge up to double the (~~((~~ normal reregistration)) relicensure fee. In the event that the license of an individual is not (~~((~~ reregistered)) relicensed within two years from the most recent date for (~~((~~ reregistration)) relicensure it shall lapse and such individual must again apply for licensing and meet all requirements of this chapter for a new applicant. The board may prescribe rules for maintenance of a license at a reduced fee for temporary or permanent withdrawal or retirement from the active practice of nursing home administration.

(2) A condition of (~~((~~ reregistration)) relicensure shall be the presentation of proof by the applicant that (~~((~~ he or she has attended the number of classroom hours of approved educational programs, classes, seminars, or proceedings set by the board. The board shall have the power to approve programs, classes, seminars, or proceedings offered in this state or elsewhere by any accredited institution of higher learning or any national or local group or society if such programs, classes, seminars, or proceedings are reasonably related to the administration of nursing homes. The board shall establish rules providing that the applicant for reregistration may present such proofs)).

yearly, or may obtain the cumulative number of required hours over a three-year period and present such proofs over periods of three years. In no event shall the number of classroom hours required for any time period exceed the number of such board approved classroom hours reasonably available over such time period on an adult or continuing education basis to nonmatriculating participants in this state.

~~(3) An individual may obtain and reregister a license under this chapter although he or she does not actively engage in nursing home administration. The licensee shall meet requirements set by the board to ensure the individual's continued competency)) the board requirement for continuing competency related to the administration of nursing homes has been met.~~

Sec. 11. RCW 18.52.130 and 1991 c 3 s 121 are each amended to read as follows:

The secretary may issue a nursing home administrator's license to anyone who holds a current administrator's license from another jurisdiction upon receipt of an application fee ((determined by the secretary as provided in RCW 43.70.250)) and an annual license fee, ((the secretary may issue a nursing home administrator's license, without examination, to any person who holds a current license as a nursing home administrator from another jurisdiction)) as provided in RCW 43.70.250: PROVIDED, ((That the board finds)) That the standards for licensing in such other jurisdiction are ((at least the)) substantially equivalent ((ef)) to those prevailing in this state, and that the applicant is otherwise qualified as determined by the board. ((In the event that there is developed a nationally recognized standard for the licensing of nursing home administrators which is in fact utilized in licensing procedures on a reasonably uniform basis the board may by rule or regulation provide for granting reciprocal licensing on a showing of compliance with such standard.))

Sec. 12. RCW 18.52.140 and 1970 ex.s. c 57 s 14 are each amended to read as follows:

It shall be unlawful and constitute a gross misdemeanor for any person to act or serve in the capacity of a nursing home administrator unless he or she is the holder of a nursing home administrator's license issued in accordance with the provisions of this chapter: PROVIDED HOWEVER, That persons carrying out functions and duties delegated by a licensed administrator as defined in RCW 18.52.030 shall not be construed to be committing any unlawful act under this chapter.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed: (1) RCW 18.52.060 and 1991 c 3 s 117, 1984 c 287 s 40, 1979 c 158 s 45, 1975-'76 2nd ex.s. c 34 s 38, & 1970 ex.s. c 57 s 6;

(2) RCW 18.52.100 and 1991 c 35 s 119, 1987 c 150 s 33, 1977 ex.s. c 243 s 4, & 1970 ex.s. c 57 s 10; and

(3) RCW 18.52.170 and 1970 ex.s. c 57 s 19.

NEW SECTION. Sec. 14. RCW 18.52.070 and 1991 c 3 s 118, 1984 c 279 s 65, 1977 ex.s. c 243 s 2, 1975 1st ex.s. c 30 s 52, & 1970 ex.s. c 57 s 7 are each repealed, effective July 1, 1992.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Health and Long-Term Care striking amendment, as amended, to Engrossed Substitute House Bill No. 1226.

The motion by Senator West carried and the Committee on Health and Long-Term Care striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator West, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "homes;" strike the remainder of the title and insert "adding a new section to chapter 74.42 RCW; and adding a new section to chapter 74.46 RCW."

On page 2, line 5 of the title amendment, after "insert "" insert "amending RCW 18.52.020, 18.52.030, 18.52.040, 18.52.050, 18.52.110, 18.52.130, and 18.52.140;" and after "74.42 RCW;" strike "and"

On page 2, line 6 of the title amendment, after "74.46 RCW" insert "; adding new sections to chapter 18.52 RCW; and repealing RCW 18.52.060, 18.52.100, 18.52.170, and 18.52.070."

On motion of Senator West, the rules were suspended, Engrossed Substitute House Bill No. 1226, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Niemi: "Senator West, the amendment is a familiar bill and I have no objection to it, but it doesn't fit on what looks like the bill. I mean the lines don't fit; I'm not challenging any--"

Senator West: "Well, Senator Niemi, the amendment has already been adopted by this body, so we are on final passage."

Senator Niemi: "I know that, but I just wondered since it doesn't fit in, since it is stuck in the middle of a sentence, is that an error or am I missing something?"

Senator West: "Stuck in the middle of a sentence?"

Senator Niemi: "O.K., I would like to speak to the underlying bill. The amendment is a bill that is just fine, I think, with all of us, so I guess I don't have a question. I might have been in the wrong place."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1226, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1226, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 43.

Voting nay: Senator Conner - 1.

Excused: Senators Matson, Sellar, Skratek, L. Smith, Vognild - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1226, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1057, by Representatives Anderson, McLean, R. Fisher, Ferguson and Miller (by request of Washington State Patrol)

Providing protection to the lieutenant governor.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1057 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1057.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1057 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Matson, Sellar, Skratek, L. Smith, Vognild - 5.

HOUSE BILL NO. 1057, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1032, by Representatives Haugen, Ferguson, Cooper, Nealey and Chandler

Providing county reimbursement for selected transportation of human remains.

The bill was read the second time.

MOTION

Senator McCaslin moved that the following Committee on Governmental Operations amendment be adopted:

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

NEW SECTION. Sec. 5. The legislature finds and declares that sudden and unexplained child deaths are a leading cause of death for children under age three. The public interest is served by research and study of the potential causes and indications of such unexplained child deaths and the prevention of inaccurate and inappropriate designation of sudden infant death syndrome (SIDS) as a cause of death. The legislature further finds and declares that law enforcement officers, fire fighters, emergency medical technicians, and other first responders in emergency situations are not adequately informed regarding sudden, unexplained death in young children including but not limited to sudden infant death syndrome, its signs and typical history, and as a result may compound the family and child care provider's grief through conveyed suspicions of a criminal act. Coroners, investigators, and prosecuting attorneys are also in need of updated training on the identification of unexplained death in children under the age of three, including but not limited to sudden infant death syndrome awareness and sensitivity and the establishment of a state-wide uniform protocol in cases of sudden, unexplained child death.

NEW SECTION. Sec. 6. A new section is added to chapter 43.103 RCW to read as follows:

The council shall research and develop an appropriate training component on the subject of sudden, unexplained child death, including but not limited to sudden infant death syndrome. The training component shall include, at a minimum:

(1) Medical information on sudden, unexplained child death for first responders, including awareness and sensitivity in dealing with families and child care providers, and the importance of forensically competent death scene investigation;

(2) Information on community resources and support groups available to assist families who have lost a child to sudden, unexplained death, including sudden infant death syndrome;

(3) Development and adoption of an up-to-date protocol of investigation in cases of sudden, unexplained child death, including the importance of a consistent policy of thorough death scene investigation, and an autopsy in unresolved cases as appropriate;

(4) The value of timely communication between the county coroner or medical examiner and the public health department, when a sudden, unexplained child death occurs, in order to achieve a better understanding of such deaths, and connecting families to various community and public health support systems to enhance recovery from grief.

The council shall work with volunteer groups with expertise in the area of sudden, unexplained child death, including but not limited to the SIDS Northwest Regional Center at Children's Hospital, the Washington chapter of the national SIDS foundation, and the Washington association of county officials.

Upon development of an appropriate curriculum, agreed upon by the council, the training module shall be offered to first responders, coroners, medical examiners, prosecuting attorneys serving as coroners, and investigators, both voluntarily through their various associations and as a course offering at the criminal justice training center.

Renumber the remaining section consecutively.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Governmental Operations amendment on page 4, after line 4, to House Bill No. 1032.

The motion by Senator McCaslin carried and the committee amendment was adopted.

MOTION

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 2 of the title, after "68.50 RCW;" insert "adding a new section to chapter 43.103 RCW; creating a new section;"

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1032, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1032, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1032, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Matson, Sellar, Skratek, L. Smith - 4.

HOUSE BILL NO. 1032, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1177, by Representatives Holland, Leonard, Peery, Brough, Jones and Winsley

Clarifying school district boards of directors' responsibilities.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Engrossed House Bill No. 1177 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1177.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1177 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Matson, Sellar, Skratek, L. Smith - 4.

ENGROSSED HOUSE BILL NO. 1177, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2027, by House Committee on Higher Education (originally sponsored by Representatives Ballard, Jacobsen, Bowman, Vance, Tate, Brough, Paris, Ferguson, Casada, Chandler, Forner, Moyer, Fuhrman, Holland, Wynne, May, Mitchell, P. Johnson, Betrozoff and Miller)

Providing for refund of or credit toward new enrollment for higher education costs for students deployed because of the Gulf war.

The bill was read the second time.

MOTIONS

On motion of Senator Rinehart, the following amendment by Senators Rinehart and Saling was adopted:

On page 12, beginning on line 12, after "deployed" strike "to the Persian Gulf" and insert "either to the Persian Gulf combat zone, as designated by the president of the United States through executive order, or in another location in support of the Persian Gulf combat zone,"

On motion of Senator Saling, the rules were suspended, Engrossed Substitute House Bill No. 2027, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2027, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2027, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Matson, Sellar, Skratek, L. Smith - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2027, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1125, by Representatives Braddock and Orr (by request of Department of Social and Health Services)

Changing the billing period to twelve months.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Bill No. 1125 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Vognild: "Senator, I believe I understand the underlying need for this bill or at least the request for it, but we have had an ongoing problem with DSHS in paying their bills to their vendors. It concerns me a little bit that the one-hundred and twenty day extension to twelve months might tend to extend that time even longer. Is there anything in this bill or any intent that it would allow the department any longer time to pay their bills once they had been billed?"

Senator West: "No, Senator Vognild, they are still governed by the rules that require prompt payment. This simply allows the vendors to submit their billing on a more timely fashion."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1177.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1125 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler,

Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Matson, Sellar, Skratek, L. Smith - 4.

HOUSE BILL NO. 1125, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Due to business in Seattle, I missed the votes on Substitute House Bill No. 2050, as amended by the Senate; House Bill No. 1642, as amended by the Senate; and House Bill No. 1364.

I would have voted 'aye' on each bill.

SENATOR PHIL TALMADGE, 34th District

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2050, by House Committee on Transportation (originally sponsored by Representatives R. Meyers, Spanel and R. Johnson)

Revising the state subsidy of county ferries.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Transportation amendments were considered simultaneously and were adopted:

On page 1, line 12, after "distribution" insert "of funds"

On page 1, line 13, after "county" strike "funds" and insert ("~~funds~~")

On page 2, beginning on line 7, strike all material through "~~((1975))~~" on page 2, line 9, and insert ("~~levels sufficient to produce aggregate annual revenues at least equal to the annual revenue of the county's ferry system in calendar year 1975~~") "at least equal to tolls in place on January 1,"

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 2050, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2050, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2050, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senator Talmadge - 1.

Excused: Senators Matson, Sellar, Skratek, L. Smith - 4.

SUBSTITUTE HOUSE BILL NO. 2050, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Murray, Senator Talmadge was excused.

SECOND READING

HOUSE BILL NO. 1642, by Representatives Fraser, Brumsickle, Van Luven, Phillips, Holland, Rasmussen, Winsley and Bowman

Modifying the definition of disposable income for senior citizen tax relief.

The bill was read the second time.

MOTIONS

On motion of Senator McDonald, the following Committee on Ways and Means amendment was adopted:

On page 3, line 3, after "code" insert ", or gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence"

On motion of Senator McDonald, the rules were suspended, House Bill No. 1642, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1642, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1642, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Matson, Sellar, Skratek, L. Smith, Talmadge - 5.

HOUSE BILL NO. 1642, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1364, by Representatives Forner, D. Sommers, Winsley, Wynne, Mitchell, Edmondson, P. Johnson, Chandler, Vance, Wood, Moyer, Miller, Brumsickle, Bowman, Horn, Paris, Casada, Ballard, Brough, Tate and Lisk

Providing military leave for public employees and officers called to active duty.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1364 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1364.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1364 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Matson, Sellar, Skratek, L. Smith, Talmadge - 5.

HOUSE BILL NO. 1364, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

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

SENATE RESOLUTION 1991-8647

By Senator Thorsness

WHEREAS, Advances in telecommunications technology should be encouraged to provide benefits to consumers in the state of Washington; and

WHEREAS, New technology enables caller identification services that include the ability to identify the name, number, and location of the person making an incoming call; and

WHEREAS, These services have the capability to lessen illegal and harassing calls and protect the privacy of those who receive telephone calls; and

WHEREAS, These services also have the potential to affect the privacy of individuals who may have a legitimate need to keep private their telephone number or location when they make a call, such as people who have unlisted numbers, victims of harassment or abuse, law enforcement officials, and others involved in sensitive occupations; and

WHEREAS, Concern exists over the capability of building a data base of personal information keyed to a telephone number as an identification number; and

WHEREAS, The Utilities and Transportation Commission has indicated that they will consider requiring any caller identification service to offer the ability of a caller to block sending the caller's identifying information to the number being called; and

WHEREAS, This type of technology is evolving quickly and products have already been developed that in some cases can override the caller's ability to block outgoing identifying information and other products exist that will prevent the completion of a call in which the caller is blocking the caller's identifying information;

NOW, THEREFORE, BE IT RESOLVED, That the Senate support the efforts of the Utilities and Transportation Commission to report to the Legislature, on at least an annual basis, any requests by telecommunications companies to offer caller identification services, the amount of consumer interest in these services, and the extent to which new telecommunications technology related to these services may pose a threat to the privacy of telephone users.

Senator Thorsness spoke to Senate Resolution 1991-8647.

MOTION

At 3:54 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Thursday, April 11, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

EIGHTY-EIGHTH DAY-----
MORNING SESSION

Senate Chamber, Olympia, Thursday, April 11, 1991

The Senate was called to order at 10:00 a.m. by President Pro Tempore Craswell. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators McDonald, Owen, Sellar, Skratek, Stratton and West. On motion of Senator Linda Smith, Senator Sellar was excused. On motion of Senator Murray, Senators Owen and Skratek were excused.

The Sergeant at Arms Color Guard, consisting of Pages Sara Schimmels and Rachelle Wills, presented the Colors. Reverend Jim Todd, pastor of the Sunrise Church of God of Olympia, offered the prayer.

MOTION

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

SECOND READING

HOUSE BILL NO. 1176, by Representatives Leonard, Holland, Peery, Brough, Cole, Forner, Rayburn, Vance, Brumsickle, Jones, Miller, Fuhrman, Phillips, Winsley, Paris and Betrozoff

Specifying timing and voting on filling school board vacancies.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, House Bill No. 1176 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1176.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1176 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 43.

Absent: Senators McDonald, Stratton, West - 3.

Excused: Senators Owen, Sellar, Skratek - 3.

HOUSE BILL NO. 1176, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1181, by House Committee on Commerce and Labor (originally sponsored by Representatives Cole, Heavey, Jacobsen, R. King, Zellinsky, Jones, Prentice, Vance, Rayburn, Franklin, Scott, Wood, Bowman, Neher, Van Luven, Appelwick and Riley)

Licensing private detectives.

The bill was read the second time.

MOTIONS

On motion of Senator Erwin, the following Committee on Commerce and Labor amendment was adopted:

On page 23, after line 9, insert the following:

NEW SECTION. Sec. 31. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

On motion of Senator Erwin, the following title amendment was adopted:

On page 1, line 3 of the title, after "RCW;" insert "creating a new section;"

MOTION

On motion of Senator Erwin, the rules were suspended, Engrossed Substitute House Bill No. 1181, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1181, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1181, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Owen, Sellar, Skratek - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1181, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1206, by Representatives Jones, Fuhrman, R. King and Winsley (by request of Department of Labor and Industries)

Establishing a procedure for collecting overpayments and allowing eligible surviving spouses to choose a lump sum payment equal to two years of monthly payments.

The bill was read the second time.

MOTION

Senator Matson moved that the following Committee on Commerce and Labor amendment not be adopted:

On page 5, line 13, after "shall" strike the remainder of the sentence and insert "only apply to orders assessing an overpayment which are issued on or after the effective date of this act."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Matson to not adopt the Committee on Commerce and Labor amendment on page 5, line 13.

The motion by Senator Matson carried and the committee amendment was not adopted.

MOTIONS

On motion of Senator McMullen, the following amendment by Senators McMullen and Anderson was adopted:

On page 5, line 13, after "shall" strike the remainder of the sentence and insert "only apply to orders assessing an overpayment which are issued on or after the effective date of this act: PROVIDED, That this subsection shall apply retroactively to all orders assessing an overpayment resulting from fraud, civil, or criminal."

On motion of Senator Matson, the following Committee on Commerce and Labor amendment was adopted:

On page 5, after line 15, insert the following subsection:

"(6) Order assessing an overpayment which are issued on or after the effective date of this act shall include a conspicuous notice of the collection methods available to the department or self-insurer."

MOTIONS

On motion of Senator Matson, the following Committee on Commerce and Labor amendment was adopted:

On page 10, after line 20, insert the following:

Sec. 3. RCW 51.12.100 and 1988 c 271 s 2 are each amended to read as follows:

(1) The provisions of this title shall not apply to a master or member of a crew of any vessel, or to employers and workers for whom a right or obligation exists under the maritime laws or federal employees' compensation act for personal injuries or death of such workers.

(2) If an accurate segregation of payrolls of workers for whom such a right or obligation exists under the maritime laws cannot be made by the employer, the director is hereby authorized and directed to fix from time to time a basis for the approximate segregation of the payrolls of employees to cover the part of their work for which no right or obligation exists under the maritime laws for injuries or death occurring in such work, and the employer, if not a self-insurer, shall pay premiums on that basis for the time such workers are engaged in their work.

(3) Where two or more employers are simultaneously engaged in a common enterprise at one and the same site or place in maritime occupations under circumstances in which no right or obligation exists under the maritime laws for personal injuries or death of such workers, such site or place shall be deemed for the purposes of this title to be the common plant of such employers.

(4) In the event payments are made under this title prior to the final determination under the maritime laws or federal employees' compensation act, such benefits shall be repaid by the worker or beneficiary if recovery is subsequently made under the maritime laws or federal employees' compensation act.

On motion of Senator Matson, the following Committee on Commerce and Labor amendment was adopted:

On page 10, after line 20, insert the following:

Sec. 3. RCW 51.16.110 and 1977 ex.s. c 323 s 12 are each amended to read as follows:

Every employer who shall enter into any business, or who shall resume operations in any work or plant after the final adjustment of his or her payroll in connection therewith, or who was formerly a self-insurer and wishes to continue his or her operations subject to this title, shall, before so commencing or resuming or continuing operations, as the case may be, notify the department of such fact ~~(, accompanying such notification with a cash deposit in a sum equal to the estimated premiums for the first three full calendar months of his or her proposed operations which shall remain on deposit subject to the other provisions of this section.~~

~~The department may, in its discretion and in lieu of such deposit, accept a bond, in an amount which it deems sufficient, to secure payment of premiums due or to become due to the accident fund and medical aid fund. The deposit or posting of a bond shall not relieve the employer from paying premiums subsequently due.~~

~~Should the employer acquire sufficient assets to assure the payment of premiums due to the accident fund and the medical aid fund the department may, in its discretion, refund the deposit or cancel the bond.~~

~~If the employer ceases to be an employer under this title, the department shall, upon receipt of all payments due the accident fund and medical aid fund, or any other fund under this title, refund to the employer all deposits remaining to the employer's credit and shall cancel any bond given under this section.)~~

NEW SECTION. Sec. 4. RCW 51.16.115 and 1986 c 9 s 7 are each repealed.

MOTIONS

On motion of Senator Matson, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "payments;" strike "and"

On page 1, line 2 of the title, after "51.32.240" strike "and 51.32.050" and insert ", 51.32.050, and 51.16.110; and repealing RCW 51.16.115

On page 2, line 2 of the title, strike "and 51.32.050" and insert ", 51.32.050, and 51.12.100"

On motion of Senator Matson, the rules were suspended, House Bill No. 1206, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1206, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1206, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Owen, Sellar, Skratek - 3.

HOUSE BILL NO. 1206, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1262, by Representatives Zellinsky, Lisk, R. Meyers, Van Luven, Ferguson, Prentice, Chandler, Orr, Bowman, Prince, Day, Cooper, R. Fisher, Betrozoff, Cantwell, Forner, Paris, Wilson, P. Johnson, Fuhrman, Winsley, Hochstatter, Nealey, Wynne, D. Sommers, Broback, Wood, Morton, Horn, Mielke, Brough, Miller, Jacobsen and Silver

Lessening emergency service tow truck restrictions.

The bill was read the second time.

MOTIONS

On motion of Senator Patterson, the following Committee on Transportation amendment was adopted:

On page 1, line 12, after "state" insert ": PROVIDED, That an overweight permit has been obtained by the tow truck operator with such permit being available on a twenty-four hour basis by telephone"

On motion of Senator Patterson, the rules were suspended, House Bill No. 1262, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1262, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1262, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Owen, Sellar, Skratek - 3.

HOUSE BILL NO. 1262, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1326, by House Committee on Housing (originally sponsored by Representatives Franklin, Mitchell, Day, Prentice, Paris, Moyer, Winsley, Cole, Zellinsky, Bray, Ferguson, Edmondson, Wood, Wynne, Lisk, Wineberry, Heavey, Jones, Vance, Tate and Nelson)

Regulating drayage and storage of tenants' property by landlords.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following amendments by Senators Nelson and McMullen were considered simultaneously and were adopted:

On page 2, line 27, after "paid the" strike "actual"

On page 3, line 4, after "including" strike "actual" and insert "((actual))"

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1326, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1326, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1326, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Owen, Sellar, Skratek - 3.

SUBSTITUTE HOUSE BILL NO. 1326, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Erwin, Senator Linda Smith was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571, by House Committee on State Government (originally sponsored by Representatives Jones, McLean, Anderson, Hargrove, Ferguson, Phillips and Jacobsen)

Requiring a recount by hand of election returns that have a difference of less than one-fourth of one percent.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute House Bill No. 1571 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1571.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1571 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Sellar, Skratek, L. Smith - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1607, by Representatives Horn, Roland and Haugen

Providing for liens for delinquent service charges of storm water control facilities and city-owned sewer systems.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1607 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1607.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1607 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senator A. Smith - 1.

Excused: Senators Sellar, Skratek, L. Smith - 3.

HOUSE BILL NO. 1607, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1721, by House Committee on Appropriations (originally sponsored by Representatives May and Locke)

Refunding contributions to the judicial retirement system.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, Substitute House Bill No. 1721 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1721.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1721 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 46.

Voting nay: Senator Wojahn - 1.

Excused: Senators Sellar, Skratek - 2.

SUBSTITUTE HOUSE BILL NO. 1721, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Bluechel assumed the Chair.

MOTION

At 10:58 a.m., on motion of Senator Newhouse, the Senate was recessed until 1:30 p.m.

The Senate was called to order at 2:58 p.m. by Vice President Pro Tempore Bluechel.

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

MESSAGE FROM THE HOUSE

April 10, 1991

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5030,

SENATE BILL NO. 5220,

SENATE BILL NO. 5221,

SENATE BILL NO. 5367,

SUBSTITUTE SENATE BILL NO. 5381,

SUBSTITUTE SENATE BILL NO. 5583,

SENATE BILL NO. 5586,
 SENATE BILL NO. 5630, and the same are
 herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 5030,
 SENATE BILL NO. 5220,
 SENATE BILL NO. 5221,
 SENATE BILL NO. 5311,
 SENATE BILL NO. 5367,
 SUBSTITUTE SENATE BILL NO. 5381,
 SUBSTITUTE SENATE BILL NO. 5583,
 SENATE BILL NO. 5586,
 SENATE BILL NO. 5630.

There being no objection, the Vice President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1852, by House Committee on Revenue (originally sponsored by Representatives Wang and Holland) (by request of Department of Community Development and Office of Financial Management)

Providing funding for the fire services fund.

The bill was read the second time.

MOTIONS

On motion of Senator McDonald, the following Committee on Ways on Ways and Means amendment was adopted:

On page 2, beginning on line 1, strike all material down to and including line 8 and insert the following:

NEW SECTION. Sec. 2. The fire services trust fund is created in the state treasury. All receipts designated by the legislature shall be deposited in the fund. Appropriations from the fund may be made exclusively for the purposes specified in section 3 of this act.

On motion of Senator McDonald, the rules were suspended, Substitute House Bill No. 1852, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTIONS

On motion of Senator Murray, Senator Vognild was excused.

On motion of Senator Sutherland, Senator Gaspard was excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1852, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1852, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 18; Absent, 2; Excused, 4.

Voting yea: Senators Anderson, Bailey, Bluechel, Conner, Craswell, Hayner, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Moore, Murray, Newhouse, Owen, Rinehart, Roach, Saling, A. Smith, Snyder, Talmadge, von Reichbauer, West, Williams - 25.

Voting nay: Senators Barr, Bauer, Cantu, Erwin, Hansen, Jesernig, McCaslin, Metcalf, Nelson, Oke, Patterson, Pelz, Rasmussen, L. Smith, Stratton, Sutherland, Thorsness, Wojahn - 18.

Absent: Senators Amondson, Niemi - 2.

Excused: Senators Gaspard, Sellar, Skratek, Vognild - 4.

SUBSTITUTE HOUSE BILL NO. 1852, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Murray, Senator Niemi was excused.

On motion of Senator Anderson, Senator Amondson was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1858, by House Committee on Local Government (originally sponsored by Representatives Bray, Roland and Haugen)

Authorizing cities and towns to cash employees checks, drafts, and warrants.

The bill was read the second time.

MOTIONS

On motion of Senator McCaslin, the following Committee on Governmental Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 35.21 RCW to read as follows:

Any city or town is hereby authorized, at its option and after the adoption of the appropriate ordinance, to accept in exchange for cash a payroll check, draft, or warrant; expense check, draft, or warrant; or personal check from a city or town employee in accordance with the following conditions:

(1) The check, warrant, or draft must be drawn to the order of cash or bearer and be immediately payable by a drawee financial institution;

(2) The person presenting the check, draft, or warrant to the city or town must produce identification as outlined by the city or town in the authorizing ordinance;

(3) The payroll check, draft, or warrant or expense check, draft, or warrant must have been issued by the city or town; and

(4) Personal checks cashed pursuant to this authorization cannot exceed two hundred dollars.

In the event that any personal check cashed for a city or town employee by the city or town under this section is dishonored by the drawee financial institution when presented for payment, the city or town is authorized, after notice to the drawer or endorser of the dishonor, to withhold from the drawer's or endorser's next payroll check, draft, or warrant the full amount of the dishonored check.

NEW SECTION. Sec. 2. A new section is added to chapter 35A.40 RCW to read as follows:

Any code city is hereby authorized, at its option and after the adoption of the appropriate ordinance, to accept in exchange for cash a payroll check, draft, or warrant; expense check, draft, or warrant; or personal check from a city employee in accordance with the following conditions:

(1) The check, warrant, or draft must be drawn to the order of cash or bearer and be immediately payable by a drawee financial institution;

(2) The person presenting the check, draft, or warrant to the city must produce identification as outlined by the city in the authorizing ordinance;

(3) The payroll check, draft, or warrant or expense check, draft, or warrant must have been issued by the city; and

(4) Personal checks cashed pursuant to this authorization cannot exceed two hundred dollars.

In the event that any personal check cashed for a city employee by the city under this section is dishonored by the drawee financial institution when presented for payment, the city is authorized, after notice to the drawer or endorser of the dishonor, to withhold from the drawer's or endorser's next payroll check, draft, or warrant the full amount of the dishonored check.

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 2 of the title, after "towns;" strike the remainder of the title and insert "adding a new section to chapter 35.21 RCW; and adding a new section to chapter 35A.40 RCW."

MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1858, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1858, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1858, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 43.

Excused: Senators Amondson, Gaspard, Niemi, Sellar, Skratek, Vognild - 6.

SUBSTITUTE HOUSE BILL NO. 1858, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1864, by House Committee on Natural Resources and Parks (originally sponsored by Representatives Kremen, Haugen, Wilson, Roland, Braddock, Spanel, Rayburn, Rasmussen, Leonard, Bowman, R. Johnson, P. Johnson and Sheldon)

Changing requirements for removal of sand and gravel from aquatic lands.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute House Bill No. 1864 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1864.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1864 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 2; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, von Reichbauer, West, Williams, Wojahn - 41.

Voting nay: Senators Moore, Talmadge - 2.

Excused: Senators Amondson, Gaspard, Niemi, Sellar, Skratek, Vognild - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1864, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Hayner: "Mr. President, a point of personal privilege. I'd like to make an announcement. I just recently talked to Senator George Sellar. He said that there was good news and bad news. The good news is that he did not have a heart attack, but the bad news is that they are going to move him to Providence Hospital tomorrow for a bi-pass operation. He will be in the hospital, probably just five days, but the recovery period will be five or six weeks. He also said that the doctor had told him that he was an excellent candidate for this, because he had not had a heart attack and they caught it early. Maybe it was a blessing in disguise and he was in very good spirits, so I thought you would like to know that."

SECOND READING

HOUSE BILL NO. 1878, by Representatives Cooper, Betzoff, R. Meyers, Day, Prince and Haugen

Establishing minimum requirements for dealers' plates.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 1878 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1878.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1878 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Gaspard, Niemi, Sellar, Skratek, Vognild - 5.

HOUSE BILL NO. 1878, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1886, by House Committee on Judiciary (originally sponsored by Representatives H. Myers, Padden, Cooper, Morris, Ogden, Peery, Tate, Ludwig, Fuhrman, Paris, Wineberry, May, Winsley, Sheldon, Rasmussen and Orr)

Requiring drug and alcohol evaluation and treatment in the event of a vehicular crime.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1886 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1886.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1886 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Gaspard, Niemi, Sellar, Skratek, Vognild - 5.

SUBSTITUTE HOUSE BILL NO. 1886, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1946, by Representatives Ogden, Cooper, H. Myers, Morris, Peery and Riley

Designating the Erwin O. Rieger Memorial Highway.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 1946 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1946.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1946 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Niemi, Sellar, Skratek, Vognild - 4.

HOUSE BILL NO. 1946, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1992, by Representatives R. Fisher, Betrozoff, R. Meyers, Forner and Cantwell (by request of Department of Transportation)

Implementing advance right of way acquisitions.

The bill was read the second time.

MOTIONS

On motion of Senator Patterson, the following Committee on Transportation amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 47.12.242 and 1969 ex.s. c 197 s 6 are each amended to read as follows:

The term "advance right of way acquisition" means the acquisition of property and property rights, generally not (~~less than two nor~~) more than (~~seven~~) ten years in advance of programmed highway construction projects, together with the engineering costs necessary for such advance right of way acquisition. Any property or property rights purchased must be in designated highway transportation corridors and be for projects approved by the commission as part of the state's six-year plan or included in the state's route development planning effort.

Sec. 2. RCW 47.12.244 and 1984 c 7 s 125 are each amended to read as follows:

There is created the "advance right of way revolving fund" in the custody of the treasurer, into which the department is authorized to deposit directly and expend without appropriation:

(1) An initial deposit of ten million dollars from the motor vehicle fund included in the department of transportation's 1991-93 budget;

(2) All moneys received by the department as rental income from real properties that are not subject to federal aid reimbursement, except moneys received from rental of capital facilities properties as defined in chapter 47.13 RCW; and

(3) Any federal moneys available for acquisition of right of way for future construction under the provisions of section 108 of Title 23, United States Code.

Sec. 3. RCW 47.12.125 and 1961 c 13 s 47.12.125 are each amended to read as follows:

All moneys paid to the state of Washington under any of the provisions of RCW 47.12.120 shall be deposited in the department's advance right of way revolving fund, except moneys that are subject to federal aid reimbursement, which shall be deposited in the motor vehicle fund, and except that moneys received from rental of capital facilities properties shall be deposited in the transportation capital facilities account as defined in chapter 47.13 RCW.

Sec. 4. RCW 47.12.246 and 1984 c 7 s 126 are each amended to read as follows:

((Whenever,)) (1) After any properties or property rights are acquired from funds in the advance right of way revolving fund, the department shall manage the properties in accordance with sound business practices. Funds received from interim management of the properties shall be deposited in the advance right of way revolving fund.

(2) When the department proceeds with the construction of a highway which will require the use of any of the property so acquired, the department shall reimburse the advance right of way revolving fund, from other funds available to it, the ~~((amount of the prior expenditures for advance right of way acquisition for))~~ current appraised value of the property or property rights required for the project together with damages caused to the remainder by the acquisition after offsetting against all such compensation and damages the special benefits, if any, accruing to the remainder by reason of the state highway being constructed. ~~((Such))~~

(3) When the department determines that any properties or property rights acquired from funds in the advance right of way revolving fund will not be required for a highway construction project the department may sell the property at fair market value in accordance with requirements of RCW 47.12.063. All proceeds of such sales shall be deposited in the advance right of way revolving fund.

(4) Deposits in the fund may be reexpended as provided in RCW 47.12.180, 47.12.200 through 47.12.230, and 47.12.242 through 47.12.248 without further or additional appropriations.

NEW SECTION. Sec. 5. A new section is added to chapter 47.12 RCW to read as follows:

At the end of each biennium the department shall report to the legislature and the office of financial management:

- (1) Which properties were purchased and why;
- (2) Expenditures for the acquired parcels; and
- (3) Estimated savings to the state.

On motion of Senator Patterson, the following title amendment was adopted:

On line 1 of the title, after "acquisition;" strike the remainder of the title and insert "amending RCW 47.12.242, 47.12.244, 47.12.125, and 47.12.246; and adding a new section to chapter 47.12 RCW."

MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 1992, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Patterson, with respect to the amendments adopted by the committee, it limits the advance monies only to highway right-of-way acquisition."

Senator Patterson: "Right."

Senator Talmadge: "Is there another fund that is available for right-of-way acquisition, say for public mass transit projects, because, as you know, for example with respect to heavy rail or light rail, one of the major costs is right-of-way acquisition for such transportation systems."

Senator Patterson: "I think in this case, as long as the right-of-way was adjacent to a highway right-of-way that there wouldn't be any question about utilizing fuel tax dollars for purchase of right-of-way dealing with, in this case would be transit--if it is transit, then that is a legitimate expenditure for that type fund."

Senator Talmadge: "For example, if somebody required a right-of-way on--"

Senator Patterson: "For HOB lanes, for example, that would be a legitimate purpose for the use of this fund."

Senator Talmadge: "But, it would be your view that aside from having these right-of-way funds be, I guess, affixed to the highway, that they were not available for public mass transits kinds of projects before, in any event?"

Senator Patterson: "In the discussions, I don't believe the question of mass transit was really entered into it. It was more a matter of purchasing something other than a right-of-way, like buildings, equipment, etc. That is a good point. I think that maybe we should consider that. I will investigate it and we will look into it and I think that is a good point that you made--that we should be able to do that."

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1992, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1992, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L.

Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senators Barr, Hansen - 2.

Excused: Senators Sellar, Skratek, Vognild - 3.

HOUSE BILL NO. 1992, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2140, by House Committee on Transportation (originally sponsored by Representatives Schmidt, R. Fisher, H. Sommers, Holland, Franklin, Wilson and Betrozoff)

Assisting transportation agencies in budgeting and planning.

The bill was read the second time.

MOTION

Senator Madsen moved that the following Committee on Transportation amendment be adopted:

On page 6, line 11, after "transportation committee," insert "legislative evaluation and accountability program committee,"

MOTION

On motion of Senator Patterson, further consideration of Substitute House Bill No. 2140 was deferred.

MOTIONS

On motion of Senator Anderson, Senators Amondson and Matson were excused.

On motion of Senator Linda Smith, Senator Anderson was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1059, by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Ludwig and Orr)

Revising the list of personal property exempt from enforcement of judgments.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1059 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1059.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1059 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 43.

Excused: Senators Amondson, Anderson, Matson, Sellar, Skratek, Vognild - 6.

SUBSTITUTE HOUSE BILL NO. 1059, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Craswell assumed the Chair.

SECOND READING

ENGROSSED HOUSE BILL NO. 1071, by Representatives Anderson, McLean, R. Fisher, Moyer, Dorn, Chandler, Sheldon, Bowman, Winsley, Broback, Edmondson, Paris, Holland, D. Sommers, May, Wynne, Brumsickle, Nealey, Miller, P. Johnson, Casada, Wood, Forner and Mitchell

Changing provisions relating to the appointment of precinct officers.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed House Bill No. 1071 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1071.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1071 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Amondson, Anderson, Sellar, Skratek - 4.

ENGROSSED HOUSE BILL NO. 1071, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Linda Smith, Senator Hayner was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1088, by House Committee on Judiciary (originally sponsored by Representatives Appelwick and Parish)

Adopting the uniform transfers to minors act.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 1088 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1088.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1088 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Amondson, Anderson, Hayner, Sellar, Skratek - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1088, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1139, by Representatives Peery, H. Myers, Brough, Morris, Winsley, Pruitt, Cooper, Jones, Rayburn, Basich, Betrozoff, Miller and G. Fisher

Authorizing continuing education credit for teachers for certain out-of-state courses.

The bill was read the second time.

MOTIONS

On motion of Senator Bailey, the following Committee on Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The state board of education rules for continuing education shall provide that educational staff associates may use credits or clock hours that satisfy the continuing education requirements for their state professional licensure, if any, to fulfill the continuing education requirements established by the state board of education.

On motion of Senator Bailey, the following title amendment was adopted:

On page 1, line 1 of the title, after "requirements;" strike the remainder of the title and insert "and adding a new section to chapter 28A.415 RCW."

MOTION

On motion of Senator Bailey, the rules were suspended, Engrossed House Bill No. 1139, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1139, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1139, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder,

Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Amondson, Anderson, Hayner, Sellar, Skratek - 5.

ENGROSSED HOUSE BILL NO. 1139, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1189, by House Committee on Judiciary (originally sponsored by Representatives Ludwig, Locke, Padden, Riley, Inslee, Paris, Mielke, Scott, H. Myers, R. Meyers and Orr)

Allowing courts to award costs for probation or deferred prosecution.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1189 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1189.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1189 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Amondson, Anderson, Hayner, Sellar, Skratek - 5.

SUBSTITUTE HOUSE BILL NO. 1189, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1201, by House Committee on Local Government (originally sponsored by Representatives Cooper, Wood, Rayburn, Edmondson, Franklin, Haugen, Nealey, Zellinsky, Wynne, Bray, Mitchell, Roland and Ferguson)

Removing references to county classes.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the following Committee on Governmental Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The purposes of this act are to eliminate the use of formal county classes and substitute the use of the most current county population figures to distinguish counties. In addition, certain old statutes that reference county class, but no longer are followed, are repealed or amended to conform with current practices.

Sec. 2. RCW 2.32.180 and 1990 c 186 s 3 are each amended to read as follows:

It shall be and is the duty of each and every superior court judge in counties or judicial districts in the state of Washington having a population of over thirty-five thousand inhabitants to appoint, or said judge may, in any county or judicial district having a population of over twenty-five thousand and less than thirty-five thousand, appoint a stenographic reporter to be attached to the judge's court (~~helden by him~~) who shall have had at least three years' experience as a skilled, practical reporter, or who upon examination shall be able to report and transcribe accurately one hundred and seventy-five words per minute of the judge's charge or two hundred words per minute of testimony each for five consecutive minutes; said test of proficiency, in event of inability to meet qualifications as to length of time of experience, to be given by an examining committee composed of one judge of the superior court and two official reporters of the superior court of the state of Washington, appointed by the president judge of the superior court judges association of the state of Washington: PROVIDED, That a stenographic reporter shall not be required to be appointed for the seven additional judges of the superior court authorized for appointment by section 1, chapter 323, Laws of 1987, the additional superior court judge authorized by section 1, chapter 66, Laws of 1988, the additional superior court judges authorized by sections 2 and 3, chapter 328, Laws of 1989, or the additional superior court judges authorized by sections 1 and 2, chapter 186, Laws of 1990. The initial judicial appointee shall serve for a period of six years; the two initial reporter appointees shall serve for a period of four years and two years, respectively, from September 1, 1957; thereafter on expiration of the first terms of service, each newly appointed member of said examining committee to serve for a period of six years. In the event of death or inability of a member to serve, the president judge shall appoint a reporter or judge, as the case may be, to serve for the balance of the unexpired term of the member whose inability to serve caused such vacancy. The examining committee shall grant certificates to qualified applicants. Administrative and procedural rules and regulations shall be promulgated by said examining committee, subject to approval by the said president judge.

The stenographic reporter upon appointment shall thereupon become an officer of the court and shall be designated and known as the official reporter for the court or judicial district for which he or she is appointed: PROVIDED, That in no event shall there be appointed more official reporters in any one county or judicial district than there are superior court judges in such county or judicial district; the appointments in each (~~class AA~~) county with a population of one million or more shall be made by the majority vote of the judges in said county acting en banc; the appointments in (~~class A counties and counties of the first class~~) each county with a population of from one hundred twenty-five thousand to less than one million may be made by each individual judge therein or by the judges in said county acting en banc. Each official reporter so appointed shall hold office during the term of office of the judge or judges

appointing him or her, but may be removed for incompetency, misconduct or neglect of duty, and before entering upon the discharge of his or her duties shall take an oath to perform faithfully the duties of his or her office, and file a bond in the sum of two thousand dollars for the faithful discharge of his or her duties. Such reporter in each court is hereby declared to be a necessary part of the judicial system of the state of Washington.

Sec. 3. RCW 2.32.280 and 1957 c 244 s 5 are each amended to read as follows:

In all counties or judicial districts, except in (~~class AA counties and class A counties and counties of the first class~~) any county with a population of one hundred twenty-five thousand or more, such official reporter shall act as amanuensis to the court for which he or she is appointed.

Sec. 4. RCW 3.30.020 and 1987 c 202 s 110 are each amended to read as follows:

The provisions of chapters 3.30 through 3.74 RCW shall apply to (~~class AA and class A counties~~) each county with a population of two hundred ten thousand or more; PROVIDED, That any city having a population of more than (~~five~~) four hundred thousand may by resolution of its legislative body elect to continue to operate a municipal court pursuant to the provisions of chapter 35.20 RCW, as if chapters 3.30 through 3.74 RCW had never been enacted: PROVIDED FURTHER, That if a city elects to continue its municipal court pursuant to this section, the number of district judges allocated to the county in RCW 3.34.010 shall be reduced by two and the number of full time district judges allocated by RCW 3.34.020 to the district in which the city is situated shall also be reduced by two. The provisions of chapters 3.30 through 3.74 RCW may be made applicable to any county (~~of the first, second, third, fourth, fifth, sixth, seventh, eighth, or ninth class~~) with a population of less than two hundred ten thousand upon a majority vote of its (~~board of~~) county (~~commissioners~~) legislative authority.

Sec. 5. RCW 3.38.030 and 1984 c 258 s 25 are each amended to read as follows:

Upon receipt of the districting plan, the county legislative authority shall hold a public hearing, pursuant to the provisions of RCW 36.32.120(7), as now or hereafter amended. At the hearing, anyone interested in the plan may attend and be heard as to the convenience which will be afforded to the public by the plan, and as to any other matters pertaining thereto. If the county legislative authority finds that the plan proposed by the districting committee conforms to the standards set forth in chapters 3.30 through 3.74 RCW and is conducive to the best interests and welfare of the county as a whole it may adopt such plan. If the county legislative authority finds that the plan does not conform to the standards as provided in chapters 3.30 through 3.74 RCW, the county legislative authority may modify, revise or amend the plan and adopt such amended or revised plan as the county's district court districting plan. The plan decided upon shall be adopted by the county legislative authority not later than six months after the (~~classification of the county as class A~~) county initially obtains a population of two hundred ten thousand or more or the adoption of the elective resolution.

Sec. 6. RCW 3.74.940 and 1965 ex.s. c 110 s 4 are each amended to read as follows:

Any prior action by the (~~county commissioners~~) legislative authority of any county (~~of the first, second, third, fourth, fifth, sixth, seventh, eighth or ninth class~~) with a population of less than two hundred ten thousand to make the provisions of chapters 3.30 through 3.74 RCW applicable to their county and the organization of any justice court as a result thereof, and all other things and proceedings done or taken by such county or by their respective officers acting under or in pursuance to such prior action and organization are hereby declared legal and valid and of full force and effect.

Sec. 7. RCW 7.06.010 and 1984 c 258 s 511 are each amended to read as follows:

In counties ~~((of the second class and larger))~~ with a population of seventy thousand or more, the superior court of the county, by majority vote of the judges thereof, or the county legislative authority may authorize mandatory arbitration of civil actions under this chapter. In all other counties, the superior court of the county, by a majority vote of the judges thereof, may authorize mandatory arbitration of civil actions under this chapter.

Sec. 8. RCW 8.04.080 and 1988 c 188 s 15 are each amended to read as follows:

The order shall direct that determination be had of the compensation and damages to be paid all parties interested in the land, real estate, premises or other property sought to be appropriated for the taking and appropriation thereof, together with the injury, if any, caused by such taking and appropriation to the remainder of the lands, real estate, premises, or other property from which the same is to be taken and appropriated after offsetting against any and all such compensation and damages the special benefits, if any, accruing to such remainder by reason of the appropriation and the use by the state of the lands, real estate, premises, and other property described in the petition. The determination shall be made within thirty days after the entry of such order, before a jury if trial by jury is demanded at the hearing either by the petitioner or by the respondents, otherwise by the court sitting without a jury. If no regular venire has been called so as to be available to serve within such time on application of the petitioner at the hearing, the court may by its order continue such determination to the next regular jury term if a regular venire will be called within sixty days, otherwise the court shall call a special jury within said sixty days and direct that a jury panel be selected and summoned pursuant to chapter 2.36 RCW, from the citizens of the county in which the lands, real estate, premises, or other property sought to be appropriated are situated, as many qualified persons as may be necessary in order to form a jury of twelve persons, unless the petitioner and respondents both consent to a less number of jurors (such number to be not less than three), and such consent is entered by the clerk in the minutes of such hearing. In any ~~((third class))~~ county ~~((or lesser classification))~~ with a population of less than seventy thousand, the costs of such special jury for the trial of such condemnation cases only shall be borne by the state.

Sec. 9. RCW 9.73.220 and 1989 c 271 s 203 are each amended to read as follows:

In each superior court judicial district in ~~((class AA and A counties))~~ a county with a population of two hundred ten thousand or more there shall be available twenty-four hours a day at least one superior court or district court judge or magistrate designated to receive telephonic requests for authorizations that may be issued pursuant to this chapter. The presiding judge of each such superior court in conjunction with the district court judges in that superior court judicial district shall establish a coordinated schedule of rotation for all of the superior and district court judges and magistrates in the superior court judicial district for purposes of ensuring the availability of at least one judge or magistrate at all times. During the period that each judge or magistrate is designated, he or she shall be equipped with an electronic paging device when not present at his or her usual telephone. It shall be the designated judge's or magistrate's responsibility to ensure that all attempts to reach him or her for purposes of requesting authorization pursuant to this chapter are forwarded to the electronic page number when the judge or magistrate leaves the place where he or she would normally receive such calls.

Sec. 10. RCW 13.04.035 and 1979 c 155 s 5 are each amended to read as follows:

Juvenile court, probation counselor, and detention services shall be administered by the superior court, except that by local court rule and agreement with the legislative

authority of the county they may be administered by the legislative authority of the county in the manner prescribed by RCW 13.20.060: PROVIDED, That in any ((class AA)) county with a population of one million or more, such services shall be administered in accordance with chapter 13.20 RCW. The administrative body shall appoint an administrator of juvenile court, probation counselor, and detention services who shall be responsible for day-to-day administration of such services, and who may also serve in the capacity of a probation counselor. One person may, pursuant to the agreement of more than one administrative body, serve as administrator of more than one juvenile court.

Sec. 11. RCW 13.04.093 and 1985 c 354 s 30 are each amended to read as follows:

It shall be the duty of the prosecuting attorney to act in proceedings relating to the commission of a juvenile offense as provided in RCW 13.40.070 and 13.40.090 and in proceedings as provided in chapter 71.34 RCW. It shall be the duty of the prosecuting attorney to handle delinquency cases under chapter 13.24 RCW and it shall be the duty of the attorney general to handle dependency cases under chapter 13.24 RCW. It shall be the duty of the attorney general in contested cases brought by the department to present the evidence supporting any petition alleging dependency or seeking the termination of a parent and child relationship or any contested case filed under RCW 26.33.100 or approving or disapproving alternative residential placement: PROVIDED, That in ((class 1 through 9 counties)) each county with a population of less than two hundred ten thousand, the attorney general may contract with the prosecuting attorney of the county to perform said duties of the attorney general.

Sec. 12. RCW 13.20.010 and 1955 c 232 s 1 are each amended to read as follows:

The judges of the superior court of any ((class AA)) county with a population of one million or more are hereby authorized, by majority vote, to appoint a board of managers to administer, subject to the approval and authority of such superior court, the probation and detention services for dependent and delinquent children coming under the jurisdiction of the juvenile court.

Such board shall consist of four citizens of the county and the judge who has been selected to preside over the juvenile court.

Sec. 13. RCW 13.20.060 and 1975 1st ex.s. c 124 s 1 are each amended to read as follows:

In addition, and alternatively, to the authority granted by RCW 13.20.010, the judges of the superior court of any ((class AA)) county with a population of one million or more operating under a county charter providing for an elected county executive are hereby authorized, by a majority vote, subject to approval by ordinance of the legislative authority of the county to transfer to the county executive the responsibility for, and administration of all or part of juvenile court services, including detention, intake and probation. The superior court and county executive of such county are further authorized to establish a five-member juvenile court advisory board to advise the county in its administration of such services, facilities and programs. If the advisory board is established, two members of the advisory board shall be appointed by the superior court, two members shall be appointed by the county executive, and one member shall be selected by the vote of the other four members. The county is authorized to contract or otherwise make arrangements with other public or private agencies to provide all or a part of such services, facilities and programs. Subsequent to any transfer to the county of responsibility and administration of such services, facilities and programs pursuant to the foregoing authority, the judges of such superior court, by majority vote subject to the approval by ordinance of the legislative authority of the county, may retransfer the same to the superior court.

Sec. 14. RCW 13.70.005 and 1989 1st ex.s. c 17 s 2 are each amended to read as follows:

Periodic case review of all children in substitute care shall be provided in at least one (~~class 1 or higher~~) county with a population of one hundred twenty-five thousand or more, in accordance with this chapter.

The administrator for the courts shall coordinate and assist in the administration of the local citizen review board pilot program created by this chapter.

Sec. 15. RCW 15.60.170 and 1989 c 354 s 64 are each amended to read as follows:

The county legislative authority of any county (~~of the third class~~) with a population of from forty thousand to less than seventy thousand located east of the Cascade crest and bordering on the southern side of the Snake river shall have the power to designate by an order made and published, as provided in RCW 15.60.190, certain territories as apiary coordinated areas in which they may designate the number of colonies per apiary, the distance between apiaries, the minimum required setback distance from property lines, and/or the time of year the regulations shall be in effect. No territory so designated shall be less than two square miles in area.

Sec. 16. RCW 19.27.160 and 1989 c 246 s 7 are each amended to read as follows:

Any county (~~of the seventh class~~) with a population of from five thousand to less than ten thousand that had in effect on July 1, 1985, an ordinance or resolution authorizing and regulating the construction of owner-built residences may reenact such an ordinance or resolution if the ordinance or resolution is reenacted before September 30, 1989. After reenactment, the county shall transmit a copy of the ordinance or resolution to the state building code council.

Sec. 17. RCW 26.12.050 and 1989 c 199 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, in (~~class "A" counties and counties of the first through ninth classes~~) each county with a population of less than one million, the superior court may appoint the following persons to assist the family court in disposing of its business:

(a) One or more attorneys to act as family court commissioners, and

(b) Such investigators, stenographers and clerks as the court shall find necessary to carry on the work of the family court.

(2) The county legislative authority must approve the creation of family court commissioner positions.

(3) The appointments provided for in this section shall be made by majority vote of the judges of the superior court of the county and may be made in addition to all other appointments of commissioners and other judicial attaches otherwise authorized by law. Family court commissioners and investigators shall serve at the pleasure of the judges appointing them and shall receive such compensation as the county legislative authority shall determine. The appointments may be full or part-time positions. A person appointed as a family court commissioner may also be appointed to any other commissioner position authorized by law.

Sec. 18. RCW 27.24.062 and 1971 ex.s. c 141 s 1 are each amended to read as follows:

In each county (~~of the first, second, third, fourth, fifth, and sixth classes~~) with a population of from eight thousand to less than one hundred twenty-five thousand, there shall be a county law library which shall be governed and maintained as hereinafter provided.

Two or more of such counties may, by agreement of the respective law library boards of trustees, create a regional law library and establish and maintain one principal law library at such location as the regional board of trustees may determine will best suit the needs of the users: PROVIDED, HOWEVER, That there shall be at all times a law library in such size as the board of trustees may determine necessary to be located at the courthouse where each superior court is located.

Sec. 19. RCW 27.24.068 and 1975 c 37 s 1 are each amended to read as follows:

In each county (~~(of the seventh and eighth class)~~) with a population of less than eight thousand, there may be a county law library which shall be governed and maintained by the prosecuting attorney who shall also serve as trustee of such library without additional salary or other compensation.

The use of the county law library shall be free to the judges of the state, to state and county officials, and to members of the bar, and to such others as the prosecuting attorney may by rule provide.

Sec. 20. RCW 28A.315.450 and 1980 c 35 s 1 are each amended to read as follows:

The governing board of a school district shall be known as the board of directors of the district.

Unless otherwise specifically provided, as in RCW 29.13.060, each member of a board of directors shall be elected by ballot by the registered voters of the school district and shall hold office for a term of four years and until a successor is elected and qualified. Terms of school directors shall be staggered, and insofar as possible, not more than a majority of one shall be elected to full terms at any regular election. In case a member or members of a board of directors are to be elected to fill an unexpired term or terms, the ballot shall specify the term for which each such member is to be elected.

Except for a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~(in class AA counties)~~) which shall have a board of directors of seven members, the board of directors of every school district of the first class or school district of the second class shall consist of five members.

Sec. 21. RCW 28A.315.460 and 1979 ex.s. c 183 s 10 are each amended to read as follows:

After July 1, 1979, the election of directors of any first class school district having within its boundaries a city with a population of four hundred thousand people or more (~~(and being in a class AA county)~~), shall be to four year terms. The initial four year terms required by this section shall commence upon the expiration of terms in existence at July 1, 1979. Nothing in this amendatory act shall affect the term of office of any incumbent director of any such first class school district.

Sec. 22. RCW 28A.315.580 and 1990 c 161 s 5 and 1990 c 33 s 319 are each reenacted and amended to read as follows:

Whenever an election shall be held for the purpose of securing the approval of the voters for the formation of a new school district other than a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~(in class AA counties)~~), if requested by one of the boards of directors of the school districts affected, there shall also be submitted to the voters at the same election a proposition to authorize the regional committee to divide the school district, if formed, into five directors' districts in first class school districts and a choice of five directors' districts or no fewer than three directors' districts with the balance of the directors to be elected at large in second class school districts. Such director districts in second class districts, if approved, shall not become effective until the regular school election following the next regular school election at which time a new board of directors shall be elected as provided in RCW 28A.315.550. Such director districts in first class districts, if approved, shall not become effective until the next regular school election at which time a new board of directors shall be elected as provided in RCW 28A.315.600, 28A.315.610, and 28A.315.620. Each of the five directors shall be elected from among the residents of the respective director district, or from among the residents of the entire school district in the case of directors at large, by the electors of the entire school district.

Sec. 23. RCW 28A.315.590 and 1990 c 161 s 6 are each amended to read as follows:

The board of directors of every first class school district other than a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~(in class AA counties)~~) which is not divided into directors' districts may submit to the voters at any regular school district election a proposition to authorize the regional committee to divide the district into directors' districts or for second class school districts into director districts or a combination of no fewer than three director districts and no more than two at large positions. If a majority of the votes cast on the proposition shall be affirmative, the regional committee shall proceed to divide the district into directors' districts. Such director districts, if approved, shall not become effective until the next regular school election when a new five member board of directors shall be elected, one from each of the director districts from among the residents of the respective director district, or from among the residents of the entire school district in the case of directors at large, by the electors of the entire district, two for a term of two years and three for a term of four years, unless such district elects its directors for six years, in which case, one for a term of two years, two for a term of four years, and two for a term of six years.

Sec. 24. RCW 28A.315.600 and 1990 c 33 s 320 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.315.580 containing no former first class district, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. If fewer than five such directors reside in such new district, they shall become directors of said district and the educational service district board shall appoint the number of additional directors to constitute a board of five directors for the district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of first class school districts until the next regular school election in the district at which election their successors shall be elected and qualified. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: PROVIDED, That if such first class district is in a (~~class AA or class A~~) county with a population of two hundred ten thousand or more and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years.

Sec. 25. RCW 28A.315.610 and 1990 c 33 s 321 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.315.580 containing only one former first class district, the directors of the former first class district and two directors representative of former second class districts selected by a majority of the board members of former second class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of first class school districts until the next

regular school election in the district at which election their successors shall be elected and qualified. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: PROVIDED, That if such first class district is in a (~~class AA or class A~~) county with a population of two hundred ten thousand or more and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years.

Sec. 26. RCW 28A.315.620 and 1990 c 33 s 322 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.315.580 containing more than one former first class district, the directors of the largest former first class district and three directors representative of the other former first class districts selected by a majority of the board members of the former first class districts and two directors representative of former second class districts selected by a majority of the board members of former second class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all of the powers and authority conferred by law upon boards of first class districts until the next regular school election and until their successors are elected and qualified. At such election other than districts electing directors for six-year terms as provided in RCW 29.13.060, as now or hereafter amended, five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years. At such election for districts electing directors for six years other than a district having within its boundaries a city with a population of four hundred thousand people or more (~~in class AA counties~~) and electing directors for six year terms, five directors shall be elected either at large or by director districts, as the case may be, one for a term of two years, two for a term of four years, and two for a term of six years.

Sec. 27. RCW 28A.315.630 and 1990 c 33 s 323 are each amended to read as follows:

Upon the establishment of a new school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~in class AA counties~~), the directors of the largest former first class district and three directors representative of the other former first class districts selected by a majority of the board members of the former first class districts and two directors representative of former second class districts selected by a majority of the board members of former second class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and duties conferred by law upon boards of first class districts, until the next regular school election and until their successors are elected and qualified. Such duties shall include establishment of new director districts as provided for in RCW 28A.315.670. At the next regular school election seven directors shall be elected by director districts, two for a term of two years, two for a term of four years and three for a term of six years. Thereafter their terms shall be as provided in RCW 28A.315.460.

Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

Sec. 28. RCW 28A.315.670 and 1990 c 59 s 99 and 1990 c 33 s 327 are each reenacted and amended to read as follows:

Notwithstanding any other provision of law, any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~(in class AA counties)~~) shall be divided into seven director districts. The boundaries of such director districts shall be established by the members of the school board and approved by the county committee on school district organization, such boundaries to be established so that each such district shall comprise, as nearly as practicable, an equal portion of the population of the school district. Boundaries of such director districts shall be adjusted by the school board and approved by the county committee after each federal decennial census if population change shows the need thereof to comply with the equal population requirement above. No person shall be eligible for the position of school director in any such director district unless such person resides in the particular director district. Residents in the particular director district desiring to be a candidate for school director shall file their declarations of candidacy for such director district and for the position of director in that district and shall be voted upon, in any primary required to be held for the position under Title 29 RCW, by the registered voters of that particular director district. In the general election, each position shall be voted upon by all the registered voters in the school district. The order of the names of candidates shall appear on the primary and general election ballots as required for nonpartisan positions under Title 29 RCW. Except as provided in RCW 28A.315.680, every such director so elected in school districts divided into seven director districts shall serve for a term of four years as otherwise provided in RCW 28A.315.460.

Sec. 29. RCW 28A.315.680 and 1990 c 59 s 72 and 1990 c 33 s 328 are each reenacted and amended to read as follows:

Within thirty days after March 25, 1969, the school boards of any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~(in class AA counties)~~) shall establish the director district boundaries and obtain approval thereof by the county committee on school district organization. Appointment of a board member to fill any vacancy existing for a new director district prior to the next regular school election shall be by the school board. Prior to the next regular election in the school district and the filing of declarations of candidacy therefor, the incumbent school board shall designate said director districts by number. Directors appointed to fill vacancies as above provided shall be subject to election, one for a six-year term, and one for a two-year term and thereafter the term of their respective successors shall be for four years. The term of office of incumbent members of the board of such district shall not be affected by RCW 28A.315.450, 28A.315.460, 28A.315.570, 28A.315.670, 28A.315.680, and 29.21.180.

Sec. 30. RCW 29.04.200 and 1990 c 184 s 1 are each amended to read as follows:

(1) Beginning January 1, 1993, no voting device or machine may be used in a county (~~(of the second class or larger)~~) with a population of seventy thousand or more to conduct a primary or general or special election in this state unless it correctly records on a separate ballot the votes cast by each elector for any person and for or against any measure and such separate ballots are available for audit purposes after such a primary or election.

(2) Beginning January 1, 1993, the secretary of state shall not certify under this title any voting device or machine for use in conducting a primary or general or special election in this state unless the device or machine correctly records on a separate ballot the votes cast by each elector for any person and for or against any measure and such separate ballots are available for audit purposes after such a primary or election.

(3) Beginning January 1, 1993, a county (~~(of the third class or smaller)~~) with a population of less than seventy thousand may use a voting machine or device for

conducting a primary or general or special election which does not record on a separate ballot, available for audit purposes after the primary or election, the votes cast by each elector for any person and for or against any measure if:

(a) The device was certified under this title before January 1, 1993, for use in this state;

(b) The device otherwise satisfies the requirements of this title; and

(c) Not more than twenty percent of the votes cast during any primary or general or special election conducted after January 1, 1998, in the county are cast using such a machine or device.

(4) The purpose of subsection (3) of this section is to permit less populous counties to replace voting equipment in stages over several years. These less populous counties are, nonetheless, encouraged to secure as expeditiously as possible voting equipment which would satisfy the requirements of subsection (1) of this section established for more populous counties. The secretary of state shall report to the legislature by January 1st of each odd-numbered year through 1997 on the progress of such less populous counties in replacing equipment which does not satisfy the requirements of subsection (1) of this section established for more populous counties.

Sec. 31. RCW 29.13.060 and 1990 c 33 s 563 are each amended to read as follows:

In (~~class AA and class A counties~~) each county with a population of two hundred ten thousand or more, first class school districts containing a city of the first class shall hold their elections biennially as provided in RCW 29.13.020.

Except as provided in RCW 28A.315.460, the directors to be elected shall be elected for terms of six years and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.

Sec. 32. RCW 29.30.060 and 1990 c 59 s 12 are each amended to read as follows:

Except in (~~class AA counties~~) each county with a population of one million or more, on or before the fifteenth day before a primary or election, the county auditor shall prepare a sample ballot which shall be made readily available to members of the public. The secretary of state shall adopt rules governing the preparation of sample ballots in (~~class AA~~) counties with a population of one million or more. The rules shall permit, among other alternatives, the preparation of more than one sample ballot by a (~~class AA~~) county with a population of one million or more for a primary or election, each of which lists a portion of the offices and issues to be voted on in that county. The position of precinct committee officer shall be shown on the sample ballot for the general election, but the names of candidates for the individual positions need not be shown.

Sec. 33. RCW 29.42.050 and 1987 c 295 s 14 are each amended to read as follows:

The statutory requirements for filing as a candidate at the primaries shall apply to candidates for precinct committee officer except that the filing period for this office alone shall be extended to and include the Friday immediately following the last day for political parties to fill vacancies in the ticket as provided by RCW 29.18.150, and the office shall not be voted upon at the primaries, but the names of all candidates must appear under the proper party and office designations on the ballot for the general November election for each even-numbered year and the one receiving the highest number of votes shall be declared elected: PROVIDED, That to be declared elected, a candidate must receive at least ten percent of the number of votes cast for the candidate of the candidate's party receiving the greatest number of votes in the precinct. Any person elected to the office of precinct committee officer who has not filed a declaration of candidacy shall pay the fee of one dollar to the county auditor for a certificate of election. The term of office of precinct committee officer shall be for two years, commencing upon completion of the official canvass of votes by the

county canvassing board of election returns. Should any vacancy occur in this office by reason of death, resignation, or disqualification of the incumbent, or because of failure to elect, the respective county chair of the county central committee shall be empowered to fill such vacancy by appointment: PROVIDED, HOWEVER, That in legislative districts having a majority of its precincts in a ~~((class-AA))~~ county with a population of one million or more, such appointment shall be made only upon the recommendation of the legislative district chair: PROVIDED, That the person so appointed shall have the same qualifications as candidates when filing for election to such office for such precinct: PROVIDED FURTHER, That when a vacancy in the office of precinct committee officer exists because of failure to elect at a state general election, such vacancy shall not be filled until after the organization meeting of the county central committee and the new county chair selected as provided by RCW 29.42.030.

Sec. 34. RCW 29.42.070 and 1987 c 295 s 15 are each amended to read as follows:

Within forty-five days after the state-wide general election in even-numbered years, or within thirty days following July 30, 1967, for the biennium ending with the 1968 general elections, the county chair of each major political party shall call separate meetings of all elected precinct committee officers in each legislative district a majority of the precincts of which are within a ~~((class-AA))~~ county with a population of one million or more for the purpose of electing a legislative district chair in such district. The district chair shall hold office until the next legislative district reorganizational meeting two years later, or until a successor is elected.

The legislative district chair can only be removed by the majority vote of the elected precinct committee officers in the chair's district.

Sec. 35. RCW 29.82.060 and 1965 c 9 s 29.82.060 are each amended to read as follows:

When the person, committee, or organization demanding the recall of a public officer has secured sufficient signatures upon the recall petition ~~((he or it))~~ the person, committee, or organization may submit the same to the officer with whom the charge was filed for filing in his or her office. The number of signatures required shall be as follows:

(1) In the case of a state officer, an officer of a city of the first class, a member of a school board in a city of the first class, or a county officer of a county ~~((of the first, second or third class))~~ with a population of forty thousand or more--signatures of legal voters equal to twenty-five percent of the total number of votes cast for all candidates for the office to which the officer whose recall is demanded was elected at the preceding election.

(2) In the case of an officer of any political subdivision, city, town, township, precinct, or school district other than those mentioned in ~~((subdivision))~~ subsection (1) of this section, and in the case of a state senator or representative--signatures of legal voters equal to thirty-five percent of the total number of votes cast for all candidates for the office to which the officer whose recall is demanded was elected at the preceding election.

Sec. 36. RCW 35.21.010 and 1965 c 138 s 1 are each amended to read as follows:

Municipal corporations now or hereafter organized are bodies politic and corporate under the name of the city of _____, or the town of _____, as the case may be, and as such may sue and be sued, contract or be contracted with, acquire, hold, possess and dispose of property, subject to the restrictions contained in other chapters of this title, having a common seal, and change or alter the same at pleasure, and exercise such other powers, and have such other privileges as are conferred by this title: PROVIDED, That not more than two square miles in area shall be included within the corporate limits of a ~~((municipal corporation of the fourth class))~~ town

having a population of fifteen hundred or less, or located in ~~((class AA counties))~~ a county with a population of one million or more, and not more than three square miles in area shall be included within the corporate limits of a ~~((municipal corporation of the fourth class))~~ town having a population of more than fifteen hundred in ~~((counties other than class AA))~~ a county with a population of less than one million, nor shall more than twenty acres of unplatted land belonging to any one person be taken within the corporate limits of ~~((municipal corporations of the fourth class))~~ a town without the consent of the owner of such unplatted land: PROVIDED FURTHER, That the original incorporation of ~~((municipal corporations of the fourth class))~~ a town shall be limited to an area of not more than one square mile and a population as prescribed in RCW 35.01.040.

Sec. 37. RCW 35.21.422 and 1967 ex.s. c 52 s 1 are each amended to read as follows:

Any city, located within a ~~((class A))~~ county with a population of two hundred ten thousand or more west of the Cascades, owning and operating a public utility and having facilities for the distribution of electricity located outside its city limits, may provide for the support of cities, towns, counties and taxing districts in which such facilities are located, and enter into contracts with such county therefor. Such contribution shall be based upon the amount of retail sales of electricity, other than to governmental agencies, made by such city in the areas of such cities, towns, counties or taxing districts in which such facilities are located, and shall be divided among them on the same basis as taxes on real and personal property therein are divided.

Sec. 38. RCW 35.58.040 and 1971 ex.s. c 303 s 3 are each amended to read as follows:

At the time of its formation no metropolitan municipal corporation shall include only a part of any city, and every city shall be either wholly included or wholly excluded from the boundaries of such corporation. If subsequent to the formation of a metropolitan municipal corporation a part only of any city shall be included within the boundaries of a metropolitan municipal corporation such part shall be deemed to be "unincorporated" for the purpose of selecting a member of the metropolitan council pursuant to RCW 35.58.120(3) and such city shall neither select nor participate in the selection of a member on the metropolitan council pursuant to RCW 35.58.120.

Any metropolitan municipal corporation now existing or hereafter created, within a ~~((class A county contiguous to a class AA county or class AA))~~ county with a population of from two hundred ten thousand to less than one million bordering a county with a population of one million or more, or within a county with a population of one million or more, shall, upon May 21, 1971, as to metropolitan corporations existing on such date or upon the date of formation as to metropolitan corporations formed after May 21, 1971, have the same boundaries as those of the respective central county of such metropolitan corporation: PROVIDED, That the boundaries of such metropolitan corporation may be enlarged after such date by annexation as provided in chapter 35.58 RCW as now or hereafter amended. Any contiguous metropolitan municipal corporations may be consolidated into a single metropolitan municipal corporation upon such terms, for the purpose of performing such metropolitan function or functions, and to be effective at such time as may be approved by resolutions of the respective metropolitan councils. In the event of such consolidation the component city with the largest population shall be the central city of such consolidated metropolitan municipal corporation and the component county with the largest population shall be the central county of such consolidated metropolitan municipal corporation.

Sec. 39. RCW 35.58.273 and 1990 c 42 s 316 are each amended to read as follows:

(1) Through June 30, 1992, any municipality ~~((within a class AA county, or within a class A county contiguous to a class AA county, or within a second class county contiguous to a class A county that is contiguous to a class AA county)),~~ as

defined in this subsection, is authorized to levy and collect a special excise tax not exceeding .7824 percent and beginning July 1, 1992, .725 percent on the fair market value of every motor vehicle owned by a resident of such municipality for the privilege of using such motor vehicle provided that in no event shall the tax be less than one dollar and, subject to RCW 82.44.150 (~~((5) and (6))~~) (3) and (4), the amount of such tax shall be credited against the amount of the excise tax levied by the state under RCW 82.44.020. As used in this subsection, the term "municipality" means a municipality that is located within one of the following counties: (a) A county with a population of one million or more; (b) a county with a population of from two hundred ten thousand to less than one million bordering a county with a population of one million or more; or (c) a county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand, that both borders a county with a population as described under (b) of this subsection and has a portion of its common boundary with that county intersected by an interstate highway.

(2) Through June 30, 1992, any other municipality is authorized to levy and collect a special excise tax not exceeding .815 percent, and beginning July 1, 1992, .725 percent on the fair market value of every motor vehicle owned by a resident of such municipality for the privilege of using such motor vehicle provided that in no event shall the tax be less than one dollar and, subject to RCW 82.44.150(3) and (4), the amount of such tax shall be credited against the amount of the excise tax levied by the state under RCW 82.44.020. Before utilization of any excise tax moneys collected under authorization of this section for acquisition of right of way or construction of a mass transit facility on a separate right of way the municipality shall adopt rules affording the public an opportunity for "corridor public hearings" and "design public hearings" as herein defined, which rule shall provide in detail the procedures necessary for public participation in the following instances: (a) Prior to adoption of location and design plans having a substantial social, economic or environmental effect upon the locality upon which they are to be constructed or (b) on such mass rapid transit systems operating on a separate right of way whenever a substantial change is proposed relating to location or design in the adopted plan. In adopting rules the municipality shall adhere to the provisions of the Administrative Procedure Act.

(3) A "corridor public hearing" is a public hearing that: (a) Is held before the municipality is committed to a specific mass transit route proposal, and before a route location is established; (b) is held to afford an opportunity for participation by those interested in the determination of the need for, and the location of, the mass rapid transit system; (c) provides a public forum that affords a full opportunity for presenting views on the mass rapid transit system route location, and the social, economic and environmental effects on that location and alternate locations: PROVIDED, That such hearing shall not be deemed to be necessary before adoption of an overall mass rapid transit system plan by a vote of the electorate of the municipality.

(4) A "design public hearing" is a public hearing that: (a) Is held after the location is established but before the design is adopted; and (b) is held to afford an opportunity for participation by those interested in the determination of major design features of the mass rapid transit system; and (c) provides a public forum to afford a full opportunity for presenting views on the mass rapid transit system design, and the social, economic, environmental effects of that design and alternate designs.

Sec. 40. RCW 35.81.010 and 1975 c 3 s 1 are each amended to read as follows:

The following terms wherever used or referred to in this chapter, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(1) "Agency" or "urban renewal agency" shall mean a public agency created by RCW 35.81.160.

(2) "Blighted area" shall mean an area which, by reason of the substantial physical dilapidation, deterioration, defective construction, material, and arrangement

and/or age or obsolescence of buildings or improvements, whether residential or nonresidential, inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality; inappropriate or mixed uses of land or buildings; high density of population and overcrowding; defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility or usefulness; excessive land coverage; insanitary or unsafe conditions; deterioration of site; diversity of ownership; tax or special assessment delinquency exceeding the fair value of the land; defective or unusual conditions of title; improper subdivision or obsolete platting; or the existence of conditions which endanger life or property by fire or other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime; substantially impairs or arrests the sound growth of the city or its environs, retards the provision of housing accommodations or constitutes an economic or social liability, and/or is detrimental, or constitutes a menace, to the public health, safety, welfare, and morals in its present condition and use.

(3) "Bonds" shall mean any bonds, notes, or debentures (including refunding obligations) herein authorized to be issued.

(4) "Clerk" shall mean the clerk or other official of the municipality who is the custodian of the official records of such municipality.

(5) "Federal government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(6) "Local governing body" shall mean the council or other legislative body charged with governing the municipality.

(7) "Mayor" shall mean the chief executive of a city(~~(s)~~) or town, or ((class AA county or the board of commissioners)) the elected executive, if any, of any county operating under a charter, or the county legislative authority of any other county.

(8) "Municipality" shall mean any incorporated city or town, or any county, in the state.

(9) "Obligee" shall include any bondholder, agent or trustees for any bondholders, or lessor demising to the municipality property used in connection with an urban renewal project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality.

(10) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or school district; and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(11) "Public body" shall mean the state or any municipality, township, board, commission, district, or any other subdivision or public body of the state.

(12) "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.

(13) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise.

(14) "Redevelopment" may include (a) acquisition of a blighted area or portion thereof; (b) demolition and removal of buildings and improvements; (c) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions of this chapter in accordance with the urban renewal plan, and (d) making the land available for development or redevelopment by private enterprise or public agencies (including sale, initial leasing, or retention by the municipality itself) at its fair value for uses in accordance with the urban renewal plan.

(15) "Rehabilitation" may include the restoration and renewal of a blighted area or portion thereof, in accordance with an urban renewal plan, by (a) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements; (b) acquisition of real property and demolition or removal of buildings and improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; (c) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions of this chapter; and (d) the disposition of any property acquired in such urban renewal area (including sale, initial leasing, or retention by the municipality itself) at its fair value for uses in accordance with such urban renewal plan.

(16) "Urban renewal area" means a blighted area which the local governing body designates as appropriate for an urban renewal project or projects.

(17) "Urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan (a) shall conform to the comprehensive plan or parts thereof for the municipality as a whole; and (b) shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

(18) "Urban renewal project" may include undertakings or activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of blight, and may involve redevelopment in an urban renewal area, or rehabilitation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan.

Sec. 41. RCW 35.82.285 and 1973 1st ex.s. c 198 s 2 are each amended to read as follows:

Housing authorities of (~~first class counties created under this chapter~~) each county with a population of one hundred twenty-five thousand or more may establish and operate group homes or halfway houses to serve juveniles released from state juvenile or correctional institutions, or to serve the developmentally disabled as defined in 42 U.S.C. 2670, 85 Stat. 1316. Such authorities may contract for the operation of facilities so established, with qualified nonprofit organizations as agent of the authority.

Action under this section shall be taken by the authority only after a public hearing as provided by chapter 42.30 RCW. In exercising this power the authority shall not be empowered to acquire property by eminent domain, and the facilities established shall comply with all zoning, building, fire, and health regulations and procedures applicable in the locality.

Sec. 42. RCW 36.01.130 and 1981 c 75 s 2 are each amended to read as follows:

The imposition of controls on rent is of state-wide significance and is preempted by the state. No county (~~of any class~~) may enact, maintain or enforce ordinances or other provisions which regulate the amount of rent to be charged for single family or multiple unit residential rental structures or sites other than properties in public ownership, under public management, or properties providing low-income rental housing under joint public-private agreements for the financing or provision of such low-income rental housing. This section shall not be construed as prohibiting any county from entering into agreements with private persons which regulate or control the amount of rent to be charged for rental properties.

Sec. 43. RCW 36.13.020 and 1977 ex.s. c 110 s 6 are each amended to read as follows:

~~(Whenever)~~ The legislative authority of any county ((determines that its county has sufficient population to entitle it to advance to a higher class, and passes a resolution setting forth its estimate as to the population and the classification to which the county is entitled by reason of such estimated population it)) may order a county census to be taken of all the inhabitants of the county. The expense of such census enumeration shall be paid from the county current expense fund.

Sec. 44. RCW 36.13.100 and 1963 c 4 s 36.13.100 are each amended to read as follows:

Whenever any provision of law refers to the population of a county for purposes of distributing funds ((are allocated to counties on the basis of population)) or for any other purpose, the population of the respective counties shall be determined by the most recent census, population estimate ((or survey by the federal bureau of census or any state board or commission authorized to make such a census, estimate or survey. If a maximum percent of error is shown on any such survey or estimate, the population of the county shall be computed by deducting from the estimate fifty percent of the maximum possible error)) by the office of financial management, or special county census as certified by the office of financial management.

Sec. 45. RCW 36.16.030 and 1963 c 4 s 36.16.030 are each amended to read as follows:

In every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff and a county treasurer((: PROVIDED, That in counties of the fourth, fifth, sixth, seventh, eighth, and ninth classes)), except that in each county with a population of less than forty thousand no coroner shall be elected and the prosecuting attorney shall be ex officio coroner((: PROVIDED FURTHER, That in ninth class counties no county auditor or assessor shall be elected and the county clerk shall be ex officio county auditor, and the county treasurer shall be ex officio county assessor)). Whenever the population of a county increases to forty thousand or more, the prosecuting attorney shall continue as ex officio coroner until a coroner is elected, at the next general election at which the office of prosecuting attorney normally would be elected, and assumes office as provided in RCW 29.04.170. In any county where the population has once attained forty thousand people and a current coroner is in office and a subsequent census indicates less than forty thousand people, the county legislative authority may maintain the office of coroner by resolution or ordinance. If the county legislative authority has not passed a resolution or enacted an ordinance to maintain the office of coroner, the elected coroner shall remain in office for the remainder of the term for which he or she was elected, but no coroner shall be elected at the next election at which that office would otherwise be filled and the prosecuting attorney shall be the ex officio coroner.

Sec. 46. RCW 36.16.030 and 1990 c 252 s 8 are each amended to read as follows:

Except as provided elsewhere in this section, in every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff and a county treasurer((: PROVIDED, That in counties of the fourth, fifth, sixth, seventh, eighth, and ninth classes)), except that in each county with a population of less than forty thousand no coroner shall be elected and the prosecuting attorney shall be ex officio coroner((: PROVIDED FURTHER, That in ninth class counties no county auditor or assessor shall be elected and the county clerk shall be ex officio county auditor, and the county treasurer shall be ex officio county assessor)). Whenever the population of a county increases to forty

thousand or more, the prosecuting attorney shall continue as ex officio coroner until a coroner is elected, at the next general election at which the office of prosecuting attorney normally would be elected, and assumes office as provided in RCW 29.04.170. In any county where the population has once attained forty thousand people and a current coroner is in office and a subsequent census indicates less than forty thousand people, the county legislative authority may maintain the office of coroner by resolution or ordinance. If the county legislative authority has not passed a resolution or enacted an ordinance to maintain the office of coroner, the elected coroner shall remain in office for the remainder of the term for which he or she was elected, but no coroner shall be elected at the next election at which that office would otherwise be filled and the prosecuting attorney shall be the ex officio coroner. A noncharter county may have five county commissioners as provided in RCW 36.32.010 and 36.32.055 through 36.32.0558.

Sec. 47. RCW 36.16.032 and 1973 1st ex.s. c 88 s 1 are each amended to read as follows:

The office of county auditor may be combined with the office of county clerk in ~~((counties of the eighth class))~~ each county with a population of less than five thousand by unanimous resolution of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority passed thirty days or more prior to the first day of filing for the primary election for county offices. The salary of such office of county clerk combined with the office of county auditor ~~((shall be nine thousand four hundred dollars.~~

~~Beginning January 1, 1974, the salary of such office)), and the salary of the office of county auditor that is not combined with the office of county clerk, shall be not less than~~ ten thousand three hundred dollars. The county legislative authority of such county is authorized to increase or decrease the salary of such office: PROVIDED, That the legislative authority of the county shall not reduce the salary of any official below the amount which such official was receiving on January 1, 1973.

Sec. 48. RCW 36.16.050 and 1971 c 71 s 1 are each amended to read as follows:

Every county official before he or she enters upon the duties of his or her office shall furnish a bond conditioned that he or she will faithfully perform the duties of his or her office and account for and pay over all money which may come into his or her hands by virtue of his or her office, and that he or she, or his or her executors or administrators, will deliver to his or her successor safe and undefaced all books, records, papers, seals, equipment, and furniture belonging to his or her office. Bonds of elective county officers shall be as follows:

(1) Assessor: Amount to be fixed and sureties to be approved by proper county legislative authority;

(2) Auditor: Amount to be fixed at not less than ten thousand dollars and sureties to be approved by the proper county legislative authority;

(3) Clerk: Amount to be fixed in a penal sum not less than double the amount of money liable to come into his or her hands and sureties to be approved by the judge or a majority of the judges presiding over the court of which he or she is clerk: PROVIDED, That the maximum bond fixed for the clerk shall not exceed in amount that required for the treasurer in a county of that class;

(4) Coroner: Amount to be fixed at not less than five thousand dollars with sureties to be approved by the proper county legislative authority;

(5) Members of the proper county legislative authority: Sureties to be approved by the county clerk and the amounts to be:

~~((1))~~ (a) In ~~((class A, AA, counties and first-class counties))~~ each county with a population of one hundred twenty-five thousand or more, twenty-five thousand dollars;

~~((2)) (b) In ((second class counties)) each county with a population of from seventy thousand to less than one hundred twenty-five thousand, twenty-two thousand five hundred dollars;~~

~~((3)) (c) In ((third class counties)) each county with a population of from forty to less than seventy thousand, twenty thousand dollars;~~

~~((4)) (d) In ((fourth class counties)) each county with a population of from eighteen thousand to less than forty thousand, fifteen thousand dollars;~~

~~((5)) (e) In ((fifth class counties)) each county with a population of from twelve thousand to less than eighteen thousand, ten thousand dollars;~~

~~((6)) (f) In ((sixth class counties)) each county with a population of from eight thousand to less than twelve thousand, seven thousand five hundred dollars;~~

~~((7)) (g) In ((seventh and eighth class)) all other counties, five thousand dollars;~~

~~((8) In ninth class counties, two thousand dollars;))~~

(6) Prosecuting attorney: In the amount of five thousand dollars with sureties to be approved by the proper county legislative authority;

(7) Sheriff: Amount to be fixed and bond approved by the proper county legislative authority at not less than five thousand nor more than fifty thousand dollars; surety to be a surety company authorized to do business in this state;

(8) Treasurer: Sureties to be approved by the proper county legislative authority and the amounts to be fixed by the proper county legislative authority at double the amount liable to come into the treasurer's hands during his or her term, the maximum amount of the bond, however, not to exceed:

~~((1)) (a) In ((class A, AA, counties)) each county with a population of two hundred ten thousand or more, two hundred fifty thousand dollars;~~

~~((2)) (b) In ((first class counties)) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand, two hundred thousand dollars;~~

~~((3)) (c) In ((second, third and fourth class counties)) each county with a population of from eighteen thousand to less than one hundred twenty-five thousand, one hundred fifty thousand dollars;~~

~~((4)) (d) In all other counties, one hundred thousand dollars.~~

The treasurer's bond shall be conditioned that all moneys received by him or her for the use of the county shall be paid as the proper county legislative authority shall from time to time direct, except where special provision is made by law for the payment of such moneys, by order of any court, or otherwise, and for the faithful discharge of his or her duties.

Bonds for other than elective officials, if deemed necessary by the proper county legislative authority, shall be in such amount and form as such legislative authority shall determine.

In the approval of official bonds, the ~~((chairman))~~ chair may act for the ~~((board of))~~ county ~~((commissioners))~~ legislative authority if it is not in session.

Sec. 49. RCW 36.17.010 and 1963 c 4 s 36.17.010 are each amended to read as follows:

The county officers of the counties of this state~~((, according to their class,))~~ shall receive a salary for the services required of them by law, or by virtue of their office, which salary shall be full compensation for all services of every kind and description rendered by them.

Sec. 50. RCW 36.17.020 and 1973 1st ex.s. c 88 s 2 are each amended to read as follows:

~~((1) The salaries of the following county officers of class A counties and counties of the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth classes, as determined by the last preceding federal census, or as may be determined under the provisions of RCW 36.13.020 to 36.13.075, inclusive, shall be per annum respectively as follows:~~

~~Class A counties:—Auditor, sixteen thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen thousand dollars; sheriff, seventeen thousand seven hundred dollars; assessor, sixteen thousand dollars; prosecuting attorney, twenty two thousand five hundred dollars; members of board of county commissioners, seventeen thousand seven hundred dollars; coroner, fifteen thousand dollars;~~

~~Counties of the first class:—Auditor, fourteen thousand five hundred dollars; clerk, fourteen thousand five hundred dollars; treasurer, fourteen thousand five hundred dollars; sheriff, sixteen thousand dollars; assessor, fourteen thousand five hundred dollars; prosecuting attorney, twenty two thousand five hundred dollars; members of board of county commissioners, sixteen thousand dollars; coroner, eight thousand dollars;~~

~~Counties of the second class:—Auditor, thirteen thousand five hundred dollars; clerk, thirteen thousand five hundred dollars; treasurer, thirteen thousand five hundred dollars; sheriff, thirteen thousand five hundred fifty dollars; assessor, thirteen thousand five hundred dollars; prosecuting attorney, twenty one thousand five hundred dollars; members of board of county commissioners, thirteen thousand five hundred dollars; coroner, five thousand dollars;~~

~~Counties of the third class:—Auditor, twelve thousand five hundred dollars; clerk, twelve thousand five hundred dollars; treasurer, twelve thousand five hundred dollars; assessor, twelve thousand five hundred dollars; sheriff, twelve thousand five hundred dollars; prosecuting attorney, twenty one thousand five hundred dollars; members of the board of county commissioners, twelve thousand five hundred dollars; coroner, three thousand six hundred dollars;~~

~~Counties of the fourth class:—Auditor, eleven thousand dollars; clerk, eleven thousand dollars; treasurer, eleven thousand dollars; assessor, eleven thousand dollars; sheriff, eleven thousand dollars; prosecuting attorney, in such a county in which there is no state university, thirteen thousand dollars; prosecuting attorney, in such a county in which there is a state university or college, fifteen thousand dollars; members of the board of county commissioners, ten thousand dollars;~~

~~Counties of the fifth class:—Auditor, nine thousand one hundred fifty dollars; clerk, nine thousand one hundred fifty dollars; treasurer, nine thousand one hundred fifty dollars; sheriff, ten thousand two hundred dollars; assessor, nine thousand one hundred fifty dollars; prosecuting attorney, twelve thousand dollars; members of the board of county commissioners, eight thousand five hundred dollars;~~

~~Counties of the sixth class:—Auditor, nine thousand one hundred fifty dollars; clerk, nine thousand one hundred fifty dollars; treasurer, nine thousand one hundred fifty dollars; assessor, nine thousand one hundred fifty dollars; sheriff, ten thousand two hundred dollars; prosecuting attorney, nine thousand dollars; members of the board of county commissioners, six thousand four hundred dollars;~~

~~Counties of the seventh class:—Auditor, eight thousand three hundred dollars; clerk, eight thousand three hundred dollars; treasurer, eight thousand three hundred dollars; assessor, eight thousand three hundred dollars; sheriff, nine thousand five hundred dollars; prosecuting attorney, nine thousand dollars; members of the board of county commissioners, five thousand nine hundred fifty dollars;~~

~~Counties of the eighth class:—Auditor, eight thousand three hundred dollars; clerk, eight thousand three hundred dollars; treasurer, eight thousand three hundred dollars; assessor, eight thousand three hundred dollars; sheriff, nine thousand five hundred dollars; prosecuting attorney, nine thousand dollars; members of board of county commissioners, five thousand nine hundred fifty dollars;~~

~~Counties of the ninth class:—Auditor clerk, seven thousand four hundred fifty dollars; sheriff, eight thousand five hundred dollars; treasurer assessor, seven thousand four hundred fifty dollars; prosecuting attorney, nine thousand dollars; members of the board of county commissioners, five thousand five hundred dollars.~~

~~(2) The salaries of the following county officers in counties with a population over five hundred thousand shall be per annum respectively as follows:))~~

The county legislative authority of each county is authorized to establish the salaries of the elected officials of the county. One-half of the salary of each prosecuting attorney shall be paid by the state. The annual salary of a county elected official shall not be less than the following:

(1) In each county with a population of one million or more: Auditor, clerk, treasurer, sheriff, members of ((board of)) the county ((commissioners, coroners)) legislative authority, and coroner, eighteen thousand dollars; assessor, nineteen thousand dollars; and prosecuting attorney, ((twenty seven thousand five hundred dollars.

Beginning January 1, 1974:

~~The salaries of the following county officers of class AA and A counties and counties of the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth classes, as determined by the last preceding federal census, or as may be determined under the provisions of RCW 36.13.020 to 36.13.075, inclusive, shall be per annum respectively as follows:~~

~~Class AA counties: Prosecuting attorney,) thirty thousand three hundred dollars; ((Class A counties)) (2) In each county with a population of from two hundred ten thousand to less than one million: Auditor, seventeen thousand six hundred dollars; clerk, seventeen thousand six hundred dollars; treasurer, seventeen thousand six hundred dollars; sheriff, nineteen thousand five hundred dollars; assessor, seventeen thousand six hundred dollars; prosecuting attorney, twenty-four thousand eight hundred dollars; members of ((board of)) the county ((commissioners)) legislative authority, nineteen thousand five hundred dollars; and coroner, sixteen thousand five hundred dollars;~~

~~((Counties of the first class)) (3) In each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand: Auditor, sixteen thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen thousand dollars; sheriff, seventeen thousand six hundred dollars; assessor, sixteen thousand dollars; prosecuting attorney, twenty-four thousand eight hundred dollars; members of ((board of)) the county ((commissioners)) legislative authority, seventeen thousand six hundred dollars; and coroner, eight thousand eight hundred dollars;~~

~~((Counties of the second class)) (4) In each county with a population of from seventy thousand to less than one hundred twenty-five thousand: Auditor, fourteen thousand nine hundred dollars; clerk, fourteen thousand nine hundred dollars; treasurer, fourteen thousand nine hundred dollars; assessor, fourteen thousand nine hundred dollars; sheriff, fourteen thousand nine hundred dollars; prosecuting attorney, twenty-three thousand seven hundred dollars; members of the ((board of)) county ((commissioners)) legislative authority, fourteen thousand nine hundred dollars; and coroner, five thousand five hundred dollars;~~

~~((Counties of the third class)) (5) In each county with a population of from forty thousand to less than seventy thousand: Auditor, thirteen thousand eight hundred dollars; clerk, thirteen thousand eight hundred dollars; treasurer, thirteen thousand eight hundred dollars; assessor, thirteen thousand eight hundred dollars; sheriff, thirteen thousand eight hundred dollars; prosecuting attorney, twenty-three thousand seven hundred dollars; members of the ((board of)) county ((commissioners)) legislative authority, thirteen thousand eight hundred dollars; and coroner, four thousand dollars;~~

~~((Counties of the fourth class)) (6) In each county with a population of from eighteen thousand to less than forty thousand: Auditor, twelve thousand one hundred dollars; clerk, twelve thousand one hundred dollars; treasurer, twelve thousand one hundred dollars; sheriff, twelve thousand one hundred dollars; assessor, twelve thousand one hundred dollars; prosecuting attorney in such a county in which there is no state university or college, fourteen thousand three hundred dollars; in such a county in which there is a state university or college, sixteen thousand five hundred dollars; and~~

members of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, eleven thousand dollars;

~~((Counties of the fifth class))~~ (7) In each county with a population of from twelve thousand to less than eighteen thousand: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; prosecuting attorney, thirteen thousand two hundred dollars; and members of the ((board of)) county ((commissioners)) legislative authority, nine thousand four hundred dollars;

~~((Counties of the sixth class))~~ (8) In each county with a population of from eight thousand to less than twelve thousand: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; and members of the ((board of)) county ((commissioners)) legislative authority, seven thousand dollars;

~~((Counties of the seventh class))~~ (9) In each county with a population of from five thousand to less than eight thousand: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; assessor, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; and members of ((board of)) the county ((commissioners)) legislative authority, six thousand five hundred dollars;

~~((Counties of the eighth class))~~ (10) In each other county: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; assessor, nine thousand one hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; and members of the ((board of)) county ((commissioners)) legislative authority, six thousand five hundred dollars;

~~Counties of the ninth class: Auditor clerk, eight thousand two hundred dollars; treasurer assessor, eight thousand two hundred dollars; sheriff, nine thousand four hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; members of the board of county commissioners, six thousand one hundred dollars.~~

~~The county legislative authority of such county is authorized to increase or decrease the salary of such office: PROVIDED, That the legislative authority of the county shall not reduce the salary of any official below the amount which such official was receiving on January 1, 1973.~~

~~One half of the salary of each prosecuting attorney shall be paid by the state).~~

Sec. 51. RCW 36.17.040 and 1988 c 281 s 9 are each amended to read as follows:

The salaries of county officers and employees of counties other than counties ~~((of the eighth and ninth classes))~~ with a population of less than five thousand may be paid twice monthly out of the county treasury, and the county auditor, for services rendered from the first to the fifteenth day, inclusive, may, not later than the last day of the month, draw a warrant upon the county treasurer in favor of each of such officers and employees for the amount of salary due him or her, and such auditor, for services rendered from the sixteenth to the last day, inclusive, may similarly draw a warrant, not later than the fifteenth day of the following month, and the county legislative authority, with the concurrence of the county auditor, may enter an order on the record journal empowering him or her so to do: PROVIDED, That if the county legislative authority does not adopt the semimonthly pay plan, it, by resolution, shall designate the first pay period as a draw day. Not more than forty percent of said earned monthly salary of each such county officer or employee shall be paid to him or her on the draw day and the payroll deductions of such officer or employee shall not be deducted from the salary to be paid on the draw day. If officers and employees are paid once a month, the draw day shall not be later than the last day of each

month. The balance of the earned monthly salary of each such officer or employee shall be paid not later than the fifteenth day of the following month.

In counties ~~((of eighth and ninth classes))~~ with a population of less than five thousand salaries shall be paid monthly unless the county legislative authority by resolution adopts the foregoing draw day procedure.

Sec. 52. RCW 36.24.175 and 1969 ex.s. c 259 s 3 are each amended to read as follows:

In ~~((class AA, class A, first, second and third class counties))~~ each county with a population of forty thousand or more, no person shall be qualified for the office of county coroner as provided for in RCW 36.16.030 who is an owner or employee of any funeral home or mortuary.

Sec. 53. RCW 36.27.060 and 1989 c 39 s 1 are each amended to read as follows:

(1) The prosecuting ~~((attorneys and their deputies of class four counties and counties with population larger than class four counties))~~ attorney, and deputy prosecuting attorneys, of each county with a population of eighteen thousand or more shall serve full time and except as otherwise provided for in this section shall not engage in the private practice of law.

(2) Deputy prosecuting attorneys in ~~((counties of the second class, third class, and fourth class))~~ a county with a population of from eighteen thousand to less than one hundred twenty-five thousand may serve part time and engage in the private practice of law if the ~~((board of))~~ county ~~((commissioners))~~ legislative authority so provides.

(3) Except as provided in subsection (4) of this section, nothing in this section prohibits a prosecuting attorney or deputy prosecuting attorney in any county from:

- (a) Performing legal services for himself or herself or his or her immediate family; or
- (b) Performing legal services of a charitable nature.

(4) The legal services identified in subsection (3) of this section may not be performed if they would interfere with the duties of a prosecuting attorney, or deputy prosecuting attorney and no services that are performed shall be deemed within the scope of employment of a prosecutor or deputy prosecutor.

Sec. 54. RCW 36.32.240 and 1985 c 169 s 8 are each amended to read as follows:

In any county the ~~((board of))~~ county ~~((commissioners))~~ legislative authority may by resolution establish a county purchasing department and thereafter such department shall contract on a competitive basis for all public works and purchase or lease on a competitive basis all supplies, materials, and equipment, for all departments of the county, exclusive of the county hospital, pursuant to the provisions hereof and under such rules as the board shall by resolution adopt, except for such contracts and purchases as shall be made pursuant to RCW 36.77.065, 36.77.070 and 36.82.130, and except for such contracts and purchases for the printing of election ballots, voting machine labels and all other election material containing the names of candidates and ballot titles, and performance-based contracts as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW: PROVIDED, That in ~~((all class AA or class A counties or in any county of the first class))~~ each county with a population of one hundred twenty-five thousand or more it shall be mandatory that a purchasing department be established.

Sec. 55. RCW 36.33.060 and 1973 1st ex.s. c 38 s 1 are each amended to read as follows:

~~((There is created in class AA and class A counties and counties of the first class a fund to be known as the salary fund, which shall))~~ The county legislative authority of each county with a population of one hundred twenty-five thousand or more shall establish a salary fund to be used for paying the salaries and wages of all officials and employees. ~~((In counties smaller than counties of the first class))~~ The

county legislative authority of any other county may (~~by resolution~~) establish such a salary fund. Said salary fund shall be reimbursed from any county funds or other funds under the jurisdiction or control of the county treasurer or county auditor budgeted for salaries and wages. The deposits shall be made in the exact amount of the payroll or vouchers paid from the salary fund.

Sec. 56. RCW 36.33.065 and 1973 1st ex.s. c 38 s 2 are each amended to read as follows:

The county legislative authority of any (~~class~~) county may establish by resolution a fund to be known as the claims fund, which shall be used for paying claims against the county. Such claims fund shall be reimbursed from any county funds or other funds under the jurisdiction or control of the county treasurer or county auditor budgeted for such expenditures. The deposits shall be made in the exact amount of the vouchers paid from the claims fund.

Sec. 57. RCW 36.56.010 and 1977 ex.s. c 277 s 1 are each amended to read as follows:

Any (~~class AA or class A~~) county with a population of two hundred ten thousand or more in which a metropolitan municipal corporation has been established pursuant to chapter 35.58 RCW with boundaries coterminous with the boundaries of the county may by ordinance or resolution, as the case may be, of the county legislative authority assume the rights, powers, functions, and obligations of such metropolitan municipal corporation in accordance with the provisions of this 1977 amendatory act. The definitions contained in RCW 35.58.020 shall be applicable to this chapter.

Sec. 58. RCW 36.57A.020 and 1975 1st ex.s. c 270 s 12 are each amended to read as follows:

The county legislative authority of every (~~class A, class 1, class 2, or class 3~~) county with a population of forty thousand or more shall, and the legislative authority of every other county may, within ninety days of July 1, 1975, and as often thereafter as it deems necessary, and upon thirty days prior written notice addressed to the legislative body of each city within the county and with thirty days public notice, convene a public transportation improvement conference to be attended by an elected representative selected by the legislative body of each city, within such county, and by the county (~~commissioners~~) legislative authority. Such conference shall be for the purpose of evaluating the need for and the desirability of the creation of a public transportation benefit area within certain incorporated and unincorporated portions of the county to provide public transportation services within such area. In those counties where county officials believe the need for public transportation service extends across county boundaries so as to provide public transportation service in a metropolitan area, the county legislative bodies of two or more neighboring counties may elect to convene a multi-county conference. In addition, county-wide conferences may be convened by resolution of the legislative bodies of two or more cities within the county, not to exceed one in any twelve month period, or a petition signed by at least ten percent of the registered voters in the last general election of the city, county or city/county areas of a proposed benefit area. The (~~chairman~~) chair of the conference shall be elected from the members at large.

Sec. 59. RCW 36.58.030 and 1989 c 431 s 27 are each amended to read as follows:

As used in RCW 36.58.030 through 36.58.060, the term "transfer station" means a staffed, fixed supplemental facility used by persons and route collection vehicles to deposit solid wastes into transfer trailers for transportation to a disposal site. This does not include detachable containers, except in (~~third class or smaller~~) counties with a population of less than seventy thousand, and in any (~~first class~~) county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand that is located east of the crest of the Cascade mountain range, where

detachable containers shall be securely fenced, staffed by an attendant during all hours when the detachable container is open to the public, charge a tipping fee that shall cover the cost of providing and for use of the service, and shall be operated as a transfer station.

Sec. 60. RCW 36.58.100 and 1982 c 175 s 1 are each amended to read as follows:

The legislative authority of any county (~~(other than a class AA county)~~) with a population of less than one million is authorized to establish one or more solid waste disposal districts within the county for the purpose of providing and funding solid waste disposal services. No solid waste disposal district may include any area within the corporate limits of a city or town unless the city or town governing body adopts a resolution approving inclusion of the area within its limits. The county legislative authority may modify the boundaries of the solid waste disposal district by the same procedure used to establish the district. A solid waste disposal district may be dissolved by the county legislative authority after holding a hearing as provided in RCW 36.58.110.

As used in RCW 36.58.100 through 36.58.150 the term "county" includes all counties other than (~~class AA counties~~) a county with a population of one million or more.

A solid waste disposal district is a quasi-municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

A solid waste disposal district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute: PROVIDED, That a solid waste disposal district shall not have the power of eminent domain.

The county legislative authority shall be the governing body of a solid waste disposal district. The electors of a solid waste disposal district shall be all registered voters residing within the district.

Sec. 61. RCW 36.64.060 and 1985 c 7 s 105 are each amended to read as follows:

Whenever the (~~board of county commissioners~~) county legislative authority of a county (~~(of the first class)~~) with a population of one hundred twenty-five thousand or more deems it for the interest of the county to construct or to aid the United States in constructing a canal to connect any bodies of water within the county, such county may construct such canal or aid the United States in constructing it and incur indebtedness for such purpose to an amount not exceeding five hundred thousand dollars and issue its negotiable bonds therefor in the manner and form provided in RCW 36.67.010. Such construction or aid in construction is a county purpose.

Sec. 62. RCW 36.64.070 and 1965 c 24 s 1 are each amended to read as follows:

Any (~~class AA or class A~~) county with a population of two hundred ten thousand or more may contract with any city or cities within such county for the financing, erection, ownership, use, lease, operation, control or maintenance of any building or buildings, including open spaces, off-street parking facilities for the use of county and city employees and persons doing business with such county or city, plazas and other improvements incident thereto, for county or city, or combined county-city, or other public use. Property for such buildings and related improvements may be acquired by either such county or city or by both by lease, purchase, donation, exchange, and/or gift or by eminent domain in the manner provided by law for the exercise of such power by counties and cities respectively and any property acquired hereunder, together with the improvements thereon, may be sold, exchanged or leased, as the interests of said county, city or cities may from time to time require.

Sec. 63. RCW 36.69.010 and 1990 c 32 s 1 are each amended to read as follows:

Park and recreation districts are hereby authorized to be formed (~~in each and every class of county~~) as municipal corporations for the purpose of providing leisure time activities and facilities and recreational facilities, of a nonprofit nature as a public service to the residents of the geographical areas included within their boundaries.

The term "recreational facilities" means parks, playgrounds, gymnasiums, swimming pools, field houses, bathing beaches, stadiums, golf courses, automobile race tracks and drag strips, coliseums for the display of spectator sports, public campgrounds, boat ramps and launching sites, public hunting and fishing areas, arboretums, bicycle and bridle paths, senior citizen centers, community centers, and other recreational facilities.

Sec. 64. RCW 36.78.020 and 1965 ex.s. c 120 s 2 are each amended to read as follows:

"Standards of good practice" shall mean general and uniform practices formulated and adopted by the board relating to the administration of county roads (~~for the several classes of counties~~) which shall apply to engineering, maintenance, traffic control, safety, planning, programming, road classification, road inventories, budgeting and accounting procedures, equipment policies, and personnel policies.

Sec. 65. RCW 36.78.040 and 1965 ex.s. c 120 s 4 are each amended to read as follows:

Six members of the county road administration board shall be county (~~commissioners~~) legislative authority members and three members shall be county engineers. If any member, during the term for which he or she is appointed ceases to be either a (~~county commissioner~~) member of a county legislative authority or a county engineer, as the case may be, his or her membership on the county road administration board is likewise terminated. Three members of the board shall be from counties (~~of the following classes: Class AA, class A, or first class~~) with a population of one hundred twenty-five thousand or more. Four members shall be from counties (~~of the following classes: Second class, third class, fourth class, or fifth class~~) with a population of from twelve thousand to less than one hundred twenty-five thousand. Two members shall be from counties (~~of the following classes: Sixth class, seventh class, eighth class, or ninth class~~) with a population of less than twelve thousand. Not more than one member of the board shall be from any one county.

Sec. 66. RCW 36.79.140 and 1990 c 42 s 104 are each amended to read as follows:

At the time the board reviews the six-year program of each county each even-numbered year, it shall consider and shall approve for inclusion in its recommended budget, as required by RCW 36.79.130, the portion of the rural arterial construction program scheduled to be performed during the biennial period beginning the following July 1st. Subject to the appropriations actually approved by the legislature, the board shall as soon as feasible approve rural arterial trust account funds to be spent during the ensuing biennium for preliminary proposals in priority sequence as established pursuant to RCW 36.79.090. Only those counties that during the preceding twelve months have spent all revenues collected for road purposes only for such purposes, including traffic law enforcement, as are allowed to the state by Article II, section 40 of the state Constitution are eligible to receive funds from the rural arterial trust account: PROVIDED HOWEVER, That counties (~~of the seventh class~~) with a population of from five thousand to less than eight thousand are exempt from this eligibility restriction: AND PROVIDED FURTHER, That counties expending revenues collected for road purposes only on other governmental services after authorization from the voters of that county under RCW 84.55.050 are also exempt from this eligibility restriction. The board shall authorize rural arterial trust account funds for the construction project portion of a project previously authorized for a preliminary

proposal in the sequence in which the preliminary proposal has been completed and the construction project is to be placed under contract. At such time the board may reserve rural arterial trust account funds for expenditure in future years as may be necessary for completion of preliminary proposals and construction projects to be commenced in the ensuing biennium.

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

Sec. 67. RCW 36.80.010 and 1984 c 11 s 1 are each amended to read as follows:

The ~~((board))~~ county legislative authority of each county with a population of eight thousand or more shall employ a full-time county road engineer residing in the county. ~~((In seventh, eighth, and ninth class counties it may employ))~~ The county legislative authority of each other county shall employ a county engineer on either a full-time or part-time basis who need not be a resident of the county, or ((it)) may contract with ((other counties)) another county for the engineering services of a county road engineer from such other ((counties)) county.

Sec. 68. RCW 36.93.030 and 1969 ex.s. c 111 s 1 are each amended to read as follows:

(1) There is hereby created and established in each ~~((class AA and class A))~~ county with a population of two hundred ten thousand or more a board to be known and designated as a "boundary review board".

(2) A boundary review board may be created and established in any other ~~((class))~~ county in the following manner:

(a) The ~~((board of))~~ county ~~((commissioners))~~ legislative authority may, by majority vote, adopt a resolution establishing a boundary review board; or

(b) A petition seeking establishment of a boundary review board signed by qualified electors residing in the county equal in number to at least five percent of the votes cast in the county at the last county general election may be filed with the county auditor.

Upon the filing of such a petition, the county auditor shall examine the same and certify to the sufficiency of the signatures thereon. No person may withdraw his or her name from a petition after it has been filed with the auditor. Within thirty days after the filing of such petition, the county auditor shall transmit the same to the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, together with his or her certificate of sufficiency.

After receipt of a valid petition for the establishment of a boundary review board, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall submit the question of whether a boundary review board should be established to the electorate at the next county primary or county general election which occurs more than ~~((thirty))~~ forty-five days from the date of receipt of the petition. Notice of the election shall be given as provided in RCW 29.27.080 and shall include a clear statement of the proposal to be submitted.

If a majority of the persons voting on the proposition shall vote in favor of the establishment of the boundary review board, such board shall thereupon be deemed established.

Sec. 69. RCW 36.93.040 and 1967 c 189 s 4 are each amended to read as follows:

For the purposes of this chapter, ~~((counties other than class AA and class A))~~ each county with a population of less than two hundred ten thousand shall be deemed to have established a boundary review board((e)) on and after the date a proposition

for establishing the same has been approved at an election as provided for in RCW 36.93.030, or on and after the date of adoption of a resolution of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority establishing the same as provided for in RCW 36.93.030.

Sec. 70. RCW 36.93.051 and 1989 c 84 s 17 are each amended to read as follows:

The boundary review board in ~~((class AA counties))~~ each county with a population of one million or more shall consist of eleven members chosen as follows:

- (1) Three persons shall be appointed by the governor;
- (2) Three persons shall be appointed by the county appointing authority;
- (3) Three persons shall be appointed by the mayors of the cities and towns located within the county; and
- (4) Two persons shall be appointed by the board from nominees of special districts in the county.

The governor shall designate one initial appointee to serve a term of two years, and two initial appointees to serve terms of four years, if the appointments are made in an odd-numbered year, or one initial appointee to serve a term of one year, and two initial appointees to serve terms of three years, if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of February in the year the appointment was made.

The county appointing authority shall designate one of its initial appointees to serve a term of two years, and two of its initial appointees to serve terms of four years, if the appointments are made in an odd-numbered year, or one of its initial appointees to serve a term of one year, and two of its initial appointees to serve terms of three years, if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of February in the year the appointment was made.

The mayors making the initial city and town appointments shall designate two of their initial appointees to serve terms of two years, and one of their initial appointees to serve a term of four years, if the appointments are made in an odd-numbered year, or two of their initial appointees to serve terms of one year, and one of their initial appointees to serve a term of three years, if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of February in the year the appointment was made.

The board shall make two initial appointments from the nominees of special districts, with one appointee serving a term of four years and one initial appointee serving a term of two years, if the appointments are made in an odd-numbered year, or one initial appointee serving a term of three years and one initial appointee serving a term of one year if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of March in the year in which the appointment is made.

After the initial appointments, all appointees shall serve four-year terms.

No appointee may be an official or employee of the county or a governmental unit in the county, or a consultant or advisor on a contractual or regular retained basis of the county, any governmental unit in the county, or any agency or association thereof.

Sec. 71. RCW 36.93.061 and 1989 c 84 s 18 are each amended to read as follows:

The boundary review board in ~~((all counties other than class AA counties))~~ each county with a population of less than one million shall consist of five members chosen as follows:

- (1) Two persons shall be appointed by the governor;
- (2) One person shall be appointed by the county appointing authority;

(3) One person shall be appointed by the mayors of the cities and towns located within the county; and

(4) One person shall be appointed by the board from nominees of special districts in the county.

The governor shall designate one initial appointee to serve a term of two years, and one initial appointee to serve a term of four years, if the appointments are made in an odd-numbered year, or one initial appointee to serve a term of one year, and one initial appointee to serve a term of three years, if the appointments are made in an even-numbered year, with the length of a term being calculated from the first day of February in the year that the appointment was made.

The initial appointee of the county appointing authority shall serve a term of two years, if the appointment is made in an odd-numbered year, or a term of one year, if the appointment is made in an even-numbered year. The initial appointee by the mayors shall serve a term of four years, if the appointment is made in an odd-numbered year, or a term of three years, if the appointment is made in an even-numbered year. The length of the term shall be calculated from the first day in February in the year the appointment was made.

The board shall make one initial appointment from the nominees of special districts to serve a term of two years if the appointment is made in an odd-numbered year, or a term of one year if the appointment is made in an even-numbered year, with the length of the term being calculated from the first day of March in the year in which the appointment is made.

After the initial appointments, all appointees shall serve four-year terms.

No appointee may be an official or employee of the county or a governmental unit in the county, or a consultant or advisor on a contractual or regular retained basis of the county, any governmental unit in the county, or any agency or association thereof.

Sec. 72. RCW 36.93.063 and 1989 c 84 s 19 are each amended to read as follows:

The executive of the county shall make the appointments under RCW 36.93.051 and 36.93.061 for the county, if one exists, or otherwise the county legislative authority shall make the appointments for the county.

The mayors of all cities and towns in the county shall meet on or before the last day of January in each odd-numbered year to make such appointments for terms to commence on the first day of February in that year. The date of the meeting shall be called by the mayor of the largest city or town in the county, and the mayor of the largest city or town in the county who attends the meeting shall preside over the meeting. Selection of each appointee shall be by simple majority vote of those mayors who attend the meeting.

Any special district in the county may nominate a person to be appointed to the board on or before the last day of January in each odd-numbered year that the term for this position expires. The board shall make its appointment of a nominee or nominees from the special districts during the month of February following the date by which such nominations are required to be made.

The county appointing authority and the mayors of cities and towns within the county shall make their initial appointments for newly created boards within sixty days of the creation of the board or shall make sufficient additional appointments to increase a five-member board to an eleven-member board within sixty days of the date the county (~~becomes a class AA county~~) obtains a population of one million or more. The board shall make its initial appointment or appointments of board members from the nominees of special districts located within the county within ninety days of the creation of the board or shall make an additional appointment of a board member from the nominees of special districts located within the county within ninety days of the

date the county (~~(becomes a class AA county)~~) obtains a population of one million or more.

The term of office for all appointees other than the appointee from the special districts shall commence on the first day of February in the year in which the term is to commence. The term of office for the appointee from nominees of special districts shall commence on the first day of March in the year in which the term is to commence.

Vacancies on the board shall be filled by appointment of a person to serve the remainder of the term in the same manner that the person whose position is vacant was filled.

Sec. 73. RCW 36.93.100 and 1989 c 84 s 3 are each amended to read as follows:

The board shall review and approve, disapprove, or modify any of the actions set forth in RCW 36.93.090 when any of the following shall occur within forty-five days of the filing of a notice of intention:

(1) Three members of a five-member boundary review board or five members of a boundary review board in a (~~class AA~~) county with a population of one million or more files a request for review: PROVIDED, That the members of the boundary review board shall not be authorized to file a request for review of the following actions:

(a) The incorporation or change in the boundary of any city, town, or special purpose district;

(b) The extension of permanent water service outside of its existing corporate boundaries by a city, town, or special purpose district where such extension is through the installation of water mains of six inches or less in diameter; or

(c) The extension of permanent sewer service outside of its existing corporate boundaries by a city, town, or special purpose district where such extension is through the installation of sewer mains of eight inches or less in diameter;

(2) Any governmental unit affected, including the governmental unit for which the boundary change or extension of permanent water or sewer service is proposed, or the county within which the area of the proposed action is located, files a request for review of the specific action;

(3) A petition requesting review is filed and is signed by:

(a) Five percent of the registered voters residing within the area which is being considered for the proposed action (as determined by the boundary review board in its discretion subject to immediate review by writ of certiorari to the superior court); or

(b) An owner or owners of property consisting of five percent of the assessed valuation within such area;

(4) The majority of the members of boundary review boards concur with a request for review when a petition requesting the review is filed by five percent of the registered voters who deem themselves affected by the action and reside within one-quarter mile of the proposed action but not within the jurisdiction proposing the action.

If a period of forty-five days shall elapse without the board's jurisdiction having been invoked as set forth in this section, the proposed action shall be deemed approved.

If a review of a proposal is requested, the board shall make a finding as prescribed in RCW 36.93.150 within one hundred twenty days after the filing of such a request for review. If this period of one hundred twenty days shall elapse without the board making a finding as prescribed in RCW 36.93.150, the proposal shall be deemed approved unless the board and the person who submitted the proposal agree to an extension of the one hundred twenty day period.

Sec. 74. RCW 36.93.140 and 1967 c 189 s 14 are each amended to read as follows:

Actions described in RCW 36.93.090 which are pending July 1, 1967, or actions in counties (~~other than class AA or class A~~) with populations of less than two hundred ten thousand which are pending on the date of the creation of a boundary review board therein, shall not be affected by the provisions of this chapter. Actions shall be deemed pending on and after the filing of sufficient petitions initiating the same with the appropriate public officer, or the performance of an official act initiating the same.

Sec. 75. RCW 36.95.020 and 1971 ex.s. c 155 s 2 are each amended to read as follows:

A district's boundary may include any part or all of any (~~class~~) county and may include any part or all of any incorporated area located within the county. A district's boundary may not include any territory already being served by a cable TV system (CATV) unless on August 9, 1971, there is a translator station retransmitting television signals to such territory.

Sec. 76. RCW 40.04.100 and 1979 c 151 s 49 are each amended to read as follows:

The supreme court reports and the court of appeals reports shall be distributed by the state law librarian as follows:

(1) Each supreme court justice and court of appeals judge is entitled to receive one copy of each volume containing an opinion signed by him or her.

(2) The state law librarian shall retain such copies as are necessary of each for the benefit of the state law library, the supreme court and its subsidiary offices; and the court of appeals and its subsidiary offices; he or she shall provide one copy each for the official use of the attorney general and for each assistant attorney general maintaining his or her office in the attorney general's suite; three copies for the office of prosecuting attorney, in (~~class A counties~~) each county with a population of two hundred ten thousand or more; two copies for such office in (~~first-class counties~~) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand, and one copy for each other prosecuting attorney; one for each United States district court room and every superior court room in this state if regularly used by a judge of such courts; one copy for the use of each state department maintaining a separate office at the state capitol; one copy to the office of financial management, and one copy to the division of inheritance tax and escheats; one copy each to the United States supreme court, to the United States district attorney's offices at Seattle and Spokane, to the office of the United States attorney general, the library of the circuit court of appeals of the ninth circuit, the Seattle public library, the Tacoma public library, the Spokane public library, the University of Washington library, and the Washington State University library; three copies to the Library of Congress; and, for educational purposes, twelve copies to the University of Washington law library, two copies to the University of Puget Sound law library, and two copies to the Gonzaga University law school library and to such other accredited law school libraries as are hereafter established in this state; six copies to the King county law library; and one copy to each county law library organized pursuant to law in (~~class AA counties, class A counties and in counties of the first, second and third class~~) each county with a population of forty thousand or more.

(3) The state law librarian is likewise authorized to exchange copies of the supreme court reports and the court of appeals reports for similar reports of other states, territories, and/or governments, or for other legal materials, and to make such other and further distribution as in his or her judgment seems proper.

Sec. 77. RCW 41.14.040 and 1959 c 1 s 4 are each amended to read as follows: Any counties (~~of the fourth class or of lesser classifications~~) with populations of less than forty thousand, whether contiguous or not, are authorized to establish and operate a combined civil service system to serve all counties so combined. The combination of any such counties shall be effective whenever each board of county commissioners

of the counties involved adopts a resolution declaring intention to participate in the operation of a combined county civil service system in accordance with agreements made between any such counties. Any such combined county civil service commission shall serve the employees of each county sheriff's office impartially and according to need.

All matters affecting the combined civil service commission, including the selection of commissioners, shall be decided by majority vote of all the county commissioners of the counties involved.

All the provisions of this chapter shall apply equally to any such combined civil service system.

Sec. 78. RCW 41.14.065 and 1987 c 251 s 2 are each amended to read as follows:

Any (~~class-AA~~) county with a population of one million or more may assign the powers and duties of the commission to such county agencies or departments as may be designated by charter or ordinance: PROVIDED, That the powers and duties of the commission under RCW 41.14.120 shall not be assigned to any other body but shall continue to be vested in the commission, which shall exist to perform such powers and duties, together with such other adjudicative functions as may be designated by charter or ordinance.

Sec. 79. RCW 41.14.070 and 1979 ex.s. c 153 s 3 are each amended to read as follows:

The classified civil service and provisions of this chapter shall include all deputy sheriffs and other employees of the office of sheriff in each county except the county sheriff in every county and an additional number of positions, designated the unclassified service, determined as follows:

Unclassified Staff Personnel	Position Appointments
1 through 10	2
11 through 20	3
21 through 50	4
51 through 100	5
101 and over	6

The unclassified position appointments authorized by this section must include selections from the following positions up to the limit of the number of positions authorized: Undersheriff, inspector, chief criminal deputy, chief civil deputy, jail superintendent, and administrative assistant or administrative secretary. The initial selection of specific positions to be exempt shall be made by the sheriff, who shall notify the civil service commission of his or her selection. Subsequent changes in the designation of which positions are to be exempt may be made only with the concurrence of the sheriff and the civil service commission, and then only after the civil service commission has heard the issue in open meeting. Should the position or positions initially selected by the sheriff to be exempt (unclassified) pursuant to this section be under the classified civil service at the time of such selection, and should it (or they) be occupied, the employee(s) occupying said position(s) shall have the right to return to the next highest position or a like position under classified civil service.

The county legislative authority of any (~~class-AA~~) county with a population of five hundred thousand or more operating under a home rule charter may designate unclassified positions of administrative responsibility not to exceed twelve positions.

Sec. 80. RCW 41.14.210 and 1971 ex.s. c 214 s 3 are each amended to read as follows:

The county legislative ((body of each class AA and A)) authority or each county with a population of two hundred ten thousand or more may provide in the county budget for each fiscal year a sum equal to one percent of the preceding year's total payroll of those included under the jurisdiction and scope of this chapter. The funds so provided shall be used for the support of the commission. Any part of the funds so provided and not expended for the support of the commission during the fiscal year shall be placed in the general fund of the county, or counties according to the ratio of contribution, on the first day of January following the close of such fiscal year.

Sec. 81. RCW 41.28.020 and 1939 c 207 s 3 are each amended to read as follows:

A retirement system is hereby created and established in each city of the first class in each (~~first class~~) county with a population of one hundred twenty-five thousand or more to be known as the "employees' retirement system". This chapter shall become effective as to any such city when by ordinance of the city duly enacted its terms are expressly accepted and made applicable thereto. This section shall not be construed as preventing performance before July 1, 1939, of any preliminary work which any city council, city commission or board of administration shall deem necessary.

Sec. 82. RCW 41.56.030 and 1989 c 275 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter as designated by RCW 41.56.020, or any subdivision of such public body. For the purposes of this section, the public employer of district court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (d) who is a personal assistant to a district judge or court commissioner. For the purpose of (d) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter. In the case of the Washington state patrol, "collective bargaining" shall not include wages and wage-related matters.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Uniformed personnel" means (a) law enforcement officers as defined in RCW 41.26.030 as now or hereafter amended, of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of any county (~~(of the second class or larger)~~) with a population of seventy thousand or more, or (b) fire fighters as that term is defined in RCW 41.26.030, as now or hereafter amended.

Sec. 83. RCW 42.23.030 and 1990 c 33 s 573 are each amended to read as follows:

No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his or her office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein. This section shall not apply in the following cases:

(1) The furnishing of electrical, water or other utility services by a municipality engaged in the business of furnishing such services, at the same rates and on the same terms as are available to the public generally;

(2) The designation of public depositories for municipal funds;

(3) The publication of legal notices required by law to be published by any municipality, upon competitive bidding or at rates not higher than prescribed by law for members of the general public;

(4) The designation of a school director as clerk or as both clerk and purchasing agent of a school district;

(5) The employment of any person by a municipality, other than a county (~~(of the first class or higher)~~) with a population of one hundred twenty-five thousand or more, a city of the first or second class, an irrigation district encompassing in excess of fifty thousand acres, or a first class school district, for unskilled day labor at wages not exceeding one hundred dollars in any calendar month;

(6) The letting of any other contract (except a sale or lease as seller or lessor) by a municipality, other than a county (~~(of the first class or higher)~~) with a population of one hundred twenty-five thousand or more, a city of the first or second class, an irrigation district encompassing in excess of fifty thousand acres, or a first class school district: PROVIDED, That the total volume of business represented by such contract or contracts in which a particular officer is interested, singly or in the aggregate, as measured by the dollar amount of the municipality's liability thereunder, shall not exceed seven hundred fifty dollars in any calendar month: PROVIDED FURTHER, That in the case of a particular officer of a third class city or town (~~(of the third, or fourth class)~~), or a noncharter optional code city, or a member of any county fair board in a county which has not established a county purchasing department pursuant to RCW 36.32.240, the total volume of such contract or contracts authorized in this subsection may exceed seven hundred fifty dollars in any calendar month but shall not exceed nine thousand dollars in any calendar year: PROVIDED FURTHER, That there shall be public disclosure by having an available list of such purchases or contracts, and if the supplier or contractor is an official of the municipality, he or she shall not vote on the authorization;

(7) The leasing by a port district as lessor of port district property to a municipal officer or to a contracting party in which a municipal officer may be beneficially interested, if in addition to all other legal requirements, a board of three disinterested appraisers, who shall be appointed from members of the American institute of real estate appraisers by the presiding judge of the superior court in the county where the property is situated, shall find and the court finds that all terms and conditions of such lease are fair to the port district and are in the public interest;

(8) The letting of any contract for the driving of a school bus in a second class school district: PROVIDED, That the terms of such contract shall be commensurate with the pay plan or collective bargaining agreement operating in the district;

(9) The letting of any contract to the spouse of an officer of a second class school district in which less than two hundred full time equivalent students are enrolled at the start of the school year as defined in RCW 28A.150.040, when such contract is solely for employment as a certificated or classified employee of the school district, or the letting of any contract to the spouse of an officer of a second class district in which less than five hundred full time equivalent students are enrolled at the start of the school year as defined in RCW 28A.150.040, when such contract is solely for employment as a substitute teacher for the school district: PROVIDED, That the terms of such contract shall be commensurate with the pay plan or collective bargaining agreement applicable to all district employees and the board of directors has found, consistent with the written policy under RCW 28A.330.240, that there is a shortage of substitute teachers in the school district.

Sec. 84. RCW 43.99C.045 and 1989 c 265 s 1 are each amended to read as follows:

Subject to legislative appropriation, all principal proceeds of the bonds and bond anticipation notes authorized in this chapter shall be administered by the state department of social and health services exclusively for the purposes specified in this chapter and for the payment of expenses incurred in connection with the sale and issuance of the bonds and bond anticipation notes.

In carrying out the purposes of this chapter all counties of the state shall be eligible to participate in the distribution of the bond proceeds. The share coming to each county shall be determined by a division among all counties according to the relation which the population of each county, as shown by the last federal or official state census, whichever is the later, bears to the total combined population of all counties, as shown by such census; except that, each ((sixth, seventh, or eighth class)) county with a population of less than twelve thousand shall receive an aggregate amount of up to seventy-five thousand dollars if, through a procedure established in rule, the department has determined there is a demonstrated need and the share determined for such county is less than seventy-five thousand dollars. No single project in a ((class-AA)) county with a population of one million or more shall be eligible for more than fifteen percent of such county's total distribution of bond proceeds.

In carrying out the purposes specified in this chapter, the department may use or permit the use of the proceeds by direct expenditures, grants, or loans to any public body, including but not limited to grants to a public body as matching funds in any case where federal, local, or other funds are made available on a matching basis for purposes specified in this chapter.

In carrying out the purpose of this chapter, fixed assets acquired under this chapter, and no longer utilized by the program having custody of the assets, may be transferred to other public bodies either in the same county or another county. Prior to such transfer the department shall first determine if the assets can be used by another program as designated by the department of social and health services in RCW 43.99C.020. Such programs shall have priority in obtaining the assets to ensure the purpose of this chapter is carried out.

Sec. 85. RCW 53.12.010 and 1965 c 51 s 1 are each amended to read as follows:

The powers of the port district shall be exercised through a port commission consisting of three members. In any port ((districts located in a class-AA)) district with boundaries that are coterminous with the boundaries of a county with a population of five hundred thousand or more the members shall be residents of the county in which the port district is located. In all other port districts, three commissioner districts, numbered consecutively, having approximately equal population and boundaries following ward and precinct lines, shall be described in the petition for the formation

of the port district, and one commissioner shall be elected from each of said commissioner districts.

In port districts having additional commissioners as authorized by RCW 53.12.120 and 53.12.130, the powers of the port district shall be exercised through a port commission consisting of five members constituted as provided therein.

Sec. 86. RCW 46.09.240 and 1986 c 206 s 9 are each amended to read as follows:

(1) After deducting administrative expenses and the expense of any programs conducted under this chapter, the interagency committee for outdoor recreation shall, at least once each year, distribute the funds it receives under RCW 46.09.110 and 46.09.170 to state agencies, counties, municipalities, federal agencies, and Indian tribes.

The committee shall adopt rules governing applications for funds administered by the agency under this chapter and shall determine the amount of money distributed to each applicant. Agencies receiving funds under this chapter for capital purposes shall consider the possibility of contracting with the state parks and recreation commission, the department of natural resources, or other federal, state, and local agencies to employ the youth development and conservation corps or other youth crews in completing the project.

(2) The interagency committee shall require each applicant for land acquisition or development funds under this section to conduct, before submitting the application, a public hearing in the nearest town of five hundred population or more, and publish notice of such hearing on the same day of each week for two consecutive weeks as follows:

(a) In the newspaper of general circulation published nearest the proposed project;

(b) In the newspaper having the largest circulation in the county or counties where the proposed project is located; and

(c) If the proposed project is located in a county (~~of class four or lower~~) with a population of less than forty thousand, the notice shall also be published in the newspaper having the largest circulation published in the nearest county that (~~is class three or above~~) has a population of forty thousand or more.

(3) The notice shall state that the purpose of the hearing is to solicit comments regarding an application being prepared for submission to the interagency committee for outdoor recreation for acquisition or development funds under the off-road and nonhighway vehicle program. The applicant shall file notice of the hearing with the department of ecology at the main office in Olympia and shall comply with the State Environmental Policy Act, chapter 43.21C RCW. A written record and a magnetic tape recording of the hearing shall be included in the application.

Sec. 87. RCW 46.52.100 and 1987 c 3 s 18 are each amended to read as follows:

Every district court, municipal court, and clerk of superior court shall keep or cause to be kept a record of every traffic complaint, traffic citation, notice of infraction, or other legal form of traffic charge deposited with or presented to the court or a traffic violations bureau, and shall keep a record of every official action by said court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, finding that a traffic infraction has been committed, dismissal of a notice of infraction, and the amount of fine, forfeiture, or penalty resulting from every said traffic complaint, citation, or notice of infraction deposited with or presented to the district court, municipal court, superior court, or traffic violations bureau.

The Monday following the conviction, forfeiture of bail, or finding that a traffic infraction was committed for violation of any provisions of this chapter or other law regulating the operating of vehicles on highways, every said magistrate of the court or clerk of the court of record in which such conviction was had, bail was forfeited, or the finding made shall prepare and immediately forward to the director of licensing at

Olympia an abstract of the record of said court covering the case, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any finding involving the illegal parking or standing of a vehicle.

Said abstract must be made upon a form furnished by the director and shall include the name and address of the party charged, the number, if any, of the party's driver's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, whether bail forfeited, whether the determination that a traffic infraction was committed was contested, and the amount of the fine, forfeiture, or penalty as the case may be.

Every court of record shall also forward a like report to the director upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

The director shall keep all abstracts received hereunder at the director's office in Olympia and the same shall be open to public inspection during reasonable business hours.

Venue in all district courts shall be before one of the two nearest district judges in incorporated cities and towns nearest to the point the violation allegedly occurred: PROVIDED, That in counties ((of class A and of the first class)) with populations of one hundred twenty-five thousand or more such cases may be tried in the county seat at the request of the defendant.

It shall be the duty of the officer, prosecuting attorney, or city attorney signing the charge or information in any case involving a charge of driving under the influence of intoxicating liquor or any drug immediately to make request to the director for an abstract of convictions and forfeitures which the director shall furnish.

Sec. 88. RCW 47.26.121 and 1990 c 266 s 4 are each amended to read as follows:

(1) There is hereby created a transportation improvement board of fifteen members, six of whom shall be county members and six of whom shall be city members. The remaining members shall be: (a) The assistant secretary of the department of transportation whose primary responsibilities relate to planning and public transportation; (b) the assistant secretary for highways of the department of transportation; and (c) the state aid engineer of the department of transportation.

(2) Of the county members of the board, one member shall be a county engineer from a county ((of the first class or larger)) with a population of one hundred twenty-five thousand or more; one member shall be a county engineer from a county ((of the second class or smaller)) with a population of less than one hundred twenty-five thousand; one member shall be the executive director of the county road administration board, created by RCW 36.78.060; two members shall be county executives, council members, or commissioners from counties ((of the first class or larger)) with a population of one hundred twenty-five thousand or more; one member shall be a county executive, council member, or commissioner from a county ((of the second class or smaller)) with a population of less than one hundred twenty-five thousand. All county members of the board, except the executive director of the county road administration board, shall be appointed. Not more than one county member of the board shall be from any one county. For the purposes of this subsection, the term county engineer shall mean the director of public works in any county in which such a position exists.

(3) Of the city members of the board two shall be chief city engineers, public works directors, or other city employees with responsibility for public works activities, of cities over twenty thousand population; one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities,

of a city of less than twenty thousand population; two shall be mayors, commissioners, or city council members of cities of more than twenty thousand population; and one shall be a mayor, commissioner, or council member of a city of less than twenty thousand population. All of the city members shall be appointed. Not more than one city member of the board shall be from any one city.

(4) Appointments of county and city representatives shall be made by the secretary of the department of transportation, with initial appointments to be made by July 1, 1988. Appointees shall be chosen from a list of two persons for each position nominated by the Washington state association of counties for county members and the association of Washington cities for city members. Except as provided in subsection (5) of this section, terms of appointment are four years. In the case of a vacancy, the appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. A vacancy shall be deemed to have occurred on the board when any member elected to public office completes that term of office or is removed therefrom for any reason or when any member employed by a political subdivision terminates such employment for whatsoever reason.

(5) The initial appointment to the board for three county representatives and three city representatives shall be for terms of two years and the remainder of the appointments shall be for terms of four years. Terms of all appointed members shall expire on June 30th of even-numbered years.

(6) The board shall elect a chair from among its members for a two-year term.

(7) Expenses of the board, including administration of the transportation improvement program, shall be paid from the urban arterial account.

Sec. 89. RCW 53.12.020 and 1986 c 262 s 2 are each amended to read as follows:

In a port ((districts located in a class AA) district with boundaries that are coterminous with the boundaries of a county with a population of five hundred thousand or more no person shall be eligible to hold the office of port commissioner unless he or she is a qualified voter of the district. In all other port districts ((except those located in a class AA county)) the person must be a qualified voter of the commissioner district from which he or she is elected.

If, pursuant to RCW 29.21.350, a void in candidacy has been declared for a port district, any registered voter of the port district is eligible to file a declaration of candidacy for the office of port commissioner when filing for the office is reopened pursuant to RCW 29.21.360 or 29.21.370.

Sec. 90. RCW 53.12.035 and 1965 c 51 s 3 are each amended to read as follows:

~~((All candidates for district offices in port districts of class AA and class A counties shall file their declarations of candidacy with the county auditor of the county as set forth in RCW 29.21.060, as now or hereafter amended and in the same manner as candidates for county offices. In port districts located in a class AA county the declaration may be for any numbered port commissioner position to be open in the next port district election.))~~ In port districts ((with five commissioners in existence on July 1, 1965)) that transition from a three-member board to a five-member board, the respective numbered port commissioner positions shall correspond to the numbers of the county ((commissioner)) legislative authority districts from which the three original commissioners in the port districts were elected, ((with the central district being numbered one)) if the county had a three-member county legislative authority, and with positions four and five being assigned to the original at large commissioner positions for which the first incumbents received, respectively, the greater and lesser number of votes cast.

~~((In all port districts in a class AA county, with three port commissioners there shall be three positions denominated positions one, two and three, and declarations of candidacy shall be for a specific position. Where a proposition for an increased~~

~~number of port commissioners is on the ballot under RCW 53.12.120 and RCW 53.12.130, the two additional positions shall be denominated positions four and five, and candidates for the positions thus proposed to be created shall file declarations of candidacy for a specific position.)~~

Each candidate for a port commissioner position, including the initial port commissioner positions, shall file a declaration of candidacy for a specific position, whether or not the position is associated with a commissioner district.

Sec. 91. RCW 53.12.035 and 1990 c 59 s 108 are each amended to read as follows:

~~((All candidates for district offices in port districts of class AA and class A counties shall file their declarations of candidacy with the county auditor of the county as set forth in Title 29 RCW, as now or hereafter amended and in the same manner as candidates for county offices. In port districts located in a class AA county the declaration may be for any numbered port commissioner position to be open in the next port district election.))~~ In port districts ~~((with five commissioners in existence on July 1, 1965,))~~ that transition from a three-member board to a five-member board the respective numbered port commissioner positions shall correspond to the numbers of the county ~~((commissioner))~~ legislative authority districts from which the three original commissioners in the port districts were elected, ~~((with the central district being numbered one))~~ if the county had a three-member county legislative authority, and with positions four and five being assigned to the original at large commissioner positions for which the first incumbents received, respectively, the greater and lesser number of votes cast.

~~((In all port districts in a class AA county, with three port commissioners there shall be three positions denominated positions one, two and three, and declarations of candidacy shall be for a specific position. Where a proposition for an increased number of port commissioners is on the ballot under RCW 53.12.120 and RCW 53.12.130, the two additional positions shall be denominated positions four and five, and candidates for the positions thus proposed to be created shall file declarations of candidacy for a specific position.))~~

Each candidate for a port commissioner position, including the initial port commissioner positions, shall file a declaration of candidacy for a specific position, whether or not the position is associated with a commissioner district.

Sec. 92. RCW 53.25.100 and 1955 c 73 s 10 are each amended to read as follows:

All port districts wherein industrial development districts have been established are authorized and empowered to acquire by purchase or condemnation or both, all lands, property and property rights necessary for the purpose of the development and improvement of such industrial development district and to exercise the right of eminent domain in the acquirement or damaging of all lands, property and property rights and the levying and collecting of assessments upon property for the payment of all damages and compensation in carrying out the provisions for which said industrial development district has been created; to develop and improve the lands within such industrial development district to make the same suitable and available for industrial uses and purposes; to dredge, bulkhead, fill, grade, and protect such property; to provide, maintain, and operate water, light, power and fire protection facilities and services, streets, roads, bridges, highways, waterways, tracks, and rail and water transfer and terminal facilities and other harbor and industrial improvements; to execute leases of such lands or property or any part thereof; to establish local improvement districts within such industrial development districts which may, but need not, be coextensive with the boundaries thereof, and to levy special assessments, under the mode of annual installments, over a period not exceeding ten years, on all property specially benefited by any local improvement, on the basis of special benefits, to pay in whole or in part the damages or costs of any improvement ordered in such local improvement district;

to issue local improvement bonds in any such local improvement district; to be repaid by the collection of local improvement assessments; and generally to exercise with respect to and within such industrial development districts all the powers now or hereafter conferred by law upon port districts in counties ~~((of the first class))~~ with a population of one hundred twenty-five thousand or more: PROVIDED, That the exercise of powers hereby authorized and granted shall be in the manner now and hereafter provided by the laws of the state for the exercise of such powers by port districts under the general laws relating thereto insofar as the same shall not be inconsistent with this chapter.

Sec. 93. RCW 53.31.020 and 1986 c 276 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Port district" means any port district other than a county-wide port district in a ~~((class A or AA))~~ county with a population of two hundred ten thousand or more, established under Title 53 RCW.

(2) "Export services" means the following services when provided in order to facilitate the export of goods or services through Washington ports: International market research, promotion, consulting, marketing, legal assistance, trade documentation, communication and processing of foreign orders to and for exporters and foreign purchasers, financing, and contracting or arranging for transportation, insurance, warehousing, foreign exchange, and freight forwarding.

(3) "Export trading company" means an entity created by a port district under RCW 53.31.040.

(4) "Obligations" means bonds, notes, securities, or other obligations or evidences of indebtedness.

(5) "Person" means any natural person, firm, partnership, association, private or public corporation, or governmental entity.

Sec. 94. RCW 53.49.010 and 1943 c 282 s 1 are each amended to read as follows:

Whenever any port district located in any county ~~((of the sixth class))~~ with a population of from eight thousand to less than twelve thousand shall be dissolved and disestablished or is about to be dissolved and disestablished and any sums of money remain in any of its funds, the port commissioners are authorized and directed to apply by petition, which may be filed without fee, to the superior court of such county for an order authorizing the transfer of such funds to the school district fund or if there be more than one such district, the school district funds of all districts, which are located within the boundaries of such port district.

Sec. 95. RCW 54.16.180 and 1977 ex.s. c 31 s 1 are each amended to read as follows:

A district may sell and convey, lease, or otherwise dispose of all or any part of its works, plants, systems, utilities and properties, after proceedings and approval by the voters of the district, as provided for the lease or disposition of like properties and facilities owned by cities and towns: PROVIDED, That the affirmative vote of three-fifths of the voters voting at an election on the question of approval of a proposed sale, shall be necessary to authorize such sale: PROVIDED FURTHER, That a district may sell, convey, lease or otherwise dispose of all or any part of the property owned by it, located outside its boundaries, to another public utility district, city, town or other municipal corporation without the approval of the voters; or may sell, convey, lease, or otherwise dispose of to any person or public body, any part, either within or without its boundaries, which has become unserviceable, inadequate, obsolete, worn out or unfit to be used in the operations of the system and which is no longer necessary, material to, and useful in such operations, without the approval of the voters: PROVIDED FURTHER, That a public utility district located within a county ~~((of the first class))~~

with a population of from one hundred twenty-five thousand to less than two hundred ten thousand may sell and convey to a city of the first class, which owns its own water system, all or any part of a water system owned by said public utility district where a portion of it is located within the boundaries of such city, without approval of the voters upon such terms and conditions as the district shall determine: PROVIDED FURTHER, That a public utility district located in a (~~(fifth class)~~) county with a population of from twelve thousand to less than eighteen thousand and bordered by the Columbia river may, separately or in connection with the operation of a water system, or as part of a plan for acquiring or constructing and operating a water system, or in connection with the creation of another or subsidiary local utility district, may provide for the acquisition or construction, additions or improvements to, or extensions of, and operation of a sewage system within the same service area as in the judgment of the district commission is necessary or advisable in order to eliminate or avoid any existing or potential danger to the public health by reason of the lack of sewerage facilities or by reason of the inadequacy of existing facilities: AND PROVIDED FURTHER, That a public utility district located within a county (~~(of the first class)~~) with a population of from one hundred twenty-five thousand to less than two hundred ten thousand bordering on Puget Sound may sell and convey to any city of the third class or town all or any part of a water system owned by said public utility district without approval of the voters upon such terms and conditions as the district shall determine. Public utility districts are municipal corporations for the purposes of this section and the commission shall be held to be the legislative body and the president and secretary shall have the same powers and perform the same duties as the mayor and city clerk and the resolutions of the districts shall be held to be ordinances within the meaning of the statutes governing the sale, lease, or other disposal of public utilities owned by cities and towns.

Sec. 96. RCW 56.04.120 and 1979 c 35 s 1 are each amended to read as follows:

(1) On and after March 16, 1979, any sewerage improvement districts created under Title 85 RCW and located in (~~(third class counties)~~) a county with a population of from forty thousand to less than seventy thousand shall become sewer districts and shall be operated, maintained, and have the same powers as sewer districts created under Title 56 RCW, upon being so ordered by the (~~(board of)~~) county (~~(commissioners)~~) legislative authority of the county in which such district is located after a hearing of which notice is given by publication in a newspaper of general circulation within the district and mailed to any known creditors, holders of contracts and obligees at least thirty days prior to such hearing. After such hearing if the (~~(board of)~~) county (~~(commissioners)~~) legislative authority finds the converting of such district to be in the best interest of that district, it shall order that such sewer improvement district shall become a sewer district and fix the date of such conversion. All debts, contracts and obligations created while attempting to organize or operate a sewerage improvement district and all other financial obligations and powers of the district to satisfy such obligations established under Title 85 RCW are legal and valid until they are fully satisfied or discharged under Title 85 RCW.

(2) The board of supervisors of a sewerage improvement district in a (~~(third class)~~) county with a population of from forty thousand to less than seventy thousand shall act as the board of commissioners of the sewer district created under subsection (1) of this section until other members of the board of commissioners of the sewer district are elected and qualified. There shall be an election on the same date as the 1979 state general election and the seats of all three members of the governing authority of every entity which was previously known as a sewerage improvement district in a (~~(third class)~~) county with a population of from forty thousand to less than seventy thousand shall be up for election. The election shall be held in the manner provided for in RCW 56.12.020 for the election of the first board of commissioners of

a sewer district. Thereafter, the terms of office of the members of the governing body shall be determined under RCW 56.12.020.

Sec. 97. RCW 57.90.010 and 1979 ex.s. c 30 s 11 are each amended to read as follows:

Water, sewer, park and recreation, metropolitan park, county rural library, cemetery, flood control, mosquito control, diking and drainage, irrigation or reclamation, weed, health, or fire protection districts, and any air pollution control authority, hereinafter referred to as "special districts", which are located wholly or in part within a ~~((class AA or A))~~ county with a population of two hundred ten thousand or more may be disincorporated when the district has not actively carried out any of the special purposes or functions for which it was formed within the preceding consecutive five year period.

Sec. 98. RCW 67.28.090 and 1967 c 236 s 2 are each amended to read as follows:

There is created a stadium commission to consist of six members to be selected as follows:

The governor shall appoint a ~~((chairman))~~ chair and one other member of the commission.

Any ~~((class AA county, class A county, or first class))~~ county with a population of one hundred twenty-five thousand or more may within ninety days following June 8, 1967 submit to the governor a request that the commission conduct a study and investigation as provided in RCW 67.28.100 relative to the construction of a stadium within such county. Such request shall be supported by plans and other relevant information.

Within two weeks of the end of the ninety-day period, the governor and/or the two members of the commission appointed by him or her shall meet and consider any such requests, and shall accept that request which in their sole discretion appears to present the most feasible plan.

Thereupon, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of the county whose request is accepted shall select two members from its body as members of the commission, and the mayor of the city having the largest population in such county shall appoint two members from such city's legislative body to the commission.

The commission shall meet at such time or times as may be designated either by the governor or by the ~~((chairman))~~ chair of the board, and shall serve without compensation. They shall receive, for time spent on the commission, per diem and mileage allowances in conformity with the amounts allowed for legislators under the provisions of RCW 44.04.120.

Sec. 99. RCW 67.28.180 and 1987 c 483 s 1 are each amended to read as follows:

(1) Subject to the conditions set forth in subsections (2) and (3) of this section, the legislative body of any county or any city, is authorized to levy and collect a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property: PROVIDED, That it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) Any levy authorized by this section shall be subject to the following:

(a) Any county ordinance or resolution adopted pursuant to this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed pursuant to this section upon the same taxable event.

(b) In the event that any county has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal

and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such county shall be exempt from the provisions of ~~((subsection))~~ (a) of this subsection, to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160: PROVIDED, That so much of such pledged tax revenues, together with any investment earnings thereon, not immediately necessary for actual payment of principal and interest on such bonds may be used: (i) In ~~((class AA counties))~~ any county with a population of one million or more, for repayment either of limited tax levy general obligation bonds or of any county fund or account from which a loan was made, the proceeds from the bonds or loan being used to pay for constructing, installing, improving, and equipping stadium capital improvement projects, and to pay for any engineering, planning, financial, legal and professional services incident to the development of such stadium capital improvement projects, regardless of the date the debt for such capital improvement projects was or may be incurred; or (ii) in ~~((counties))~~ other ~~((than class AA))~~ counties, for county-owned facilities for agricultural promotion.

As used in this subsection (2)(b), "capital improvement projects" may include, but not be limited to a stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto. The stadium restaurant authorized by this subsection (2)(b) shall be operated by a private concessionaire under a contract with the county.

(c) No city within a county exempt under subsection (2)(b) of this section may levy the tax authorized by this section so long as said county is so exempt: PROVIDED, That in the event that any city in such county has levied the tax authorized by this section and has, prior to June 26, 1975, authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such city may levy the tax so long as and to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued pursuant to the provisions of RCW 67.28.150 through 67.28.160.

(3) Any levy authorized by this section by a county that has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160 shall be subject to the following:

(a) Taxes collected under this section in any calendar year in excess of five million three hundred thousand dollars shall only be used for art museums, cultural museums, the arts, and/or the performing arts.

(b) No taxes collected under this section may be used for the operation or maintenance of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged. Expenditures for operation or maintenance include all expenditures other than expenditures that directly result in new fixed assets or that directly increase the capacity, life span, or operating economy of existing fixed assets.

(c) No ad valorem property taxes may be used for debt service on bonds issued for a public stadium that is financed by bonds to which the tax is pledged, unless the taxes collected under this section are or are projected to be insufficient to meet debt service requirements on such bonds.

(d) If a substantial part of the operation and management of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged is performed by a nonpublic entity or if a public stadium is sold that is financed directly or indirectly

by bonds to which the tax is pledged, any bonds to which the tax is pledged shall be retired.

(e) The county shall not lease a public stadium that is financed directly or indirectly by bonds to which the tax is pledged to, or authorize the use of the public stadium by, a professional major league sports franchise unless the sports franchise gives the right of first refusal to purchase the sports franchise, upon its sale, to local government. This subsection (3)(e) does not apply to contracts in existence on April 1, 1986.

If a court of competent jurisdiction declares any provision of this subsection (3) invalid, then that invalid provision shall be null and void and the remainder of this section is not affected.

Sec. 100. RCW 67.28.240 and 1988 ex.s. c 1 s 21 are each amended to read as follows:

(1) The legislative body of a county that qualified under RCW 67.28.180(2)(b) other than a ~~((class AA))~~ county with a population of one million or more and the legislative bodies of cities in the qualifying county are each authorized to levy and collect a special excise tax of two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) No city may impose the special excise tax authorized in subsection (1) of this section during the time the city is imposing the tax under RCW 67.28.180, and no county may impose the special excise tax authorized in subsection (1) of this section until such time as those cities within the county containing at least one-half of the total incorporated population have imposed the tax.

(3) Any county ordinance or resolution adopted under this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed under this section upon the same taxable event.

(4) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over such tax to the county or city as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to taxes imposed under this section.

Sec. 101. RCW 70.46.030 and 1969 ex.s. c 70 s 1 are each amended to read as follows:

A health district to consist of one county only and including all cities and towns therein except cities having a population of over one hundred thousand may be created whenever the ~~((board of county commissioners))~~ county legislative authority of the county shall pass a resolution to organize such a health district under chapter 70.05 RCW and RCW 70.46.020 through 70.46.090. The district board of health of such district shall consist of not less than five members, including the three members of the ~~((board of county commissioners))~~ county legislative authority of the county: PROVIDED, That if such health district consists of a county ~~((of the second class))~~ with a population of from seventy thousand to less than one hundred twenty-five thousand, the district board of health shall consist of not less than six members, including the three members of the ~~((board of county commissioners))~~ county legislative authority of the county and one person who is a qualified voter of an unincorporated rural area of the county and who is appointed by the legislative authority of the county. The remaining members shall be representatives of the cities and towns in the district selected by mutual agreement of the legislative bodies of the cities and towns

concerned from their membership, taking into consideration the respective populations and financial contributions of such cities and towns.

At the first meeting of a district board of health, the members shall elect a chairman to serve for a period of one year.

Sec. 102. RCW 70.54.180 and 1979 ex.s. c 63 s 2 are each amended to read as follows:

(1) For the purpose of this section "telecommunication device" means an instrument for telecommunication in which speaking or hearing is not required for communicators.

(2) The county legislative authority of each (~~fourth class or larger~~) county with a population of eighteen thousand or more and the governing body of each city with a population in excess of ten thousand shall provide by July 1, 1980, for a telecommunication device in their jurisdiction or through a central dispatch office that will assure access to police, fire, or other emergency services.

(3) The county legislative authority of each (~~fifth class or smaller~~) county with a population of eighteen thousand or less shall by July 1, 1980, make a determination of whether sufficient need exists with their respective counties to require installation of a telecommunication device. Reconsideration of such determination will be made at any future date when a deaf individual indicates a need for such an instrument.

Sec. 103. RCW 70.94.053 and 1987 c 505 s 60 and 1987 c 109 s 34 are each reenacted and amended to read as follows:

(1) In each county of the state there is hereby created an air pollution control authority, which shall bear the name of the county within which it is located. The boundaries of each authority shall be coextensive with the boundaries of the county within which it is located. An authority shall include all incorporated and unincorporated areas of the county within which it is located.

(2) All authorities which are presently or may hereafter be within counties (~~of the first class, class A or class AA~~) with populations of one hundred twenty-five thousand or more are hereby designated as activated authorities and shall carry out the duties and exercise the powers provided in this chapter. Those authorities hereby activated which encompass contiguous counties located in one or the other of the two major areas determined in RCW 70.94.011 are declared to be and directed to function as a multicounty authority.

(3) Except as provided in RCW 70.94.232, all other air pollution control authorities are hereby designated as inactive authorities.

(4) The boards of those authorities designated as activated authorities by this chapter shall be comprised of such appointees and/or members of county (~~commissioners~~) legislative authorities or other officers as is provided in RCW 70.94.100. The first meeting of the boards of those authorities designated as activated authorities by this chapter shall be on or before sixty days after June 8, 1967.

(5) The department is directed to conduct the necessary evaluations and delineate appropriate air pollution regions throughout the state, taking into consideration:

(a) The natural climatic and topographic features affecting the potential for buildup of air contaminant concentrations.

(b) The degree of urbanization and industrialization and the existence of activities which are likely to cause air pollution.

(c) The county boundaries as related to the air pollution regions and the practicality of administering air pollution control programs.

Sec. 104. RCW 70.94.055 and 1967 c 238 s 5 are each amended to read as follows:

The (~~board of~~) county (~~commissioners~~) legislative authority of any county (~~other than a first class, class A or class AA county~~) with a population of less than one hundred twenty-five thousand may activate an air pollution control authority following a public hearing on its own motion, or upon a filing of a petition signed by

one hundred property owners within the county. If the ~~((board of))~~ county ~~((commissioners))~~ legislative authority determines as a result of the public hearing that:

(1) Air pollution exists or is likely to occur; and

(2) The city or town ordinances or county resolutions, or their enforcement, are inadequate to prevent or control air pollution, ~~((they))~~ it shall by resolution activate an air pollution control authority or combine with a contiguous county or counties to form a multicounty air pollution control authority.

Sec. 105. RCW 70.142.040 and 1984 c 187 s 3 are each amended to read as follows:

Each local health department serving a county ~~((of the first class or larger))~~ with a population of one hundred twenty-five thousand or more may establish water quality standards for its jurisdiction more stringent than standards established by the state board of health. Each local health department establishing such standards shall base the standards on the best available scientific information.

Sec. 106. RCW 71.05.135 and 1989 c 174 s 1 are each amended to read as follows:

In ~~((class A counties and counties of the first through ninth classes))~~ each county with a population of less than one million, the superior court may appoint the following persons to assist the superior court in disposing of its business: PROVIDED, That such positions may not be created without prior consent of the county legislative authority:

(1) One or more attorneys to act as mental health commissioners; and

(2) Such investigators, stenographers, and clerks as the court shall find necessary to carry on the work of the mental health commissioners.

The appointments provided for in this section shall be made by a majority vote of the judges of the superior court of the county and may be in addition to all other appointments of commissioners and other judicial attaches otherwise authorized by law. Mental health commissioners and investigators shall serve at the pleasure of the judges appointing them and shall receive such compensation as the county legislative authority shall determine. The appointments may be full or part-time positions. A person appointed as a mental health commissioner may also be appointed to any other commissioner position authorized by law.

Sec. 107. RCW 71.24.045 and 1989 c 205 s 4 are each amended to read as follows:

The county authority shall:

(1) Submit biennial needs assessments beginning January 1, 1983, and mental health service plans which incorporate all services provided for by the county authority consistent with state minimum standards and which provide access to treatment for the county's residents including children and other underserved populations who are acutely mentally ill, chronically mentally ill, or seriously disturbed. The county program shall provide:

(a) Outpatient services;

(b) Emergency care services for twenty-four hours per day;

(c) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(d) Screening for patients being considered for admission to state mental health facilities to determine appropriateness of admission;

(e) Consultation and education services;

(f) Residential and inpatient services, if the county chooses to provide such optional services; and

(g) Community support services.

The county shall develop the biennial needs assessment based on clients to be served, services to be provided, and the cost of those services, and may include input from the public, clients, and licensed service providers. Each county authority may appoint a county mental health advisory board which shall review and provide comments on plans and policies developed by the county authority under this chapter. The composition of the board shall be broadly representative of the demographic character of the county and the mentally ill persons served therein. Length of terms of board members shall be determined by the county authority;

(2) Contract as needed with licensed service providers. The county authority may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(3) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the county authority shall comply with rules promulgated by the secretary that shall provide measurements to determine when a county provided service is more efficient and cost effective.

(4) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the county to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts, including the minimum standards of service delivery as established by the department;

(5) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this chapter;

(6) Maintain patient tracking information in a central location as required for resource management services;

(7) Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155: PROVIDED, That county authorities serving a county or combination of counties whose population is ~~((equal to or greater than that of a county of the first class))~~ one hundred twenty-five thousand or more may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board;

(8) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital.

Sec. 108. RCW 74.20.210 and 1969 ex.s. c 173 s 14 are each amended to read as follows:

The prosecuting attorney of any county except ~~((class AA counties))~~ a county with a population of one million or more may enter into an agreement with the attorney general whereby the duty to initiate petitions for support authorized under the provisions of chapter 26.21 RCW as it is now or hereafter amended (Uniform Reciprocal Enforcement of Support Act) in cases where the petitioner has applied for or is receiving public assistance on behalf of a dependent child or children shall become the duty of the attorney general. Any such agreement may also provide that the attorney general has the duty to represent the petitioner in intercounty proceedings within the state initiated by the attorney general which involve a petition received from another county. Upon the execution of such agreement, the attorney general shall be empowered to exercise any and all powers of the prosecuting attorney in connection with said petitions.

Sec. 109. RCW 76.12.030 and 1988 c 128 s 24 are each amended to read as follows:

If any land acquired by a county through foreclosure of tax liens, or otherwise, comes within the classification of land described in RCW 76.12.020 and can be used as state forest land and if the department deems such land necessary for the purposes of this chapter, the county shall, upon demand by the department, deed such land to the department and the land shall become a part of the state forest lands.

Such land shall be held in trust and administered and protected by the department as other state forest lands. Any moneys derived from the lease of such land or from the sale of forest products, oils, gases, coal, minerals, or fossils therefrom, shall be distributed as follows:

(1) The expense incurred by the state for administration, reforestation, and protection, not to exceed twenty-five percent, which rate of percentage shall be determined by the board of natural resources, shall be returned to the forest development account in the state general fund.

(2) Any balance remaining shall be paid to the county in which the land is located to be paid, distributed, and prorated, except as hereinafter provided, to the various funds in the same manner as general taxes are paid and distributed during the year of payment: PROVIDED, That any such balance remaining paid to a county (~~of the seventh, eighth, or ninth class~~) with a population of less than nine thousand shall first be applied to the reduction of any indebtedness existing in the current expense fund of such county during the year of payment.

Sec. 110. RCW 79.08.170 and 1983 c 3 s 201 are each amended to read as follows:

The duties of the county auditor in (~~class AA and class A counties~~) each county with a population of two hundred ten thousand or more, with regard to sales and leases of the state lands dealt with under Title 79 RCW except RCW 79.01.100, 79.01.104, and 79.94.040, are transferred to the county treasurer.

Sec. 111. RCW 81.100.030 and 1990 c 43 s 14 are each amended to read as follows:

(1) A (~~class AA~~) county with a population of one million or more, or a (~~class A~~) county with a population of from two hundred ten thousand to less than one million that is adjoining a (~~class AA~~) county with a population of one million or more, and having within its boundaries existing or planned high occupancy vehicle lanes on the state highway system, may, with voter approval impose an excise tax of up to two dollars per employee per month on all employers or any class or classes of employers, public and private, including the state located in the agency's jurisdiction, measured by the number of full-time equivalent employees. The county imposing the tax authorized in this section may provide for exemptions from the tax to such educational, cultural, health, charitable, or religious organizations as it deems appropriate.

Counties may contract with the state department of revenue or other appropriate entities for administration and collection of the tax. Such contract shall provide for deduction of an amount for administration and collection expenses.

(2) The tax shall not apply to employment of a person when the employer has paid for at least half of the cost of a transit pass issued by a transit agency for that employee, valid for the period for which the tax would otherwise be owed.

(3) A county shall adopt rules which exempt from all or a portion of the tax any employer that has entered into an agreement with the county that is designed to reduce the proportion of employees who drive in single-occupant vehicles during peak commuting periods in proportion to the degree that the agreement is designed to meet the goals for the employer's location adopted under RCW 81.100.040.

The agreement shall include a list of specific actions that the employer will undertake to be entitled to the exemption. Employers having an exemption from all or part of the tax through this subsection shall annually certify to the county that the

employer is fulfilling the terms of the agreement. The exemption continues as long as the employer is in compliance with the agreement.

If the tax authorized in RCW 81.100.060 is also imposed by the county, the total proceeds from both tax sources each year shall not exceed the maximum amount which could be collected under RCW 81.100.060.

Sec. 112. RCW 81.100.060 and 1990 c 43 s 17 are each amended to read as follows:

A (~~class AA~~) county with a population of one million or more and a (~~class A~~) county with a population of from two hundred ten thousand to less than one million that is adjoining a (~~class AA~~) county with a population of one million or more, having within their boundaries existing or planned high occupancy vehicle lanes on the state highway system may, with voter approval, impose a local surcharge of not more than fifteen percent on the state motor vehicle excise tax paid under RCW 82.44.020(1) on vehicles registered to a person residing within the county. No surcharge may be imposed on vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, 46.16.080, 46.16.085, or 46.16.090.

Counties imposing a tax under this section shall contract, before the effective date of the resolution or ordinance imposing a surcharge, administration and collection to the state department of licensing, which shall deduct an amount, as provided by contract, for administration and collection expenses incurred by the department. All administrative provisions in chapters 82.03, 82.32, and 82.44 RCW shall, insofar as they are applicable to state motor vehicle excise taxes, be applicable to surcharges imposed under this section.

If the tax authorized in RCW 81.100.030 is also imposed by the county, the total proceeds from both tax sources each year shall not exceed the maximum amount which could be collected under this section.

Sec. 113. RCW 81.104.030 and 1990 c 43 s 24 are each amended to read as follows:

(1) In any (~~class A~~) county with a population of from two hundred ten thousand to less than one million that is not bordered by a (~~class AA~~) county with a population of one million or more, and in (~~counties of the first class and smaller~~) each county with a population of less than two hundred ten thousand, city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas may elect to establish high capacity transportation service. Such agencies shall form a regional policy committee with proportional representation based upon population distribution within the designated service area and a representative of the department of transportation.

(a) City-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas participating in joint regional policy committees shall seek voter approval within their own service boundaries of a high capacity transportation system plan and an implementation program including a financing program.

(b) An interim regional authority may be formed pursuant to RCW 81.104.040(2) and shall seek voter approval of a high capacity transportation plan and financing program within its proposed service boundaries.

(2) City-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas in counties adjoining state or international boundaries are authorized to participate in the regional high capacity transportation programs of an adjoining state or nation.

Sec. 114. RCW 81.104.040 and 1990 c 43 s 25 are each amended to read as follows:

(1) Agencies in (~~a class AA~~) each county with a population of one million or more, and in (~~class A counties~~) each county with a population of from two hundred

ten thousand to less than one million bordering a (~~class-AA~~) county with a population of one million or more that are currently authorized to provide high capacity transportation planning and operating services, including but not limited to city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas, must establish through interlocal agreements a joint regional policy committee with proportional representation based upon the population distribution within each agency's designated service area, as determined by the parties to the agreement.

(a) The membership of the joint regional policy committee shall consist of locally elected officials who serve on the legislative authority of the existing transit systems and a representative from the department of transportation. Nonvoting membership for elected officials from adjoining counties may be allowed at the committee's discretion.

(b) The joint regional policy committee shall be responsible for the preparation and adoption of a regional high capacity transportation system plan and an implementation program including a financing package. This plan shall be in conformance with the metropolitan planning organization's regional transportation plan.

(c) Interlocal agreements shall be executed within two years of March 14, 1990. The joint regional policy committee shall present a high capacity transportation plan and local funding program to the boards of directors of the transit agencies within the service area for adoption.

(d) Transit agencies shall present the adopted plan and financing program for voter approval within four years of the execution of the interlocal agreements. A simple majority vote is required for approval of the high capacity transportation plan and financing program in any service district within each county. Implementation of the program may proceed in any service area approving the plan and program.

(2) If interlocal agreements have not been executed within two years from March 14, 1990, the designated metropolitan planning organization shall convene within one hundred eighty days a conference to be attended by an elected representative selected by the legislative authority of each city and county in a (~~class-AA~~) county with a population of one million or more, and in (~~class-A-counties~~) each county with a population of from two hundred ten thousand to less than one million bordering a (~~class-AA~~) county with a population of one million or more.

(a) Public notice of the conference shall occur thirty days before the date of the conference.

(b) The purpose of the conference is to evaluate the need for developing high capacity transportation service in a (~~class-AA~~) county with a population of one million or more and in (~~class-A-counties~~) each county with a population of from two hundred ten thousand to less than one million bordering a (~~class-AA~~) county with a population of one million or more and to determine the desirability of a regional approach to developing such service.

(c) The conference may elect to continue high capacity transportation efforts on a subregional basis through existing transit planning and operating agencies.

(d) The conference may elect to pursue regional development by creating a multicounty interim regional high capacity transportation authority. Conference members shall determine the structure and composition of any interim regional authority.

(i) The interim regional authority shall propose a permanent authority or authorities for voter approval. Permanent regional authorities shall become the responsible agencies for planning, construction, operations, and funding of high capacity transportation systems within their service boundaries. Funding sources for a regional high capacity transportation authority or authorities are separate from currently authorized funding sources for city-owned transit systems, county transportation authorities, metropolitan municipal authorities, or public transportation benefit areas.

(ii) State and local jurisdictions, county transportation authorities, metropolitan municipal corporations, or public transportation benefit areas shall retain responsibility

for existing facilities and/or services, unless the responsibility is transferred to the high capacity transportation authority or authorities by interlocal agreement.

(3) If, within four years of the execution of the interlocal agreements, a high capacity transportation plan and financing program has been approved by a simple majority vote within a participating jurisdiction, that jurisdiction may proceed with high capacity transportation development. If within four years of the execution of the interlocal agreements, a high capacity transportation plan and program has not been approved by a simple majority vote within one or more of the participating jurisdictions, the joint regional policy committee shall convene within one hundred eighty days, a conference to be attended by participating jurisdictions within which a plan and financing program have not been approved. Such a conference shall be for the same purpose and shall be subject to the same conditions as described in subsection (2) of this section.

(4) High capacity transportation service planning, construction, operations, and funding shall be governed through the interlocal agreement process, including but not limited to provision for a cost allocation and distribution formula, service corridors, station area locations, right of way transfers, and feeder transportation systems. The interlocal agreement shall include a mechanism for resolving conflicts among parties to the agreement.

Sec. 115. RCW 81.104.140 and 1990 c 43 s 35 are each amended to read as follows:

(1) Agencies authorized to provide high capacity transportation service, including city-owned transit systems, county transportation authorities, metropolitan municipal corporations and public transportation benefit areas, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in ~~((class AA counties, class A counties, counties of the first class which border another state, and counties which, on March 14, 1990, are of the second class and which adjoin class A counties))~~ each county with a population of two hundred ten thousand or more and each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand, that both borders a county with a population of five hundred thousand or more and has a portion of its common boundary with that county intersected by an interstate highway.

(2) Agencies providing high capacity transportation service should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development through interlocal agreements or a conference-approved interim regional rail authority or subregional process as defined in RCW 81.104.040 are authorized to levy and collect the following voter-approved local option funding sources:

- (a) Employer tax as provided in RCW 81.104.150;
- (b) Special motor vehicle excise tax as provided in RCW 81.104.160; and
- (c) Sales and use tax as provided in RCW 81.104.170.

Revenues from these taxes may be used only to support those purposes prescribed in subsection (8) of this section. Before an agency may impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, and

81.104.170, it must comply with the process prescribed in RCW 81.104.100 and 81.104.110.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of existing transit agencies. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies providing high capacity transportation service may contract with the state for collection and transference of local option revenue.

(7) Dedicated high capacity transportation funding shall be subject to voter approval by a simple majority.

(8) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation, commuter rail, and feeder transportation systems.

Sec. 116. RCW 82.14.045 and 1984 c 112 s 1 and 1983 c 3 s 216 are each reenacted and amended to read as follows:

(1) The legislative body of any city pursuant to RCW 35.92.060, of any county which has created an unincorporated transportation benefit area pursuant to RCW 36.57.100 and 36.57.110, of any public transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090, of any county transportation authority established pursuant to chapter 36.57 RCW, and of any metropolitan municipal corporation within a ((class AA)) county with a population of one million or more pursuant to chapter 35.58 RCW, may, by resolution or ordinance for the sole purpose of providing funds for the operation, maintenance, or capital needs of public transportation systems and in lieu of the excise taxes authorized by RCW 35.95.040, submit an authorizing proposition to the voters or include such authorization in a proposition to perform the function of public transportation and if approved by a majority of persons voting thereon, fix and impose a sales and use tax in accordance with the terms of this chapter: PROVIDED, That no such legislative body shall impose such a sales and use tax without submitting such an authorizing proposition to the voters and obtaining the approval of a majority of persons voting thereon: PROVIDED FURTHER, That where such a proposition is submitted by a county on behalf of an unincorporated transportation benefit area, it shall be voted upon by the voters residing within the boundaries of such unincorporated transportation benefit area and, if approved, the sales and use tax shall be imposed only within such area. Notwithstanding any provisions of this section to the contrary, any county in which a county public transportation plan has been adopted pursuant to RCW 36.57.070 and the voters of such county have authorized the imposition of a sales and use tax pursuant to the provisions of section 10, chapter 167, Laws of 1974 ex. sess., prior to July 1, 1975, shall be authorized to fix and impose a sales and use tax as provided in this section at not to exceed the rate so authorized without additional approval of the voters of such county as otherwise required by this section.

The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such city, public transportation benefit area, county, or metropolitan municipal corporation as the case may be. The rate of such tax shall be one-tenth, two-tenths, three-tenths, four-tenths, five-tenths, or six-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The rate of such tax shall not exceed the rate authorized by the voters unless such increase shall be similarly approved.

(2)(a) In the event a metropolitan municipal corporation shall impose a sales and use tax pursuant to this chapter no city, county which has created an unincorporated transportation benefit area, public transportation benefit area authority, or county transportation authority wholly within such metropolitan municipal corporation shall be empowered to levy and/or collect taxes pursuant to RCW 35.58.273, 35.95.040, and/or 82.14.045, but nothing herein shall prevent such city or county from imposing sales and use taxes pursuant to any other authorization.

(b) In the event a county transportation authority shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, public transportation benefit area, or metropolitan municipal corporation, located within the territory of the authority, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045.

(c) In the event a public transportation benefit area shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, or metropolitan municipal corporation, located wholly or partly within the territory of the public transportation benefit area, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045.

(3) Any local sales and use tax revenue collected pursuant to this section by any city or by any county for transportation purposes pursuant to RCW 36.57.100 and 36.57.110 shall not be counted as locally generated tax revenues for the purposes of apportionment and distribution, in the manner prescribed by chapter 82.44 RCW, of the proceeds of the motor vehicle excise tax authorized pursuant to RCW 35.58.273.

Sec. 117. RCW 82.44.150 and 1990 c 42 s 308 are each amended to read as follows:

(1) The director of licensing shall, on the twenty-fifth day of February, May, August, and November of each year, advise the state treasurer of the total amount of motor vehicle excise taxes remitted to the department during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department shall, from motor vehicle excise taxes deposited in the general fund, under RCW 82.44.110(7), make the following deposits:

(a) To the high capacity transportation account created in RCW 47.78.010, a sum equal to four and five-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax within a ~~((class AA county, or within a class A county contiguous to a class AA county, or within a second class county contiguous to a class A county that is contiguous to a class AA county))~~ county with a population of one million or more, or within a county with a population of from two hundred ten thousand to less than one million bordering

a county with a population of one million or more, or within a county with a population of from one hundred twenty-five thousand to less than two hundred thousand that both borders a county with a population of five hundred thousand or more and has a portion of its common boundary with that county intersected by an interstate highway;

(b) To the central Puget Sound public transportation account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within a ~~((class AA county or within a class A county contiguous to a class AA))~~ county with a population of one million or more and a county with a population of from two hundred thousand to less than one million bordering a county with a population of one million or more, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(b) applies; however, any transfer under this subsection (2)(b) must be greater than zero;

(c) To the public transportation systems account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within counties not described in (b) of this subsection, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(c) applies; however, any transfer under this subsection (2)(c) must be greater than zero; and

(d) To the transportation fund created in RCW 82.44.180, for revenues distributed after June 30, 1991, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent notwithstanding the requirements set forth in subsections (3) through (6) of this section, reduced by an amount equal to distributions made under (a), (b), and (c) of this subsection.

(3) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter.

(4) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (3) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (3) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (3) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(5) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section shall be remitted without legislative appropriation.

(6) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (3) of this section.

Sec. 118. RCW 87.19.020 and 1923 c 161 s 6 are each amended to read as follows:

The notice of election provided for in this chapter shall be given and ~~((said))~~ the election held in all respects in accordance with RCW 87.03.200, except in ~~((first class and class A counties))~~ each county with a population of one hundred twenty-five thousand or more, where the ~~((said))~~ notice and election shall be held in the manner provided by law for such counties.

Sec. 119. RCW 88.32.230 and 1970 ex.s. c 42 s 37 are each amended to read as follows:

Whenever the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of any county ~~((of the first class of this state shall))~~ with a population of one hundred twenty-five thousand or more deems it for the interest of the county to engage in or to aid the United States of America, the state of Washington, or any adjoining county or any city of this state, or any of them, in construction, enlargement, improvement, modification, repair or operation of any harbor, canal, waterway, river channel, slip, dock, wharf, or other public improvement, or any of the same, for the purposes of commerce, navigation, sanitation and drainage, or any thereof, or to acquire or operate wharf sites, dock sites, or other properties, rights or interests, or any thereof, necessary or proper to be acquired or operated for public enjoyment of any such public improvement, and to incur indebtedness to meet the cost thereof and expenses connected therewith, and issue bonds of the county for the payment of such indebtedness, or any thereof, such county is hereby authorized and empowered, by and through its county ~~((commissioners))~~ legislative authority, to engage in or aid in any such public work or works, operation or acquisition, as aforesaid, and to incur indebtedness for such purpose or purposes to an amount, which, together with the then existing indebtedness of such county, shall not exceed two and one-half percent of the

value of the taxable property in said county, as the term "value of the taxable property" is defined in RCW 39.36.015, and to issue the negotiable bonds of the county for all or any of such indebtedness and for the payment thereof, in the manner and form and as provided in (~~sections 1846 to 1851, inclusive, of Ballinger's Annotated Codes and Statutes of Washington~~) chapter 39.46 RCW, and other laws of this state which shall then be in force, and to make part or all of such payment in bonds or in moneys derived from sale or sales thereof, or partly in such bonds and partly in such money: PROVIDED, That (~~said commissioners~~) the county legislative authority shall have first submitted the question of incurring such indebtedness to the voters of the county at a general or special election, and three-fifths of the voters voting upon the question shall have voted in favor of incurring the same.

Sec. 120. RCW 53.31.911 and 1990 c 297 s 23 are each reenacted and amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1995:

- (1) RCW 53.31.010 and 1986 c 276 s 1;
- (2) RCW 53.31.020 and 1991 c ... s 93 (section 93 of this act) & 1986 c 276 s 2;
- (3) RCW 53.31.030 and 1986 c 276 s 3;
- (4) RCW 53.31.040 and 1989 c 11 s 23 & 1986 c 276 s 4;
- (5) RCW 53.31.050 and 1986 c 276 s 5; and
- (6) RCW 53.31.060 and 1986 c 276 s 6.

NEW SECTION. Sec. 121. The following acts or parts of acts are each repealed:

- (1) RCW 29.13.025 and 1990 c 59 s 101, 1979 ex.s. c 126 s 13, & 1965 c 9 s 29.13.025;
- (2) RCW 36.13.010 and 1963 c 4 s 36.13.010;
- (3) RCW 36.13.075 and 1963 c 4 s 36.13.075;
- (4) RCW 36.13.080 and 1963 c 4 s 36.13.080;
- (5) RCW 36.13.090 and 1963 c 4 s 36.13.090;
- (6) RCW 36.93.920 and 1969 ex.s. c 111 s 10;
- (7) RCW 53.12.040 and 1965 c 51 s 4, 1959 c 175 s 2, & 1959 c 17 s 7;
- (8) RCW 53.12.044 and 1963 c 200 s 21, 1959 c 175 s 4, & 1951 c 69 s 3;
- (9) RCW 53.12.055 and 1965 c 51 s 5 & 1959 c 175 s 10;
- (10) RCW 53.12.160 and 1963 c 200 s 19, 1951 c 68 s 1, 1941 c 17 s 1, & 1935 c 133 s 1; and
- (11) RCW 53.12.210 and 1963 c 200 s 20, 1941 c 45 s 1, & 1925 ex.s. c 113 s 1.

NEW SECTION. Sec. 122. (1) Sections 28, 29, 32, and 91 of this act shall take effect July 1, 1992.

(2) Section 46 of this act shall take effect July 1, 1993.

NEW SECTION. Sec. 123. (1) Section 90 of this act shall expire July 1, 1992.

(2) Section 45 of this act shall expire July 1, 1993.

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 1 of the title after "government" strike the remainder of the title and insert "amending RCW 2.32.180, 2.32.280, 3.30.020, 3.38.030, 3.74.940, 7.06.010, 8.04.080, 9.73.220, 13.04.035, 13.04.093, 13.20.010, 13.20.060, 13.70.005, 15.60.170, 19.27.160, 26.12.050, 27.24.062, 27.24.068, 28A.315.450, 28A.315.460, 28A.315.590, 28A.315.600, 28A.315.610, 28A.315.620, 28A.315.630, 29.04.200, 29.13.060, 29.30.060, 29.42.050, 29.42.070, 29.82.060, 35.21.010, 35.21.422, 35.58.040, 35.58.273, 35.81.010, 35.82.285, 36.01.130, 36.13.020, 36.13.100, 36.16.030, 36.16.030, 36.16.032, 36.16.050,

36.17.010, 36.17.020, 36.17.040, 36.24.175, 36.27.060, 36.32.240, 36.33.060, 36.33.065, 36.56.010, 36.57A.020, 36.58.030, 36.58.100, 36.64.060, 36.64.070, 36.69.010, 36.78.020, 36.78.040, 36.79.140, 36.80.010, 36.93.030, 36.93.040, 36.93.051, 36.93.061, 36.93.063, 36.93.100, 36.93.140, 36.95.020, 40.04.100, 41.14.040, 41.14.065, 41.14.070, 41.14.210, 41.28.020, 41.56.030, 42.23.030, 43.99C.045, 53.12.010, 46.09.240, 46.52.100, 47.26.121, 53.12.020, 53.12.035, 53.12.035, 53.25.100, 53.31.020, 53.49.010, 54.16.180, 56.04.120, 57.90.010, 67.28.090, 67.28.180, 67.28.240, 70.46.030, 70.54.180, 70.94.055, 70.142.040, 71.05.135, 71.24.045, 74.20.210, 76.12.030, 79.08.170, 81.100.030, 81.100.060, 81.104.030, 81.104.040, 81.104.140, 82.44.150, 87.19.020, and 88.32.230; reenacting and amending RCW 28A.315.580, 28A.315.670, 28A.315.680, 70.94.053, 82.14.045, and 53.31.911; creating a new section; repealing RCW 53.31.010, 53.31.020, 53.31.030, 53.31.040, 53.31.050, 53.31.060, 29.13.025, 36.13.010, 36.13.075, 36.13.080, 36.13.090, 36.93.920, 53.12.040, 53.12.044, 53.12.055, 53.12.160, and 53.12.210; providing effective dates; and providing expiration dates."

MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1201, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1201, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1201, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Amondson, Anderson, Hayner, Sellar, Skratek - 5.

SUBSTITUTE HOUSE BILL NO. 1201, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 2140 and the pending Committee on Transportation amendment on page 6, line 11, deferred earlier today:

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Transportation amendment on page 6, line 11, to Substitute House Bill No. 2140.

The motion by Senator Madsen carried and the committee amendment was adopted.

MOTIONS

On motion of Senator Madsen, the following Committee on Transportation amendment was not adopted:

On page 7, line 16, after "management" insert "and the legislative evaluation and accountability program committee"

Senator Madsen moved that the following amendment by Senators Madsen, Bluechel, Rinehart and Patterson be adopted:

On page 6, following line 4, insert the following:

"(m) Standard terms, including a standard and uniform definition of maintenance for all capital projects;"

Renumber the remaining subsection consecutively and correct internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Madsen, Bluechel, Rinehart and Patterson on page 6, following line 4, to Substitute House Bill No. 2140.

The motion by Senator Madsen carried and the amendment was adopted.

MOTION

On motion of Senator Madsen, the rules were suspended, Substitute House Bill No. 2140, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Linda Smith, Senator Saling was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2140, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2140, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Excused: Senators Amondson, Anderson, Hayner, Saling, Sellar, Skratek - 6.

SUBSTITUTE HOUSE BILL NO. 2140, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1208, by House Committee on Human Services (originally sponsored by Representatives Belcher, Hargrove, Jones, Beck, Winsley, Nealey, R. King and Haugen) (by request of Department of Corrections)

Authorizing an interstate forest fire suppression compact.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1208 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1208.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1208 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senator Erwin - 1.

Excused: Senators Amondson, Saling, Sellar, Skratek - 4.

SUBSTITUTE HOUSE BILL NO. 1208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1263, by Representatives Peery, Cole, Dorn and Holland

Eliminating the citizenship requirement for teachers.

The bill was read the second time.

MOTIONS

On motion of Senator Bailey, the following Committee on Education amendment was adopted:

On page 1, after line 12, insert a new section as follows:

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On motion of Senator Bailey, the following title amendment was adopted:

On line 2 of the title, before "repealing" strike "and" and before the period insert "; and declaring an emergency"

MOTION

On motion of Senator Bailey, the rules were suspended, House Bill No. 1263, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1263, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1263, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 40.

Voting nay: Senators Cantu, Johnson, McCaslin, Roach, Stratton, West - 6.

Excused: Senators Saling, Sellar, Skratek - 3.

HOUSE BILL NO. 1263, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senators Amondson and Hayner were excused.

SECOND READING

HOUSE BILL NO. 1264, by Representatives Peery, Brough, G. Fisher, Vance, Rasmussen, Brumsickle, Roland, Valle, Phillips, Cole, P. Johnson, Jones, Holland, Neher, Broback, Paris, Betrozoff and Basich

Making technical changes to the education code.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, House Bill No. 1264 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bailey, all of these changes that we are making, will they have a chance to get acquainted with the vast school population out there--will they have a chance to get acquainted with these changes, so that they can be operative?"

Senator Bailey: "Yes, as we consider them now, they may be obsolete, but I just wanted to alert the Senate that if we deregulate education in House Bill No. 1023 or Senate Bill No. 5119, that we may take another look at some of these changes we make."

Senator Rasmussen: "This doesn't have an emergency clause, so they can't start working on them until ninety days from now. Do you think that they will be able to handle that?"

Senator Bailey: "I think we can handle it, yes."

Senator Rasmussen: "What has me wondering is that growth management that we passed--2929--we are getting letters in from the counties now that say please don't unload anymore on us; we haven't found out what they did to us last time. I am wondering about the education deal the same way."

Senator Bailey: "I think we are o.k. on this one."

Senator Rasmussen: "You think we are?"

Senator Bailey: "However, you have my word that we will keep you abreast of changes as they are being made."

Senator Rasmussen: "I bought a suit from that fellow last time that was on my word."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1264.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1264 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Absent: Senator McDonald - 1.

Excused: Senators Amondson, Hayner, Saling, Sellar, Skratek - 5.

HOUSE BILL NO. 1264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

TO: Gordon Golob, Secretary of the Senate
 FROM: Senator Dean Sutherland, 17th District
 SUBJECT: April 11, 1991 Roll Calls

On April 11, 1991, I was absent for the vote on final passage of Substitute House Bill No. 1265; and I was excused on the following: final passage of Substitute House Bill No. 1274; final passage of Engrossed House Bill No. 1277, as amended by the Senate. For the record, I would like to indicate that I would have voted 'yes' on these.

I missed all of the above votes, because of prior commitments to meet with my constituents at public meetings in Clark County.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1265, by House Committee on Local Government (originally sponsored by Representatives Valle, Heavey and Scott)

Restricting subdivision alterations that diminish dedications.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1265 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1265.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1265 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, A. Smith, L. Smith, Snyder, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 42.

Absent: Senators Madsen, Sutherland - 2.

Excused: Senators Amondson, Hayner, Saling, Sellar, Skratek - 5.

SUBSTITUTE HOUSE BILL NO. 1265, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Murray, Senators Madsen and Sutherland were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1274, by House Committee on Transportation (originally sponsored by Representatives R. Fisher and Schmidt)

Adjusting provisions relating to street utilities.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1274 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1274.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1274 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 1; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, A. Smith, L. Smith, Snyder, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 41.

Voting nay: Senator Rasmussen - 1.

Excused: Senators Amondson, Hayner, Madsen, Saling, Sellar, Skratek, Sutherland - 7.

SUBSTITUTE HOUSE BILL NO. 1274, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Murray, Senator Wojahn was excused.

On motion of Senator Linda Smith, Senator Metcalf was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1277, by Representatives Grant, May, H. Myers, Hochstatter, Paris and Jacobsen (by request of Washington State Energy Office)

Continuing the geothermal account ten additional years.

The bill was read the second time.

MOTIONS

On motion of Senator Thorsness, the following Committee on Energy and Utilities amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.140.900 and 1981 c 158 s 8 are each amended to read as follows:

This chapter shall terminate on June 30, ((1991)) 2001.

Sec. 2. RCW 28A.515.320 and 1981 c 158 s 6 are each amended to read as follows:

The common school construction fund is to be used exclusively for the purpose of financing the construction of facilities for the common schools. The sources of said fund shall be: (1) Those proceeds derived from sale or appropriation of timber and other crops from school and state land subsequent to June 30, 1965, other than those granted for specific purposes; (2) the interest accruing on the permanent common school fund from and after July 2, 1967, together with all rentals and other revenue derived therefrom and from land and other property devoted to the permanent common school fund from and after July 1, 1967; (3) all moneys received by the state from the United States under the provisions of section 191, Title 30, United States Code, Annotated, and under section 810, chapter 12, Title 16, (Conservation), United States Code, Annotated, except moneys received before June 30, ((1991)) 2001, and when thirty megawatts of geothermal power is certified as commercially available by the receiving utilities and the state energy office, eighty percent of such moneys, under the Geothermal Steam Act of 1970 pursuant to RCW 43.140.030; and (4) such other sources as the legislature may direct. That portion of the common school construction fund derived from interest on the permanent common school fund may be used to retire such bonds as may be authorized by law for the purpose of financing the construction of facilities for the common schools.

The interest accruing on the permanent common school fund together with all rentals and other revenues accruing thereto pursuant to subsection (2) of this section prior to July 1, 1967, shall be exclusively applied to the current use of the common schools.

To the extent that the moneys in the common school construction fund are in excess of the amount necessary to allow fulfillment of the purpose of said fund, the excess shall be available for deposit to the credit of the permanent common school fund or available for the current use of the common schools, as the legislature may direct. Any money from the common school construction fund which is made available for the current use of the common schools shall be restored to the fund by appropriation, including interest income foregone, before the end of the next fiscal biennium following such use.

NEW SECTION. **Sec. 3.** A new section is added to chapter 79.12 RCW to read as follows:

In an effort to increase potential revenue to the geothermal account, the department of natural resources shall, by December 1, 1991, adopt rules providing guidelines and procedures for leasing state-owned land for the development of geothermal resources.

On motion of Senator Thorsness, the following title amendment was adopted:

On page 1, line 1 of the title, after "account;" strike the remainder of the title and insert "amending RCW 43.140.900 and 28A.515.320; and adding a new section to chapter 79.12 RCW."

MOTION

On motion of Senator Thorsness, the rules were suspended, Engrossed House Bill No. 1277, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1277, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1277, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, A. Smith, L. Smith, Snyder, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 40.

Excused: Senators Amondson, Hayner, Madsen, Metcalf, Saling, Sellar, Skratek, Sutherland, Wojahn - 9.

ENGROSSED HOUSE BILL NO. 1277, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Bluechel assumed the Chair.

MOTION

At 5:01 p.m., on motion of Senator Newhouse, the Senate adjourned until 1:00 p.m., Friday, April 12, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

EIGHTY-NINTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Friday, April 12, 1991

The Senate was called to order at 1:00 p.m. by President Pro Tempore Craswell. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Barr, Erwin, Johnson, Moore, Owen, Pelz, Sellar, Skratek, von Reichbauer and West. On motion of Senator Anderson, Senators Barr, Erwin, Johnson, Sellar, von Reichbauer and West were excused. On motion of Senator Bauer, Senators Moore, Owen, Pelz and Skratek were excused.

The Sergeant at Arms Color Guard, consisting of Pages Chad See and Carl See, presented the Colors. Reverend Jim Todd, pastor of the Sunrise Church of God of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

April 11, 1991

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5036,

SUBSTITUTE SENATE BILL NO. 5090,

SENATE BILL NO. 5103,

SUBSTITUTE SENATE BILL NO. 5106,

SENATE BILL NO. 5219,

SUBSTITUTE SENATE BILL NO. 5276,

SUBSTITUTE SENATE BILL NO. 5357,

SUBSTITUTE SENATE BILL NO. 5383,

SUBSTITUTE SENATE BILL NO. 5796,

SENATE JOINT MEMORIAL NO. 8009,

SENATE JOINT RESOLUTION NO. 8203, and the same are herewith

transmitted.

ALAN THOMPSON, Chief Clerk

April 11, 1991

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5003,
SECOND SUBSTITUTE SENATE BILL NO. 5124,
SUBSTITUTE SENATE BILL NO. 5322,

SENATE BILL NO. 5391,

SENATE BILL NO. 5434,

SUBSTITUTE SENATE BILL NO. 5450,

SUBSTITUTE SENATE BILL NO. 5577,

SUBSTITUTE SENATE BILL NO. 5645,

SUBSTITUTE SENATE BILL NO. 5762,

SENATE JOINT MEMORIAL NO. 8000, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President has signed:

SUBSTITUTE SENATE BILL NO. 5003,
SECOND SUBSTITUTE SENATE BILL NO. 5124,
SUBSTITUTE SENATE BILL NO. 5322,

SENATE BILL NO. 5391,

SENATE BILL NO. 5434,

SUBSTITUTE SENATE BILL NO. 5450,

SUBSTITUTE SENATE BILL NO. 5577,

SUBSTITUTE SENATE BILL NO. 5645,

SUBSTITUTE SENATE BILL NO. 5762,

SENATE JOINT MEMORIAL NO. 8000.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Thorsness, Gubernatorial Appointment No. 9147, Sharon Nelson, as Chair of the Utilities and Transportation Commission, was confirmed.

APPOINTMENT OF SHARON NELSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, Williams, Wojahn - 39.

Excused: Senators Barr, Erwin, Johnson, Moore, Owen, Pelz, Sellar, Skratek, von Reichbauer, West - 10.

SECOND READING

HOUSE BILL NO. 1312, by Representatives Wang, McLean and Anderson

Changing requirements for special campaign reports.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 1312 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1312.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1312 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Moore, Owen, Sellar, Skratek - 4.

HOUSE BILL NO. 1312, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1352, by Representatives Jones, Vance, Cole, Wynne, Moyer, Miller, Paris, Ballard, May, Basich, Forner and Silver (by request of Department of Labor and Industries)

Making confidential certain information acquired by the department of labor and industries.

The bill was read the second time.

MOTIONS

On motion of Senator Anderson, the following amendment by Senators Anderson and McMullen was adopted:

On page 4, line 11, after "their" insert "collective bargaining" and after "review." insert "Employers may satisfy the availability requirement by requesting a copy of the reports from the department."

On motion of Senator Matson, the rules were suspended, Engrossed House Bill No. 1352, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1352, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1352, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Owen, Sellar, Skratek - 3.

ENGROSSED HOUSE BILL NO. 1352, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1371, by Representatives Hargrove, Winsley, Prentice, Morris, Tate, Riley, Leonard, H. Myers, D. Sommers, Wynne, Moyer, Miller and May (by request of Department of Corrections)

Modifying probation assessment provisions.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 1371 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1371.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1371 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senator Matson - 1.

Excused: Senators Owen, Sellar, Skratek - 3.

HOUSE BILL NO. 1371, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1372, by Representatives Hargrove, Winsley, Prentice, Morris, Tate, Riley, Leonard and H. Myers (by request of Department of Corrections)

Repealing the interstate parole and probation hearing procedures act.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 1372 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1372.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1372 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Owen, Sellar, Skratek - 3.

HOUSE BILL NO. 1372, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1377, by Representatives Peery, Cole, G. Fisher, Betrozoff, Miller and Jacobsen (by request of Board of Health)

Revising provisions for the screen program for scoliosis.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, House Bill No. 1377 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1377.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1377 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Owen, Sellar, Skratek - 3.

HOUSE BILL NO. 1377, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1431, by Representatives R. Fisher, R. Meyers and Betrozoff

Updating the Model Traffic Ordinance.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 1431 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1431.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1431 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Owen, Sellar, Skratek - 3.

HOUSE BILL NO. 1431, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:43 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 2:33 p.m. by President Pro Tempore Craswell.

MOTION

On motion of Senator Anderson, Senator Amondson was excused.

SECOND READING

HOUSE BILL NO. 1458, by Representatives Ludwig, Heavey, Lisk and Franklin (by request of Department of Licensing)

Ending dual registration requirements for limousine charter party carriers.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Bill No. 1458 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1458.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1458 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senator Vognild - 1.

Excused: Senators Amondson, Owen, Sellar, Skratek - 4.

HOUSE BILL NO. 1458, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1467, by Representatives R. Meyers, Padden, Paris, Tate, Mielke, Broback, Forner, Vance, May, Brough, Winsley, D. Sommers, Mitchell and Roland

Increasing the number of district judges.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Law and Justice amendment was adopted:

On page 1, line 11, after "Pacific," strike "three" and insert "~~((three))~~ two"

On motion of Senator Nelson, the rules were suspended, House Bill No. 1467, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1467, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1467, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Amondson, Owen, Sellar, Skratek - 4.

HOUSE BILL NO. 1467, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Bluechel assumed the Chair.

SECOND READING

HOUSE BILL NO. 1480, by Representatives R. Meyers, Mielke, Heavey, Broback, Zellinsky and Paris

Allowing reciprocal insurer to affect title to real property.

The bill was read the second time.

MOTION

On motion of Senator von Reichbauer, the rules were suspended, House Bill No. 1480 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1480.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1480 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Owen, Sellar, Skratek - 3.

HOUSE BILL NO. 1480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Anderson, Senator Hayner was excused.

On motion of Senator Murray, Senator Vognild was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1510, by House Committee on Judiciary (originally sponsored by Representatives R. Meyers and Padden)

Changing provisions relating to guardianship.

The bill was read the second time.

MOTIONS

On motion of Senator Roach, the following Committee on Children and Family Services amendments were considered simultaneously and were adopted:

On page 4, line 6, after "shall" strike "not"

On page 4, line 7, after "shall" strike "not"

On page 4, line 8, after "person is" strike "not"

On page 4, after line 13, insert the following:

Sec. 2. RCW 11.88.030 and 1990 c 122 s 4 are each amended to read as follows:

(1) Any person or entity may petition for the appointment of a qualified person, trust company, national bank, or nonprofit corporation authorized in RCW 11.88.020 as now or hereafter amended as the guardian or limited guardian of an incapacitated person. No liability for filing a petition for guardianship or limited guardianship shall attach to a petitioner acting in good faith and upon reasonable basis. A petition for guardianship or limited guardianship shall state:

(a) The name, age, residence, and post office address of the alleged incapacitated person;

(b) The nature of the alleged incapacity in accordance with RCW 11.88.010;

(c) The approximate value and description of property, including any compensation, pension, insurance, or allowance, to which the alleged incapacitated person may be entitled;

(d) Whether there is, in any state, a guardian or limited guardian, or pending guardianship action for the person or estate of the alleged incapacitated person;

(e) The residence and post office address of the person whom petitioner asks to be appointed guardian or limited guardian;

(f) The names and addresses, and nature of the relationship, so far as known or can be reasonably ascertained, of the persons most closely related by blood or marriage to the alleged incapacitated person;

(g) The name and address of the person or facility having the care and custody of the alleged incapacitated person;

(h) The reason why the appointment of a guardian or limited guardian is sought and the interest of the petitioner in the appointment, and whether the appointment is sought as guardian or limited guardian of the person, the estate, or both, and why no alternative to guardianship is appropriate;

(i) The nature and degree of the alleged incapacity and the specific areas of protection and assistance requested and the limitation of rights requested to be included in the court's order of appointment;

(j) The requested term of the limited guardianship to be included in the court's order of appointment;

(k) Whether the petitioner is proposing a specific individual to act as guardian ad litem and, if so, the individual's knowledge of or relationship to any of the parties, and why the individual is proposed.

(2)(a) The attorney general may petition for the appointment of a guardian or limited guardian in any case in which there is cause to believe that a guardianship is necessary and no private party is able and willing to petition.

(b) Prepayment of a filing fee shall not be required in any guardianship or limited guardianship brought by the attorney general. Payment of the filing fee shall be ordered from the estate of the incapacitated person at the hearing on the merits of the petition, unless in the judgment of the court, such payment would impose a hardship upon the incapacitated person, in which case the filing shall be waived.

(3) No filing fee shall be charged by the court for filing either a petition for guardianship or a petition for limited guardianship if the petition alleges that the alleged incapacitated person has total assets of a value of less than three thousand dollars.

(4)(a) Notice that a guardianship proceeding has been commenced shall be personally served upon the alleged incapacitated person and the guardian ad litem along with a copy of the petition for appointment of a guardian. Such notice shall be served not more than ~~((fifteen))~~ five days after the petition has been filed.

(b) Notice under this subsection shall include a clear and easily readable statement of the legal rights of the alleged incapacitated person that could be restricted or transferred to a guardian by a guardianship order as well as the right to counsel of choice and to a jury trial on the issue of incapacity. Such notice shall be in substantially the following form and shall be in capital letters, double-spaced, and in a type size not smaller than ten-point type:

IMPORTANT NOTICE
PLEASE READ CAREFULLY

A PETITION TO HAVE A GUARDIAN APPOINTED FOR YOU HAS BEEN FILED IN THE ... COUNTY SUPERIOR COURT BY IF A GUARDIAN IS APPOINTED, YOU COULD LOSE ONE OR MORE OF THE FOLLOWING RIGHTS:

- (1) TO MARRY OR DIVORCE;
- (2) TO VOTE OR HOLD AN ELECTED OFFICE;
- (3) TO ENTER INTO A CONTRACT OR MAKE OR REVOKE A WILL;
- (4) TO APPOINT SOMEONE TO ACT ON YOUR BEHALF;
- (5) TO SUE AND BE SUED OTHER THAN THROUGH A GUARDIAN;
- (6) TO POSSESS A LICENSE TO DRIVE;
- (7) TO BUY, SELL, OWN, MORTGAGE, OR LEASE PROPERTY;
- (8) TO CONSENT TO OR REFUSE MEDICAL TREATMENT;
- (9) TO DECIDE WHO SHALL PROVIDE CARE AND ASSISTANCE;
- (10) TO MAKE DECISIONS REGARDING SOCIAL ASPECTS OF YOUR

LIFE.

UNDER THE LAW, YOU HAVE CERTAIN RIGHTS.

YOU HAVE THE RIGHT TO BE REPRESENTED BY A LAWYER OF YOUR OWN CHOOSING. THE COURT WILL APPOINT A LAWYER TO REPRESENT YOU IF YOU ARE UNABLE TO PAY OR PAYMENT WOULD RESULT IN A SUBSTANTIAL HARDSHIP TO YOU.

YOU HAVE THE RIGHT TO ASK FOR A JURY TO DECIDE WHETHER OR NOT YOU NEED A GUARDIAN TO HELP YOU.

YOU HAVE THE RIGHT TO BE PRESENT IN COURT WHEN THE HEARING IS HELD TO DECIDE WHETHER OR NOT YOU NEED A GUARDIAN.

(5) All petitions filed under the provisions of this section shall be heard within ~~((forty-five))~~ sixty days unless an extension of time is requested by a party within such

((~~forty-five~~)) sixty day period and granted for good cause shown. If an extension is granted, the court shall set a new hearing date.

Sec. 3. RCW 11.88.040 and 1990 c 122 s 5 are each amended to read as follows:

Before appointing a guardian or a limited guardian, notice of a hearing, to be held not less than ten days after service thereof, shall be ((~~given~~)) served personally to the alleged incapacitated person, if over fourteen years of age, and served upon the guardian ad litem.

Before appointing a guardian or a limited guardian, notice of a hearing, to be held not less than ten days after service thereof, shall be given by registered or certified mail requesting a return receipt signed by the addressee or an agent appointed by the addressee, or by personal service in the manner provided for services of summons, to the following:

- (1) The alleged incapacitated person, or minor, if under fourteen years of age;
- (2) A parent, if the alleged incapacitated person is a minor, all known children not residing with a notified person, and the spouse of the alleged incapacitated person if any;
- (3) Any other person who has been appointed as guardian or limited guardian, or the person with whom the alleged incapacitated person resides. No notice need be given to those persons named in subsections (2) and (3) of this section if they have signed the petition for the appointment of the guardian or limited guardian or have waived notice of the hearing.
- (4) If the petition is by a parent asking for appointment as guardian or limited guardian of a minor child under the age of fourteen years, or if the petition is accompanied by the written consent of a minor of the age of fourteen years or upward, who consents to the appointment of the guardian or limited guardian asked for, or if the petition is by a nonresident guardian of any minor or incapacitated person, then the court may appoint the guardian without notice of the hearing. The court for good cause may reduce the number of days of notice, but in every case, at least three days notice shall be given.

The alleged incapacitated person shall be present in court at the final hearing on the petition: PROVIDED, That this requirement may be waived at the discretion of the court for good cause other than mere inconvenience shown in the report to be provided by the guardian ad litem pursuant to RCW 11.88.090 as now or hereafter amended, or if no guardian ad litem is required to be appointed pursuant to RCW 11.88.090, as now or hereafter amended, at the discretion of the court for good cause shown by a party. Alternatively, the court may remove itself to the place of residence of the alleged incapacitated person and conduct the final hearing in the presence of the alleged incapacitated person. Final hearings on the petition may be held in closed court without admittance of any person other than those necessary to the action or proceeding.

If presence of the alleged incapacitated person is waived and the court does not remove itself to the place of residence of such person, the guardian ad litem shall appear in person at the final hearing on the petition.

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

On page 11, line 15, after "Within" strike "twenty" and insert "((~~twenty~~)) forty-five"

On page 11, line 15, after "days after" strike "appointment of" and insert "((~~appointment of~~)) notice of commencement of the guardianship proceeding has been served upon"

On motion of Senator Roach, the following title amendment was adopted:
On page 1, line 1 of the title, after "11.88.010," insert "11.88.030, 11.88.040,"

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Substitute House Bill No. 1510, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1510, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1510, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Hayner, Owen, Sellar, Skratek, Vognild - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1510, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624, by House Committee on Housing (originally sponsored by Representatives Nelson, Mitchell, H. Sommers, Jacobsen, Winsley, R. Johnson and Phillips)

Changing provisions relating to the housing trust fund.

The bill was read the second time.

MOTIONS

On motion of Senator Matson, the following Committee on Commerce and Labor amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.185.010 and 1986 c 298 s 1 are each amended to read as follows:

The legislature finds that current economic conditions, federal housing policies and declining resources at the federal, state, and local level adversely affect the ability of low and very low-income persons to obtain safe, decent, and affordable housing.

The legislature further finds that members of over one hundred twenty thousand households live in housing units which are overcrowded, lack plumbing, are otherwise

threatening to health and safety, and have rents and utility payments which exceed thirty percent of their income.

The legislature further finds that minorities, rural households, and migrant farm workers require housing assistance at a rate which significantly exceeds their proportion of the general population.

The legislature further finds that one of the most dramatic housing needs is that of persons needing special housing-related services, such as the mentally ill, recovering alcoholics, frail elderly persons, families with members who have disabilities, and single parents. These services include medical assistance, counseling, chore services, and child care.

The legislature further finds that housing assistance programs in the past have often failed to help those in greatest need.

The legislature declares that it is in the public interest to establish a continuously renewable resource known as ((a)) the housing trust fund and housing assistance program to assist low and very low-income citizens in meeting their basic housing needs, and that the needs of very low-income citizens should be given priority and that whenever feasible, assistance should be in the form of loans.

NEW SECTION. Sec. 2. A new section is added to chapter 43.185 RCW to read as follows:

There is created within the department of community development the housing assistance program to carry out the purposes of this chapter.

Sec. 3. RCW 43.185.030 and 1987 c 513 s 6 are each amended to read as follows:

There is hereby created a fund in the office of the treasurer known as the Washington housing trust fund. The housing trust fund shall include revenue from the sources established by this chapter, appropriations by the legislature, private contributions, repayment of loans, and all other sources. ~~((Eighty percent of the return on the fund in the form of investment income or interest shall be added to the principal of the fund. The remaining twenty percent shall be placed in the general fund.))~~

Sec. 4. RCW 43.185.050 and 1986 c 298 s 6 are each amended to read as follows:

(1) The department shall use ~~((funds))~~ moneys from the housing trust fund and other legislative appropriations to finance in whole or in part any loans or grant projects that will provide housing for persons and families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. ~~((Not less than))~~ At least thirty percent of ((such funds)) these moneys used in any given ~~((biennium))~~ funding cycle shall be for the benefit of projects located in rural areas ~~((as defined in 63 Stat. 432, 42 U.S.C. Sec. 1471 et seq))~~ of the state as defined by the department of community development. If the department determines that it has not received an adequate number of suitable applications for rural projects during any given funding cycle, the department may allocate unused moneys for projects in nonrural areas of the state.

(2) Activities eligible for assistance from the housing trust fund and other legislative appropriations include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of low and very low-income housing units;

(b) Rent subsidies ~~((in new construction or rehabilitated multifamily units));~~

(c) Matching funds for social services directly related to providing housing for special-need tenants in assisted projects;

(d) Technical assistance, design and finance services and consultation, and administrative costs for eligible nonprofit community or neighborhood-based organizations;

(e) Administrative costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's access to housing funds other than those available under this chapter;

(f) Shelters and related services for the homeless;

(g) Mortgage subsidies ((for new construction or rehabilitation of eligible multifamily units)), including temporary rental and mortgage payment subsidies to prevent homelessness;

(h) Mortgage insurance guarantee or payments for eligible projects; ((and))

(i) Down payment or closing cost assistance for eligible first-time home buyers;

(j) Acquisition of housing units for the purpose of preservation as low-income or very low-income housing; and

(k) Projects making housing more accessible to families with members who have disabilities.

(3) Legislative appropriations from capital bond proceeds and moneys from repayment of loans from appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2) (a), (i), and (j) of this section, and not for the administrative costs of the department.

Sec. 5. RCW 43.185.070 and 1988 c 286 s 1 are each amended to read as follows:

(1) During each calendar year in which funds from the housing trust fund or other legislative appropriations are available for use by the department ((~~from the housing trust fund, as prescribed in RCW 43.185.030~~)) for the housing assistance program, the department shall announce to all known interested parties, and through major media throughout the state, a grant and loan application period of at least ninety days' duration. This announcement shall be made as often as the director deems appropriate for proper utilization of resources((~~but at least twice annually~~)). The department shall then promptly grant as many applications as will utilize available funds less appropriate administrative costs of the department((~~not to~~)). Administrative costs paid out of the housing trust fund may not exceed ((thirty-seven thousand five hundred dollars in the fiscal year ending June 30, 1988, and seventy five thousand dollars in the fiscal year ending June 30, 1989, and not to exceed five)) four percent of annual revenues ((to the fund thereafter)) available for distribution to housing trust fund projects. In awarding funds under this chapter, the department shall provide for a geographic distribution on a state-wide basis.

(2) The department shall give first priority to applications for projects and activities which utilize existing privately owned housing stock including privately owned housing stock purchased by nonprofit public development authorities and public housing authorities as created in chapter 35.82 RCW. As used in this subsection, privately owned housing stock includes housing that is acquired by a federal agency through a default on the mortgage by the private owner. Such projects and activities shall be evaluated under subsection (3) of this section. Second priority shall be given to activities and projects which utilize existing publicly owned housing stock. ((~~Such~~)) All projects and activities shall be evaluated by some or all of the criteria under subsection (3) of this section, and similar projects and activities shall be evaluated under the same criteria.

(3) The department shall give preference for applications based on the following criteria:

(a) The degree of leveraging of other funds that will occur;

(b) Recipient contributions to total project costs, including allied contributions from other sources such as professional, craft and trade services, and lender interest rate subsidies;

(c) Local government project contributions in the form of infrastructure improvements, and others;

(d) Projects that encourage ownership, management, and other project-related responsibility opportunities;

(e) Projects that demonstrate a strong probability of serving the original target group or income level for a period of at least ~~((fifteen))~~ twenty-five years;

(f) The applicant has the demonstrated ability, stability and resources to implement the project;

(g) Projects which demonstrate serving the greatest need; ~~((and))~~

(h) Projects that provide housing for persons and families with the lowest incomes;

(i) Project location and access to employment centers in the region or area; and

(j) Project location and access to available public transportation services.

Sec. 6. RCW 43.185.080 and 1986 c 298 s 9 are each amended to read as follows:

(1) The department may use moneys from the housing trust fund and other legislative appropriations, but not appropriations from capital bond proceeds, to provide preconstruction technical assistance to eligible recipients seeking to construct, rehabilitate, or finance housing-related services for very low and low-income persons. The department shall emphasize providing preconstruction technical assistance services to rural areas and small cities and towns. The department may contract with nonprofit organizations to provide this technical assistance. The department may contract for any of the following services:

(a) Financial planning and packaging for housing projects, including alternative ownership programs, such as limited equity partnerships and syndications;

(b) Project design, architectural planning, and siting;

(c) Compliance with planning requirements;

(d) Securing matching resources for project development;

(e) Maximizing local government contributions to project development in the form of land donations, infrastructure improvements, waivers of development fees, locally and state-managed funds, zoning variances, or creative local planning;

(f) Coordination with local planning, economic development, and environmental, social service, and recreational activities;

(g) Construction and materials management; and

(h) Project maintenance and management.

(2) The department shall publish requests for proposals which specify contract performance standards, award criteria, and contractor requirements. In evaluating proposals, the department shall consider the ability of the contractor to provide technical assistance to low and very low-income persons and to persons with special housing needs.

NEW SECTION. **Sec. 7.** A new section is added to chapter 43.185 RCW to read as follows:

The department shall adopt policies to ensure that the state's interest will be protected upon either the sale or change of use of projects financed in whole or in part under RCW 43.185.050(2)(a), (i), and (j). These policies may include, but are not limited to: (1) Requiring a share of the appreciation in the project in proportion to the state's contribution to the project; (2) requiring a lump-sum repayment of the loan or grant upon the sale or change of use of the project; or (3) requiring a deferred payment of principal or principal and interest on loans after a specified time period.

NEW SECTION. **Sec. 8.** A new section is added to chapter 43.185 RCW to read as follows:

If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this

act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 9. Sections 9 through 19 of this act may be known and cited as the affordable housing act.

NEW SECTION. Sec. 10. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affordable housing" means residential housing for rental or private individual ownership which, as long as the same is occupied by low-income households, requires payment of monthly housing costs, including utilities other than telephone, of no more than thirty percent of the family's income.

(2) "Department" means the department of community development.

(3) "Director" means the director of the department of community development.

(4) "First-time home buyer" means an individual or his or her spouse who have not owned a home during the three-year period prior to purchase of a home.

(5) "Low-income household" means a single person, family or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the project is located.

NEW SECTION. Sec. 11. The affordable housing program is created in the department of community development for the purpose of developing and coordinating public and private resources targeted to meet the affordable housing needs of low-income households in the state of Washington. The program shall be developed and administered by the department with advice and input from the low-income assistance advisory committee established in RCW 43.185.110.

NEW SECTION. Sec. 12. (1) Using moneys specifically appropriated for such purpose, the department shall finance in whole or in part projects that will provide housing for low-income households.

(2) Activities eligible for assistance include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of housing for low-income households;

(b) Rent subsidies in new construction or rehabilitated multifamily units;

(c) Down payment or closing costs assistance for first-time home buyers;

(d) Mortgage subsidies for new construction or rehabilitation of eligible multifamily units; and

(e) Mortgage insurance guarantee or payments for eligible projects.

(3) Legislative appropriations from capital bond proceeds and moneys from repayment of loans from appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2)(a), (c), (d), and (e) of this section, and not for the administrative costs of the department.

NEW SECTION. Sec. 13. Organizations that may receive assistance from the department under this chapter are local governments, local housing authorities, nonprofit community or neighborhood-based organizations, and regional or state-wide nonprofit housing assistance organizations.

NEW SECTION. Sec. 14. (1) During each calendar year in which funds are available for use by the department for the affordable housing program, the department shall announce to all known interested parties, and through major media throughout the state, a grant and loan application period of at least ninety days' duration. This announcement shall be made as often as the director deems appropriate for proper utilization of resources. The department shall then promptly grant as many applications as will utilize available funds less appropriate administrative costs of the department, not to exceed five percent of moneys appropriated to the affordable housing program.

(2) The department shall develop, with advice and input from the low-income assistance advisory committee established in RCW 43.185.110, criteria to evaluate applications for assistance under this chapter.

NEW SECTION. **Sec. 15.** The department shall adopt policies to ensure that the state's interest will be protected upon either the sale or change of use of projects financed in whole or in part under section 12(2) (a), (c), (d), and (e) of this act. These policies may include, but are not limited to: (1) Requiring a share of the appreciation in the project in proportion to the state's contribution to the project; (2) requiring a lump-sum repayment of the loan or grant upon the sale or change of use of the project; or (3) requiring a deferred payment of principal or principal and interest on loans after a specified time period.

NEW SECTION. **Sec. 16.** The director shall monitor the activities of recipients of grants and loans under this chapter to determine compliance with the terms and conditions set forth in its application or stated by the department in connection with the grant or loan.

NEW SECTION. **Sec. 17.** The department shall have the authority to promulgate rules pursuant to chapter 34.05 RCW, regarding the grant and loan process, and the substance of eligible projects, consistent with this chapter.

NEW SECTION. **Sec. 18.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 19.** If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 20.** Sections 9 through 19 of this act shall constitute a new chapter in Title 43 RCW.

On motion of Senator Matson, the following title amendment was adopted:

On page 1, line 1 of the title, after "fund;" strike the remainder of the title and insert "amending RCW 43.185.010, 43.185.030, 43.185.050, 43.185.070, and 43.185.080; and adding new sections to chapter 43.185 RCW; and adding a new chapter to Title 43 RCW."

MOTION

On motion of Senator Matson, the rules were suspended, Engrossed Substitute House Bill No. 1624, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1624, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1624, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Madsen,

Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Hayner, Owen, Sellar, Skratek, Vognild - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Craswell assumed the Chair.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1686, by House Committee on Human Services (originally sponsored by Representatives Hargrove, Riley, Tate, Prentice, Padden, H. Myers, Kremen, Dorn, Morris, Jacobsen, Roland, Pruitt, Valle, Betrozoff, Brekke, Paris, Scott, Inslee, Basich, Sheldon and Wineberry)

Creating an incentive program for inmates.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the rehabilitation process may be enhanced by participation in training, education, and employment-related incentive programs and may be a consideration in reducing time in confinement.

NEW SECTION. Sec. 2. A new section is added to chapter 72.60 RCW to read as follows:

(1) The department of corrections shall develop, in accordance with RCW 72.09.010, a site-specific implementation plan for prison industries space at Clallam Bay corrections center, McNeil Island corrections center, and the one thousand twenty-four bed medium security prison as appropriated for and authorized by the legislature.

(2) Each implementation plan shall include, but not be limited to, sufficient space and design elements that try to achieve a target of twenty-five percent of the total inmates in class I employment programs and twenty-five percent of the total inmates in class II employment programs or as much of the target as possible without jeopardizing the efficient and necessary day-to-day operation of the prison. The implementation plan shall also include educational opportunities and employment, wage, and other incentives. The department shall include in the implementation plans an incentive program based on wages, and the opportunity to contribute all or a portion of their wages towards an array of incentives. The funds recovered from the sale, lease, or rental of incentives should be considered as a possible source of revenue to cover the capitalized cost of the additional space necessary to accommodate the increased class I and class II industries programs.

(3) The incentive program shall be developed so that inmates can earn higher wages based on performance and production. Only those inmates employed in class I and class II jobs may participate in the incentive program. The department shall develop special program criteria for inmates with physical or mental handicaps so that they can participate in the incentive program.

(4) The department shall propose rules specifying that inmate wages, other than the amount an inmate owes for taxes, legal financial obligations, and to the victim restitution fund, shall be returned to the department to pay for the cost of prison operations, including room and board.

(5) The plan shall identify actual or potential legal or operational obstacles, or both, in implementing the components of the plan as specified in this section, and recommend strategies to remove the obstacles.

(6) The department shall submit the plan to the appropriate committees of the legislature and to the governor by October 1, 1991.

NEW SECTION. Sec. 3. The overall prison design plans for new construction at Clallam Bay corrections center, McNeil Island corrections center, and the one thousand twenty-four bed medium security prison as appropriated for and authorized by the legislature shall not be inconsistent with the implementation plan outlined in this act. No provision under this act shall require the department of corrections to redesign, postpone, or delay the construction of any of the facilities outlined in section 2 of this act.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "industries;" strike the remainder of the title and insert "adding a new section to chapter 72.60 RCW; creating new sections; and declaring an emergency."

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 1686, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1686, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1686, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith,

L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Owen, Sellar, Skratek, Vognild - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1686, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1703, by House Committee on Transportation (originally sponsored by Representatives Cooper, Betzoff and R. Johnson) (by request of Department of Licensing)

Revising regulation of vehicle and vessel licensing and registration.

The bill was read the second time.

MOTIONS

On motion of Senator Patterson, the following Committee on Transportation amendments were considered simultaneously and were adopted:

On page 8, line 1, after "renewed" strike ~~((, when required by the director, by satisfactory proof of the right to))~~ if the person provides to the department every five years verification of the need for and insert ", when required by the director, by satisfactory proof of the right to"

On page 8, line 11, after "after a" strike "traffic infraction" and insert "~~((traffic infraction))~~ misdemeanor"

On motion of Senator McMullen, the following amendment by Senators McMullen and von Reichbauer was adopted:

On page 21, after line 9, insert the following:

Sec. 15. RCW 46.01.140 and 1990 c 250 s 89 are each amended to read as follows:

(1) The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies and subagents to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

(2) At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, registration, or the right to operate any vehicle upon the public highways of this state, excluding applicants already paying such fee under RCW 46.16.070 or 46.16.085, the applicant shall pay to the director, county auditor, or other agent a fee of two dollars for each application in addition to any other fees required by law. Applicants for certificates of ownership, including applicants paying fees under RCW 46.16.070 or 46.16.085, shall pay to the director, county auditor, or other agent a fee of three dollars in addition to any other fees required by law. These ~~((additional))~~ fees, if paid to the county auditor as agent of the director, or if paid to ~~((an agent))~~ a subagent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county

auditor and credited to the county current expense fund. If the fee is paid to another agent of the director, the fee shall be used by the agent to defray his or her expenses in handling the application(~~(: PROVIDED, That an agent of the county auditor)).~~

(3) A subagent is entitled to an additional service charge of two dollars. However, from July 1, 1991, through June 30, 1992, subagents shall collect a service fee of (a) five dollars and fifty cents for changes in a certificate of ownership, with or without registration renewal, or verification of record and preparation of an affidavit of lost title other than at the time of title application or transfer and (b) two dollars and twenty-five cents for registration renewal only, issuing a transit permit, or any other service under this section.

~~((3))~~ (4) If the fee is collected by the state patrol as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the state patrol highway account. If the fee is collected by the department of transportation as agent for the director, the fee shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such fees collected by the director or branches of his or her office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

NEW SECTION. Sec. 16. The director of licensing shall review the costs and revenues of all vehicle licensing agents and subagents and the benefits provided to the communities they serve and submit a report by January 15, 1992, to the legislative transportation committee including the following:

(1) Criteria for determining the costs and benefits of title and registration activities by agents and subagents;

(2) A review of the rate structure for agents and subagents;

(3) A review of other fee structures for counties and subagents;

(4) An estimate of the costs of providing each individual title and registration function;

(5) Consideration of the need for cost allocations, such as a revolving fund or other mechanisms for funding an automated licensing system;

(6) Consideration of the County Auditors' Automation Program (CAAP) system and other changes in methods of providing title and registration services since adoption of the current method of compensating agents and subagents;

(7) Recommendations for a process to allow counties to recover their full costs of vehicle title and registration activities without increasing costs to consumers;

(8) Recommendations for one standard contract to be used by the director of licensing for county auditor agents and one standard contract for subagents, with provisions in each requiring disclosure of all costs and revenues to the director, but protecting the confidentiality of this information;

(9) An examination of alternative methods of providing title and registration services.

NEW SECTION. Sec. 17. Sections 15 and 16 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

MOTIONS

On motion of Senator Patterson, the following title amendments were considered simultaneously and were adopted:

On page 1, line 4 of the title, after "88.02.070," strike "and" and after "88.02.220" insert ", and 46.01.140"

On page 1, line 4 of the title, after "88.02.030;" strike "and" and on line 5, after "88.02 RCW" insert "creating a new section; providing an effective date; and declaring an emergency"

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 1703, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1703, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1703, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senator Sutherland - 1.

Absent: Senator Newhouse - 1.

Excused: Senators Owen, Sellar, Skratek - 3.

SUBSTITUTE HOUSE BILL NO. 1703, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1723, by Representatives Ogden, Jacobsen, Wood, Spanel, Zellinsky, R. King, Roland, H. Myers and Fraser (by request of Higher Education Coordinating Board)

Creating the Washington fund for excellence in higher education program.

The bill was read the second time.

MOTIONS

On motion of Senator Saling, the following Committee on Higher Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that encouraging collaboration among the various educational sectors to meet state-wide needs will strengthen the entire educational system, kindergarten through twelfth grade and higher education. The legislature also recognizes that the most effective way to develop innovative and collaborative programs is to encourage institutions to develop them voluntarily, in line with established state goals. Through a system of competitive grants, the legislature shall encourage the development of innovative and collaborative solutions to issues of critical state-wide need, including:

- (1) Improving rates of participation and completion at each educational level;
- (2) Recognizing needs of special populations of students;
- (3) Improving the effectiveness of education by better coordinating communication and understanding between sectors.

NEW SECTION. Sec. 2. The Washington fund for excellence in higher education program is established. The higher education coordinating board shall administer the program. Through this program the board may award on a competitive basis incentive grants to state public institutions of higher education or consortia of institutions to encourage cooperative programs designed to address specific system problems. Grants shall not exceed a two-year period. Each institution or consortia of institutions receiving the award shall contribute some financial support, either by covering part of the costs for the program during its implementation, or by assuming continuing support at the end of the grant period. Strong priority will be given to proposals that involve more than one sector of education, and to proposals that show substantive institutional commitment. Institutions are encouraged to solicit nonstate funds to support these cooperative programs.

NEW SECTION. Sec. 3. The higher education coordinating board shall have the following powers and duties in administering the program:

- (1) To adopt rules necessary to carry out the program;
- (2) To establish one or more review committees to assist in the evaluation of proposals for funding. The review committee shall include individuals with significant experience in higher education in areas relevant to one or more of the funding period priorities;

(3) To establish each biennium specific guidelines for submitting grant proposals consistent with the overall goals of the program. During the 1991-93 biennium the guidelines shall be consistent with the following priorities: (a) Minority and diversity initiatives that encourage the participation of minorities in higher education, including students with disabilities, at a rate consistent with their proportion of the population; (b) K-12 teacher preparation models that encourage collaboration between higher education and K-12 to improve the preparedness of teachers, including provisions for higher education faculty involved with teacher preparation to spend time teaching in K-12 schools; and (c) articulation and transfer activities to smooth the transfer of students from K-12 to higher education, or from the community colleges to four-year institutions. After June 30, 1993, and each biennium thereafter, the board shall determine funding priorities for collaborative proposals for the biennium in consultation with the governor, the legislature, the office of the superintendent of public instruction, the state board for community college education, the state board for vocational education, higher education institutions, educational associations, and business and community groups consistent with state-wide needs;

(4) To solicit grant proposals and provide information to the institutions of higher education about the program; and

(5) To establish reporting, monitoring, and dissemination requirements for the recipients of the grants.

NEW SECTION. Sec. 4. The higher education coordinating board may solicit and receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the program and may expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

NEW SECTION. Sec. 5. The fund for excellence is hereby established in the custody of the state treasurer. The higher education coordinating board shall deposit in the fund all moneys received under section 4 of this act. Moneys in the fund may be spent only for the purposes of sections 2 and 3 of this act. Disbursements from the fund shall be on the authorization of the higher education coordinating board. The

fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

NEW SECTION. Sec. 6. Sections 2 through 5 of this act shall constitute a new chapter in Title 28B RCW.

On motion of Senator Saling, the following title amendment was adopted:

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "adding a new chapter to Title 28B RCW; and creating a new section."

MOTION

On motion of Senator Saling, the rules were suspended, Engrossed House Bill No. 1723, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1723, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1723, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Owen, Sellar, Skratek - 3.

ENGROSSED HOUSE BILL NO. 1723, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1428, by Representatives Neher, H. Sommers and Schmidt (by request of Office of Financial Management)

Altering budget request requirements.

The bill was read the second time.

MOTIONS

On motion of Senator McDonald, the following Committee on Ways and Means amendment was adopted:

On page 5, beginning on line 18, strike all material down to and including line 24 and insert the following:

"(2) Unless otherwise provided by law, if state moneys are appropriated for a capital project and matching funds or other contributions are required as a condition of the receipt of the state moneys, the state moneys shall be disbursed in proportion to and only to the extent that the matching funds or other contributions have been received and are available for expenditure."

On motion of Senator McDonald, the rules were suspended, Engrossed House Bill No. 1428, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1428, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1428, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Owen, Sellar, Skratek - 3.

ENGROSSED HOUSE BILL NO. 1428, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2058, by House Committee on Judiciary (originally sponsored by Representatives Scott, Riley, Paris, H. Myers, Miller, Forner, Belcher, Ludwig, Insee, Wineberry, Locke, Appelwick, Holland, Roland, Winsley, D. Sommers, Morris, Spanel, R. Johnson and Rasmussen)

Clarifying the application of the statute of limitations to actions based on childhood sexual abuse.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) Childhood sexual abuse is a pervasive problem that affects the safety and well-being of many of our citizens.

(2) Childhood sexual abuse is a traumatic experience for the victim causing long-lasting damage.

(3) The victim of childhood sexual abuse may repress the memory of the abuse or be unable to connect the abuse to any injury until after the statute of limitations has run.

(4) The victim of childhood sexual abuse may be unable to understand or make the connection between childhood sexual abuse and emotional harm or damage until many years after the abuse occurs.

(5) Even though victims may be aware of injuries related to the childhood sexual abuse, more serious injuries may be discovered many years later.

(6) The legislature enacted RCW 4.16.340 to clarify the application of the discovery rule to childhood sexual abuse cases. At that time the legislature intended to reverse the Washington supreme court decision in *Tyson v. Tyson*, 107 Wn.2d 72, 727 P.2d 226 (1986).

It is still the legislature's intention that *Tyson v. Tyson*, 107 Wn.2d 72, 727 P.2d 226 (1986) be reversed, as well as the line of cases that state that discovery of any injury whatsoever caused by an act of childhood sexual abuse commences the statute of limitations. The legislature intends that the earlier discovery of less serious injuries should not affect the statute of limitations for injuries that are discovered later.

Sec. 2. RCW 4.16.340 and 1989 c 317 s 2 are each amended to read as follows:

(1) All claims or causes of action based on intentional conduct brought by any person for recovery of damages for injury suffered as a result of childhood sexual abuse shall be commenced within the later of the following periods:

(a) Within three years of the act alleged to have caused the injury or condition(, or);

(b) Within three years of the time the victim discovered or reasonably should have discovered that the injury or condition was caused by said act(~~,-which ever period expires later~~); or

(c) Within three years of the time the victim discovered that the act caused the injury for which the claim is brought;

PROVIDED, That the time limit for commencement of an action under this section is tolled for a child until the child reaches the age of eighteen years.

(2) The victim need not establish which act in a series of continuing sexual abuse or exploitation incidents caused the injury complained of, but may compute the date of discovery from the date of discovery of the last act by the same perpetrator which is part of a common scheme or plan of sexual abuse or exploitation.

(3) The knowledge of a custodial parent or guardian shall not be imputed to a person under the age of eighteen years.

(4) For purposes of this section, "child" means a person under the age of eighteen years.

(5) As used in this section, "childhood sexual abuse" means any act committed by the defendant against a complainant who was less than eighteen years of age at the time of the act and which act would have been a violation of chapter 9A.44 RCW or RCW 9.68A.040 or prior laws of similar effect at the time the act was committed.

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 2058, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2058, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2058, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Owen, Sellar, Skratek - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2058, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1960, by House Committee on Health Care (originally sponsored by Representatives Prentice, Paris, Day, Braddock, Cantwell, Edmondson, Franklin, Morris, Phillips, Pruitt, Basich, Leonard, Orr, Wood, R. Johnson, Heavey, Wineberry, May, D. Sommers, Beck and Dellwo)

Redefining practice beyond the scope of practice for health professions.

The bill was read the second time.

MOTION

Senator West moved that the following Committee on Health and Long-Term Care amendment be adopted:

Strike everything after the enacting clause and insert the following:

"PART 1
TEMPORARY PRACTICE PERMITS
CONTINUED HEALTH PROFESSIONAL COMPETENCY DEMONSTRATION
PROJECTS"

Sec. 1. RCW 18.130.010 and 1986 c 259 s 1 are each amended to read as follows:

It is the intent of the legislature to strengthen and consolidate disciplinary and licensure procedures for the licensed health and health-related professions and businesses by providing a uniform disciplinary act with standardized procedures for the licensure of health care professionals and the enforcement of laws the purpose of which

is to assure the public of the adequacy of professional competence and conduct in the healing arts.

It is also the intent of the legislature that all health and health-related professions newly credentialed by the state come under the uniform disciplinary act.

Further, the legislature declares that the addition of public members on all health care boards can give both the state and the public, which it has a statutory responsibility to protect, assurances of accountability and confidence in the various practices of health care.

NEW SECTION. Sec. 2. A new section is added to chapter 18.130 RCW to read as follows:

If an individual licensed in another state, that has licensing standards substantially equivalent to Washington, applies for a license, the disciplining authority shall issue a temporary practice permit authorizing the applicant to practice the profession pending completion of documentation that the applicant meets the requirements for a license and is also not subject to denial of a license or issuance of a conditional license under this chapter. The temporary permit may reflect statutory limitations on the scope of practice. The permit shall be issued only upon the disciplining authority receiving verification from the states in which the applicant is licensed that the applicant is currently licensed and is not subject to charges or disciplinary action for unprofessional conduct or impairment. Notwithstanding RCW 34.05.422(3), the disciplining authority shall establish, by rule, the duration of the temporary practice permits. Failure to surrender the permit is a misdemeanor under RCW 9A.20.010 and shall be unprofessional conduct under this chapter. The issuance of temporary permits is subject to the provisions of this chapter, including summary suspensions.

NEW SECTION. Sec. 3. A new section is added to chapter 18.130 RCW to read as follows:

The disciplinary authorities are authorized to develop and require licensees' participation in continuing competency pilot projects for the purpose of developing flexible, cost-efficient, effective, and geographically accessible competency assurance methods. The secretary shall establish criteria for development of pilot projects and shall select the disciplinary authorities that will participate from among the professions requesting participation. The department shall administer the projects in mutual cooperation with the disciplinary authority and shall allot and administer the budget for each pilot project. The department shall report to the legislature in January of each odd-numbered year concerning the progress and findings of the projects and shall make recommendations on the expansion of continued competency requirements to other licensed health professions.

Each disciplinary authority shall establish its pilot project in rule and may support the projects from a surcharge on each of the affected profession's license renewal in an amount established by the secretary.

"PART 2

STATE-WIDE HEALTH PERSONNEL RESOURCE PLAN"

NEW SECTION. Sec. 4. INTENT. The legislature finds that certain health care professional shortages exist and result in entire communities or specific populations within communities not having access to basic health care services.

The legislature further finds that the state currently does not have a state-wide comprehensive and systematic policy for the purpose of identifying shortages and designing and implementing activities to address shortages.

The legislature declares that the establishment of higher educational programming and other activities necessary to address health professional shortages should be a state policy concern and that a means to accomplish this should be established.

The legislature further declares that the development of state policy on professional shortages should involve close coordination and consultation between state government, institutions of higher education that conduct health care research and train health care professionals, health care service providers, consumers, and others.

The legislature further declares that the health care needs of the people of this state should be the primary factor determining state policymaking designed to address health professional shortages.

NEW SECTION. Sec. 5. STATE-WIDE HEALTH PERSONNEL RESOURCE PLAN.

(1) The higher education coordinating board, the state board for community college education, the superintendent of public instruction, the state department of health, and the state department of social and health services, to be known for the purposes of this section as the committee, shall establish a state-wide health personnel resource plan. The governor shall appoint a lead agency from one of the agencies on the committee.

In preparing the state-wide plan the committee shall consult with the training and education institutions affected by this chapter, health care providers, employers of health care providers, insurers, consumers of health care, and other appropriate entities.

Should a successor agency or agencies be authorized or created by the legislature with planning, coordination, or administrative authority over vocational-technical schools, community colleges, or four-year higher education institutions, the governor shall grant membership on the committee to such agency or agencies and remove the member or members it replaces.

The committee shall appoint subcommittees for the purpose of assisting in the development of the institutional plans required under this chapter. Such subcommittees shall at least include those committee members that have statutory responsibility for planning, coordination, or administration of the training and education institutions for which the institutional plans are being developed. In preparing the institutional plans for four-year institutes of higher education, the subcommittee shall be composed of at least the higher education coordinating board and the state's four-year higher education institutions. The appointment of subcommittees to develop portions of the state-wide plan shall not relinquish the committee's responsibility for assuring overall coordination, integration, and consistency of the state-wide plan.

In establishing and implementing the state-wide health personnel resource plan the committee shall, to the extent possible, utilize existing data and information, personnel, equipment, and facilities and shall minimize travel and take such other steps necessary to reduce the administrative costs associated with the preparation and implementation of the plan.

(2) The state-wide health resource plan shall include at least the following:

(a)(i) Identification of the type, number, and location of the health care professional work force necessary to meet health care needs of the state.

(ii) A description and analysis of the composition and numbers of the potential work force available for meeting health care service needs of the population to be used for recruitment purposes. This should include a description of the data, methodology, and process used to make such determinations.

(b) A centralized inventory of the numbers of student applications to higher education and vocational-technical training and education programs, yearly enrollments, yearly degrees awarded, and numbers on waiting lists for all the state's publicly funded health care training and education programs. The committee shall request similar information for incorporation into the inventory from private higher education and vocational-technical training and education programs.

(c) A description of state-wide and local specialized provider training needs to meet the health care needs of target populations and a plan to meet such needs in a cost-effective and accessible manner.

(d) A description of how innovative, cost-effective technologies such as telecommunications can and will be used to provide higher education, vocational-technical, continued competency, and skill maintenance and enhancement education and training to placebound students who need flexible programs and who are unable to attend institutions for training.

(e) A strategy for assuring higher education and vocational- technical educational and training programming is sensitive to the changing work force such as reentry workers, women, minorities, and the disabled.

(f) A strategy and coordinated state-wide policy developed by the subcommittees authorized in subsection (1) of this section for increasing the number of graduates intending to serve in shortage areas after graduation, including such strategies as the establishment of preferential admissions and designated enrollment slots.

(g) Guidelines and policies developed by the subcommittees authorized in subsection (1) of this section for allowing academic credit for on-the-job experience such as internships, volunteer experience, apprenticeships, and community service programs.

(h) A strategy developed by the subcommittees authorized in subsection (1) of this section for making required internships and residency programs available that are geographically accessible and sufficiently diverse to meet both general and specialized training needs as identified in the plan when such programs are required.

(i) A description of the need for multiskilled health care professionals and an implementation plan to restructure educational and training programming to meet these needs.

(j) An analysis of the types and estimated numbers of health care personnel that will need to be recruited from out-of-state to meet the health professional needs not met by in-state trained personnel.

(k) An analysis of the need for educational articulation within the various health care disciplines and a plan for addressing the need.

(l) An analysis of the training needs of those members of the long-term care profession that are not regulated and that have no formal training requirements. Programs to meet these needs should be developed in a cost-effective and a state-wide accessible manner that provide for the basic training needs of these individuals.

(m) A designation of the professions and geographic locations in which loan repayment and scholarships should be available based upon objective data-based forecasts of health professional shortages. A description of the criteria used to select professions and geographic locations shall be included. Designations of professions and geographic locations may be amended by the department of health when circumstances warrant as provided for in section 20 of this act.

(n) A description of needed changes in regulatory laws governing the credentialing of health professionals.

(o) A description of linguistic and cultural training needs of foreign-trained health care professionals to assure safe and effective practice of their health care profession.

(p) A plan to implement the recommendations of the state-wide nursing plan authorized by RCW 74.39.040.

(q) A description of criteria and standards that institutional plans provided for in this section must address in order to meet the requirements of the state-wide health personnel resource plan, including funding requirements to implement the plans. The committee shall also when practical identify specific outcome measures to measure progress in meeting the requirements of this plan. The criteria and standards shall be established in a manner as to provide flexibility to the institutions in meeting state-wide plan requirements. The committee shall establish required submission dates for the institutional plans that permit inclusion of funding requests into the institutions budget requests to the state.

(r) A description of how the higher education coordinating board, state board for community college education, superintendent of public instruction, department of health, and department of social and health services coordinated in the creation and implementation of the state plan including the areas of responsibility each agency shall assume. The plan should also include a description of the steps taken to assure participation by the groups that are to be consulted with.

(s) A description of the estimated fiscal requirements for implementation of the state-wide health resource plan that include a description of cost saving activities that reduce potential costs by avoiding administrative duplication, coordinating programming activities, and other such actions to control costs.

(3) The committee may call upon other agencies of the state to provide available information to assist the committee in meeting the responsibilities under this chapter. This information shall be supplied as promptly as circumstances permit.

(4) State agencies involved in the development and implementation of the plan shall to the extent possible utilize existing personnel and financial resources in the development and implementation of the state-wide health personnel resource plan.

(5) The state-wide health personnel resource plan shall be submitted to the governor by July 1, 1992, and updated by July 1 of each even-numbered year. The governor, no later than December 1 of that year, shall approve, approve with modifications, or disapprove the state-wide health resource plan.

(6) The approved state-wide health resource plan shall be submitted to the senate and house of representatives committees on health care, higher education, and ways and means or appropriations by December 1 of each even-numbered year.

(7) Implementation of the state-wide plan shall begin by July 1, 1993.

(8) Notwithstanding subsections (5) and (7) of this section, the committee shall prepare and submit to the higher education coordinating board by June 1, 1992, the analysis necessary for the initial implementation of the health professional loan repayment and scholarship program created in chapter 28B... RCW (as codified pursuant to section 36 of this act).

(9) Each publicly funded two-year and four-year institute of higher education authorized under Title 28B RCW and vocational-technical institution authorized under Title 28A RCW that offers health training and education programs shall biennially prepare and submit an institutional plan to the committee. The institutional plan shall identify specific programming and activities of the institution that meet the requirements of the state-wide health professional resource plan.

The committee shall review and assess whether the institutional plans meet the requirements of the state-wide health personnel resource plan and shall prepare a report with its determination. The report shall become part of the institutional plan and shall be submitted to the governor and the legislature.

The institutional plan shall be included with the institution's biennial budget submission. The institution's budget shall identify proposed spending to meet the requirements of the institutional plan. Each vocational-technical institution, college, or university shall be responsible for implementing its institutional plan.

"PART 3

HEALTH PROFESSIONAL CREDENTIALING SUNRISE MODIFICATIONS"

Sec. 6. RCW 18.120.030 and 1983 c 168 s 3 are each amended to read as follows:

After July 24, 1983, if appropriate, applicant groups shall explain each of the following factors to the extent requested by the legislative committees of reference:

(1) A definition of the problem and why regulation is necessary:

(a) The nature of the potential harm to the public if the health profession is not regulated, and the extent to which there is a threat to public health and safety;

(b) The extent to which consumers need and will benefit from a method of regulation identifying competent practitioners, indicating typical employers, if any, of practitioners in the health profession; and

(c) The extent of autonomy a practitioner has, as indicated by:

(i) The extent to which the health profession calls for independent judgment and the extent of skill or experience required in making the independent judgment; and

(ii) The extent to which practitioners are supervised;

(2) The efforts made to address the problem:

(a) Voluntary efforts, if any, by members of the health profession to:

(i) Establish a code of ethics; or

(ii) Help resolve disputes between health practitioners and consumers; and

(b) Recourse to and the extent of use of applicable law and whether it could be strengthened to control the problem;

(3) The alternatives considered:

(a) Regulation of business employers or practitioners rather than employee practitioners;

(b) Regulation of the program or service rather than the individual practitioners;

(c) Registration of all practitioners;

(d) Certification of all practitioners;

(e) Other alternatives;

(f) Why the use of the alternatives specified in this subsection would not be adequate to protect the public interest; and

(g) Why licensing would serve to protect the public interest;

(4) The benefit to the public if regulation is granted:

(a) The extent to which the incidence of specific problems present in the unregulated health profession can reasonably be expected to be reduced by regulation;

(b) Whether the public can identify qualified practitioners;

(c) The extent to which the public can be confident that qualified practitioners are competent:

(i) Whether the proposed regulatory entity would be a board composed of members of the profession and public members, or a state agency, or both, and, if appropriate, their respective responsibilities in administering the system of registration, certification, or licensure, including the composition of the board and the number of public members, if any; the powers and duties of the board or state agency regarding examinations and for cause revocation, suspension, and nonrenewal of registrations, certificates, or licenses; the promulgation of rules and canons of ethics; the conduct of inspections; the receipt of complaints and disciplinary action taken against practitioners; and how fees would be levied and collected to cover the expenses of administering and operating the regulatory system;

(ii) If there is a grandfather clause, whether such practitioners will be required to meet the prerequisite qualifications established by the regulatory entity at a later date;

(iii) The nature of the standards proposed for registration, certification, or licensure as compared with the standards of other jurisdictions;

(iv) Whether the regulatory entity would be authorized to enter into reciprocity agreements with other jurisdictions; ((and))

(v) The nature and duration of any training including, but not limited to, whether the training includes a substantial amount of supervised field experience; whether training programs exist in this state; if there will be an experience requirement; whether the experience must be acquired under a registered, certificated, or licensed practitioner; whether there are alternative routes of entry or methods of meeting the prerequisite qualifications; whether all applicants will be required to pass an examination; and, if an examination is required, by whom it will be developed and how the costs of development will be met; and

(vi) What additional training programs are anticipated to be necessary to assure training accessible state-wide; the anticipated time required to establish the additional training programs; the types of institutions capable of providing the training; a description of how training programs will meet the needs of the expected work force, including reentry workers, minorities, placebound students, and others;

(d) Assurance of the public that practitioners have maintained their competence:

(i) Whether the registration, certification, or licensure will carry an expiration date; and

(ii) Whether renewal will be based only upon payment of a fee, or whether renewal will involve reexamination, peer review, or other enforcement;

(5) The extent to which regulation might harm the public:

(a) The extent to which regulation will restrict entry into the health profession:

(i) Whether the proposed standards are more restrictive than necessary to insure safe and effective performance; and

(ii) Whether the proposed legislation requires registered, certificated, or licensed practitioners in other jurisdictions who migrate to this state to qualify in the same manner as state applicants for registration, certification, and licensure when the other jurisdiction has substantially equivalent requirements for registration, certification, or licensure as those in this state; and

(b) Whether there are similar professions to that of the applicant group which should be included in, or portions of the applicant group which should be excluded from, the proposed legislation;

(6) The maintenance of standards:

(a) Whether effective quality assurance standards exist in the health profession, such as legal requirements associated with specific programs that define or enforce standards, or a code of ethics; and

(b) How the proposed legislation will assure quality:

(i) The extent to which a code of ethics, if any, will be adopted; and

(ii) The grounds for suspension or revocation of registration, certification, or licensure;

(7) A description of the group proposed for regulation, including a list of associations, organizations, and other groups representing the practitioners in this state, an estimate of the number of practitioners in each group, and whether the groups represent different levels of practice; and

(8) The expected costs of regulation:

(a) The impact registration, certification, or licensure will have on the costs of the services to the public; ~~((and))~~

(b) The cost to the state and to the general public of implementing the proposed legislation; and

(c) The cost to the state and the members of the group proposed for regulation for the required education, including projected tuition and expenses and expected increases in training programs, staffing, and enrollments at state training institutions.

"PART 4

COMMUNITY-BASED RECRUITMENT AND RETENTION PROJECTS STATE-WIDE RECRUITMENT AND RETENTION CLEARINGHOUSE"

NEW SECTION. Sec. 7. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of health.

(2) "Health care professional recruitment and retention strategic plan" means a plan developed by the participant and includes identification of health care personnel needs of the community, how these professionals will be recruited and retained in the community following recruitment.

(3) "Institutions of higher education" means educational institutions as defined in RCW 28B.10.016.

(4) "Local administrator" means an individual or organization representing the participant who may enter into legal agreements on behalf of the participant.

(5) "Participant" means communities, counties, and regions that serve as a health care catchment area where the project site is located.

(6) "Project" means the community-based retention and recruitment project.

(7) "Project site" means a site selected to participate in the project.

(8) "Secretary" means the secretary of health.

NEW SECTION. Sec. 8. STATE-WIDE RECRUITMENT AND RETENTION CLEARINGHOUSE.

The department, in consultation with appropriate private and public entities, shall establish a health professional recruitment and retention clearinghouse. The clearinghouse shall:

(1) Inventory and classify the current public and private health professional recruitment and retention efforts;

(2) Identify recruitment and retention program models having the greatest success rates;

(3) Identify recruitment and retention program gaps;

(4) Work with existing recruitment and retention programs to better coordinate state-wide activities and to make such services more widely known and broadly available;

(5) Provide general information to communities, health care facilities, and others about existing available programs;

(6) Work in cooperation with private and public entities to develop new recruitment and retention programs;

(7) Identify needed recruitment and retention programming for state institutions, county public health departments and districts, county human service agencies, and other entities serving substantial numbers of public pay and charity care patients, and may provide to these entities when they have been selected as participants necessary recruitment and retention assistance including:

(a) Assistance in establishing or enhancing recruitment of health care professionals;

(b) Recruitment on behalf of sites unable to establish their own recruitment program; and

(c) Assistance with retention activities when practitioners of the health professional loan repayment and scholarship program authorized by chapter 18.150 RCW are present in the practice setting.

NEW SECTION. Sec. 9. DEPARTMENTAL DUTIES.

(1) The department shall establish up to three community-based recruitment and retention project sites to provide financial and technical assistance to participating communities. The goal of the project is to help assure the availability of health care providers in rural areas of Washington state.

(2) Administrative costs necessary to implement this project shall be kept at a minimum to insure the maximum availability of funds for participants.

(3) The secretary may contract with third parties for services necessary to carry out activities to implement this chapter where this will promote economy, avoid duplication of effort, and make the best use of available expertise.

(4) The secretary may apply for, receive, and accept gifts and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects related to the delivery of health care in rural areas.

(5) In designing and implementing the project the secretary shall coordinate the project with the Washington rural health system project as authorized under chapter 70.175 RCW to consolidate administrative duties and reduce costs.

NEW SECTION. Sec. 10. RULES.

The department shall adopt rules consistent with this chapter to carry out the purpose of this chapter. All rules shall be adopted in accordance with chapter 34.05 RCW. All rules and procedures adopted by the department shall minimize paperwork and compliance requirements for participants and should not be complex in nature so as to serve as a barrier or disincentive for prospective participants applying for the project.

NEW SECTION. Sec. 11. SECRETARY'S POWERS AND DUTIES. The secretary shall have the following powers and duties:

(1) To design the project application and selection process, including a program to advertise the project to rural communities and encourage prospective applicants to apply. Subject to funding, project sites shall be selected that are eligible to receive funding. Funding shall be used to hire consultants and perform other activities necessary to meet participant requirements under this chapter. The secretary shall require at least fifty percent matching funds or in-kind contributions from participants. In considering selection of participants eligible for seed grant funding, the secretary should consider project sites where (a) existing access to health care is severely inadequate, (b) recruitment and retention problems have been chronic, (c) the community is in need of primary care practitioners, or (d) the community has unmet health care needs for specific target populations;

(2) To design acceptable health care professional recruitment and retention strategic plans, and to serve as a general resource to participants in the planning, administration, and evaluation of project sites;

(3) To assess and approve strategic plans developed by participants, including an assessment of the technical and financial feasibility of implementing the plan and whether adequate local support for the plan is demonstrated;

(4) To identify existing private and public resources that may serve as eligible consultants, identify technical assistance resources for communities in the project, create a register of public and private technical resource services available, and provide the register to participants. The secretary shall screen consultants to determine their qualifications prior to including them on the register;

(5) To work with other state agencies, institutions of higher education, and other public and private organizations to coordinate technical assistance services for participants;

(6) To administer available funds for community use while participating in the project and establish procedures to assure accountability in the use of seed grant funds by participants;

(7) To define data and other minimum requirements for adequate evaluation of projects and to develop and implement an overall monitoring and evaluation mechanism for the projects;

(8) To act as facilitator for multiple applicants and entrants to the project;

(9) To report to the appropriate legislative committees and others from time to time on the progress of the projects including the identification of statutory and regulatory barriers to successful completion of rural health care delivery goals and an ongoing evaluation of the project.

NEW SECTION. Sec. 12. DUTIES AND RESPONSIBILITIES OF PARTICIPATING COMMUNITIES.

The duties and responsibilities of participating communities shall include:

(1) To involve major health care providers, businesses, public officials, and other community leaders in project design, administration, and oversight;

(2) To identify an individual or organization to serve as the local administrator of the project. The secretary may require the local administrator to maintain acceptable accountability of seed grant funding;

(3) To coordinate and avoid duplication of public health and other health care services;

(4) To assess and analyze community health care professional needs;

(5) To write a health care professional recruitment and retention strategic plan;

(6) To screen and contract with consultants for technical assistance if the project site was selected to receive funding and assistance is needed;

(7) To monitor and evaluate the project in an ongoing manner;

(8) To provide data and comply with other requirements of the administrator that are intended to evaluate the effectiveness of the projects;

(9) To assure that specific populations with unmet health care needs have access to services.

NEW SECTION. Sec. 13. COOPERATION OF STATE AGENCIES. (1) The secretary may call upon other agencies of the state to provide available information to assist the secretary in meeting the responsibilities under this chapter. This information shall be supplied as promptly as circumstances permit.

(2) The secretary may call upon other state agencies including institutions of higher education as authorized under Titles 28A and 28B RCW to identify and coordinate the delivery of technical assistance services to participants in meeting the responsibilities of this chapter. The state agencies, vocational-technical institutions, and institutions of higher education shall cooperate and provide technical assistance to the secretary to the extent that current funding for these entities permits.

NEW SECTION. Sec. 14. PARTICIPANTS AUTHORIZED TO CONTRACT--PENALTY--SECRETARY AND STATE EXEMPT FROM LIABILITY.

(1) Participants are authorized to use funding granted to them by the secretary for the purpose of contracting for technical assistance services. Participants shall use only consultants identified by the secretary for consulting services unless the participant can show that an alternative consultant is qualified to provide technical assistance and is approved by the secretary. Adequate records shall be kept by the participant showing project site expenditures from grant moneys. Inappropriate use of grant funding is a gross misdemeanor and shall incur the penalties under chapter 9A.20 RCW.

(2) In providing a list of qualified consultants the secretary and the state shall not be held responsible for assuring qualifications of consultants and shall be held harmless for the actions of consultants. Furthermore, the secretary and the state shall not be held liable for the failure of participants to meet contractual obligations established in connection with project participation.

"PART 5

HEALTH PROFESSIONAL LOAN REPAYMENT AND SCHOLARSHIP PROGRAM"

Sec. 15. RCW 18.150.020 and 1989 1st ex.s. c 9 s 717 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the higher education coordinating board.

(2) "Department" means the state department of health.

(3) "Eligible education and training programs" means education and training programs approved by the department that lead to eligibility for a credential as a credentialed health care professional.

(4) "Eligible expenses" means reasonable expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses determined by the board.

(5) "Eligible student" means a student who has been accepted into an eligible education or training program and has a declared intention to serve in a health professional shortage area upon completion of the education or training program.

(6) "Forgiven" or "to forgive" or "forgiveness" means to render health care services in a health professional shortage area in the state of Washington in lieu of monetary repayment.

(7) "Health professional shortage areas" means those areas where credentialed health care professionals are in short supply as a result of geographic maldistribution or as the result of a short supply of credentialed health care professionals in specialty health care areas and where vacancies exist in serious numbers that jeopardize patient care and pose a threat to the public health and safety. The department shall determine health professional shortage areas as provided for in section 20 of this act, or until June 1, 1992, as provided for in section 19 of this act. In making health professional shortage area designations in the state the department may be guided by applicable federal standards for "health manpower shortage areas," and "medically underserved areas," and "medically underserved populations."

(8) "Credentialed health care profession" means a health care profession regulated by a disciplining authority in the state of Washington under RCW 18.130.040 or by the state board of pharmacy under chapter 18.64 RCW and designated by the department in section 20 of this act, or until June 1, 1992, as established in section 19 of this act as a profession having shortages of credentialed health care professionals in the state.

(9) "Credentialed health care professional" means a person regulated by a disciplining authority in the state of Washington to practice a health care profession under RCW 18.130.040 or by the state board of pharmacy under chapter 18.64 RCW.

(10) "Loan repayment" means a loan that is paid in full or in part if the participant renders health care services in a health professional shortage area ((or medically under served areas)) as defined by the department ((of health)).

((2)) (11) "Nonshortage rural area" means a nonurban area of the state of Washington that has not been designated as a rural physician shortage area. The department shall identify the nonshortage rural areas of the state.

(12) "Participant" means a ((licensed)) credentialed health care professional who has received a loan repayment award and has commenced practice as a ((primary)) credentialed health care provider in a designated health professional shortage area or an eligible student who has received a scholarship under this program.

((3) "Board" means the higher education coordinating board.

~~(4) "Health professional shortage areas" means those geographic areas where health professionals are in short supply as a result of geographic maldistribution and where vacancies exist in serious numbers that jeopardize patient care and pose a threat to the public health and safety. The department of health shall determine health professional shortage areas in the state guided by federal standards of "health manpower shortage areas," and "medically underserved areas," and "medically underserved populations."~~

~~(5)) (13) "Program" means the health professional loan repayment and scholarship program.~~

(14) "Required service obligation" means an obligation by the participant to provide health care services in a health professional shortage area for a period to be established as provided for in this chapter.

(15) "Rural physician shortage area" means rural geographic areas where primary care physicians are in short supply as a result of geographic maldistributions and where

their limited numbers jeopardize patient care and pose a threat to public health and safety. The department shall designate rural physician shortage areas.

(16) "Satisfied" means paid-in-full.

~~((6) "Licensed health professional" means a person authorized in the state of Washington to practice medicine pursuant to chapter 18.57 or 18.57A RCW or 18.71 or 18.71A RCW, to practice nursing pursuant to chapter 18.88 or 18.78 RCW, or to practice dentistry pursuant to chapter 18.32 RCW.))~~ (17) "Scholarship" means a loan that is forgiven in whole or in part if the recipient renders health care services in a health professional shortage area.

(18) "Sponsoring community" means a rural hospital or hospitals as authorized in chapter 70.41 RCW, a rural health care facility or facilities as authorized in chapter 70.175 RCW, or a city or county government or governments.

Sec. 16. RCW 18.150.030 and 1989 1st ex.s. c 9 s 718 are each amended to read as follows:

The health professional loan repayment and scholarship program is established for ~~((licensed))~~ credentialed health professionals serving in health professional shortage areas. The program shall be administered by the higher education coordinating board. In administering this program, the board shall ~~((have the following duties))~~:

(1) ~~((It shall))~~ Select ~~((licensed))~~ credentialed health care professionals to participate in the loan repayment portion of the loan repayment and scholarship program and select eligible students to participate in the scholarship portion of the loan repayment and scholarship program;

(2) ~~((It shall))~~ Adopt rules and develop guidelines to administer the program;

(3) ~~((It shall))~~ Collect and manage repayments from participants who do not meet their service obligations under this chapter;

(4) Publicize the program, particularly to maximize participation among individuals in shortage areas and among populations expected to experience the greatest growth in the work force; ~~((and~~

~~((It shall))~~ (5) Solicit and accept grants and donations from public and private sources for the program; and

(6) Develop criteria for a contract for service in lieu of the service obligation where appropriate, that may be a combination of service and payment.

NEW SECTION. Sec. 17. The department may provide technical assistance to rural communities desiring to become sponsoring communities for the purposes of identification of prospective students for the program, assisting prospective students to apply to an eligible education and training program, making formal agreements with prospective students to provide credentialed health care services in the community, forming agreements between rural communities in a service area to share credentialed health care professionals, and fulfilling any matching requirements.

Sec. 18. RCW 18.150.040 and 1989 1st ex.s. c 9 s 719 are each amended to read as follows:

The board shall establish a planning committee to assist it in developing criteria for the selection of participants. The board shall ~~((at a minimum,))~~ include on the planning committee ~~((Representatives from rural hospitals, public health districts or departments, community and migrant clinics, and private providers))~~ representatives of the department, the department of social and health services, appropriate representatives from health care facilities, provider groups, consumers, the state board of community college education, the superintendent of public instruction, and other appropriate public and private agencies and organizations. The criteria may require that some of the participants meet the definition of "needy student" under RCW 28B.10.802.

NEW SECTION. Sec. 19. ELIGIBLE CREDENTIALLED HEALTH PROFESSIONALS AND REQUIRED SERVICE OBLIGATIONS.

Until June 1, 1992, the board, in consultation with the department, shall:

(1) Establish loan repayments for persons authorized to practice one of the following credentialed health care professions: Medicine pursuant to chapter 18.57, 18.57A, 18.71 or 18.71A RCW, nursing pursuant to chapter 18.78 or 18.88 RCW, or dentistry pursuant to chapter 18.32 RCW. The amount of the loan repayment shall not exceed fifteen thousand dollars per year for a maximum of five years per individual. The required service obligation in a health professional shortage area for loan repayment shall be three years;

(2) Establish a scholarship program for eligible students who have been accepted into an eligible education or training program leading to a credential in one of the following credentialed health care professions: Nursing pursuant to chapter 18.78 or 18.88 RCW who declare the intent to serve in a nurse shortage area as defined by the department upon completion of an education or training program and agree to a five-year service obligation. The amount of the scholarship shall not exceed three thousand dollars per year for a maximum of five years;

(3) Establish a scholarship program for eligible students who have been accepted into an eligible education or training program leading to a credential in one of the following credentialed health care professions: Medicine pursuant to chapter 18.57 or 18.71 RCW who declare an intent to serve as a primary care physician in a rural area in the state of Washington upon completion of the education program and agree to a five-year service obligation and who may receive a scholarship of no more than fifteen thousand dollars per year for five years.

In determining scholarship awards for prospective physicians, the selection criteria shall include requirements that recipients declare an interest in serving in rural areas of the state of Washington. Preference for scholarships shall be given to students who reside in a rural physician shortage area or a nonshortage rural area of the state prior to admission to the eligible education and training program in medicine. Highest preference shall be given to students seeking admission who are recommended by sponsoring communities and who declare the intent of serving as a physician in a rural area. The board may require the sponsoring community located in a nonshortage rural area to financially contribute to the eligible expenses of a medical student if the student will serve in the nonshortage rural area;

(4) Establish a scholarship program for eligible students who have been accepted into an eligible education or training program leading to a credential in one of the following credentialed health care professions: Midwifery pursuant to chapter 18.50 RCW or advanced registered nurse practitioner certified nurse midwifery under chapter 18.88 RCW who declare an intent to serve as a midwife in a midwifery shortage area in the state of Washington, as defined by the department, upon completion of the education program and agree to a five-year service obligation and who may receive a scholarship of no more than four thousand dollars per year for three years;

(5) Establish a scholarship program for eligible students who have been accepted into an eligible education or training program leading to a credential in the following credentialed health care profession: Pharmacy pursuant to chapter 18.64 RCW who declare an intent to serve as a pharmacist in a pharmacy shortage area in the state of Washington, as defined by the department, upon completion of the education program and agree to a five-year service obligation and who may receive a scholarship of no more than four thousand dollars per year for three years;

(6) Honor loan repayment and scholarship contract terms negotiated between the board and participants prior to the effective date of this act concerning loan repayment and scholarship award amounts and service obligations authorized under chapter 18.150, 28B.104, or 70.180 RCW.

NEW SECTION. Sec. 20. ELIGIBLE CREDENTIALLED HEALTH PROFESSIONS.

After June 1, 1992, the department, in consultation with the board and the department of social and health services, shall:

(1) Determine eligible credentialed health care professions for the purposes of the loan repayment and scholarship program authorized by this chapter. Eligibility shall be based upon an assessment that determines that there is a shortage or insufficient availability of a credentialed profession so as to jeopardize patient care and pose a threat to the public health and safety. The department shall consider the relative degree of shortages among professions when determining eligibility. This determination shall be based upon health professional shortage needs identified in the health personnel resource plan authorized by section 5 of this act. The department may add or remove professions from eligibility based upon the determination that a profession is no longer in shortage as determined by the health personnel resource plan. Should a profession no longer be eligible, participants or eligible students who have received scholarships shall be eligible to continue to receive scholarships or loan repayments until they are no longer eligible or until their service obligation has been completed;

(2) Determine health professional shortage areas for each of the eligible credentialed health care professions.

NEW SECTION. **Sec. 21. REQUIRED SERVICE OBLIGATIONS.** After June 1, 1992, the board, in consultation with the department and the department of social and health services, shall:

(1) Establish the annual award amount for each credentialed health care profession which shall be based upon an assessment of reasonable annual eligible expenses involved in training and education for each credentialed health care profession. The annual award amount may be established at a level less than annual eligible expenses. The annual award amount shall not be more than fifteen thousand dollars per year. The awards shall not be paid for more than a maximum of five years per individual;

(2) Determine any scholarship awards for prospective physicians in such a manner to require the recipients declare an interest in serving in rural areas of the state of Washington. Preference for scholarships shall be given to students who reside in a rural physician shortage area or a nonshortage rural area of the state prior to admission to the eligible education and training program in medicine. Highest preference shall be given to students seeking admission who are recommended by sponsoring communities and who declare the intent of serving as a physician in a rural area. The board may require the sponsoring community located in a nonshortage rural area to financially contribute to the eligible expenses of a medical student if the student will serve in the nonshortage rural area;

(3) Establish the required service obligation for each credentialed health care profession, which shall be no less than three years or no more than five years. The required service obligation may be based upon the amount of the scholarship or loan repayment award such that higher awards involve longer service obligations on behalf of the participant;

(4) Determine eligible education and training programs for purposes of the scholarship portion of the program;

(5) Honor loan repayment and scholarship contract terms negotiated between the board and participants prior to the effective date of this section concerning loan repayment and scholarship award amounts and service obligations authorized under chapter 18.150, 28B.104, or 70.180 RCW.

Sec. 22. RCW 18.150.050 and 1989 1st ex.s. c 9 s 720 are each amended to read as follows:

(1) The board may grant loan repayment and scholarship awards to eligible participants from the funds appropriated for this purpose, or from any private or public funds given to the board for this purpose. ~~((The amount of the loan repayment shall not exceed fifteen thousand dollars per year for a maximum of five years. The board may establish awards of less than fifteen thousand dollars per year based upon reasonable levels of expenditures for each of the health professions covered by this chapter.))~~ Participants ~~((in the conditional scholarship program authorized by chapter~~

28B.104 RCW are ineligible to receive assistance from the program authorized by this chapter)) are ineligible to receive loan repayment if they have received a scholarship from programs authorized under this chapter or chapter 28B.104 or 70.180 RCW or are ineligible to receive a scholarship if they have received loan repayment authorized under this chapter or chapter 18.150 RCW.

(2) Funds appropriated for the program, including reasonable administrative costs, may be used by the board for the purposes of loan repayments or scholarships. The board shall annually establish the total amount of funding to be awarded for loan repayments and scholarships and such allocations shall be established based upon the best utilization of funding for that year and based upon the health personnel resource plan authorized in section 5 of this act.

(3) One portion of the funding appropriated for the program shall be used by the board as a recruitment incentive for communities participating in the community-based recruitment and retention program as authorized by sections 7 through 14 of this act; one portion of the funding shall be used by the board as a recruitment incentive for recruitment activities in state-operated institutions, county public health departments and districts, county human service agencies, federal and state contracted community health clinics, and other health care facilities, such as rural hospitals that have been identified by the department, as providing substantial amounts of charity care or publicly subsidized health care; one portion of the funding shall be used by the board for all other awards. The board shall determine the amount of total funding to be distributed between the three portions.

NEW SECTION. Sec. 23. PARTICIPANT REQUIREMENT TO ACCEPT PAYMENT.

In providing health care services the participant shall not discriminate against a person on the basis of the person's ability to pay for such services or because payment for the health care services provided to such persons will be made under the insurance program established under part A or B of Title XVIII of the federal social security act or under a state plan for medical assistance including Title XIX of the federal social security act or under the state medical assistance program authorized by chapter 74.09 RCW and agrees to accept assignment under section 18.42(b)(3)(B)(ii) of the federal social security act for all services for which payment may be made under part B of Title XVIII of the federal social security act and enters into an appropriate agreement with the department of social and health services for medical assistance under Title XIX of the federal social security act to provide services to individuals entitled to medical assistance under the plan and enters into appropriate agreements with the department of social and health services for medical care services under chapter 74.09 RCW. Participants found by the board or the department in violation of this section shall be declared ineligible for receiving assistance under the program authorized by this chapter.

Sec. 24. RCW 18.150.060 and 1989 1st ex.s. c 9 s 721 are each amended to read as follows:

Participants in the health professional loan repayment and scholarship program who are awarded loan repayments shall receive payment from the program for the purpose of repaying educational loans secured while attending a program of health professional training which led to ~~((licensure as a licensed))~~ a credentialed health professional in the state of Washington.

(1) Participants shall agree to ~~((serve at least three years))~~ meet the required service obligation in a designated health professional shortage area.

(2) ~~((In providing health care services the participant shall not discriminate against any person on the basis of the person's ability to pay for such services or because payment for the health care services provided to such persons will be made under the insurance program established under part A or B of Title XVIII of the federal social security act or under a state plan for medical assistance approved under Title XIX of~~

~~the federal social security act and agrees to accept assignment under section 18.42(b)(3)(B)(ii) of such act for all services for which payment may be made under part B of Title XVIII and enters into an appropriate agreement with the department of social and health services for medical assistance under Title XIX to provide services to individuals entitled to medical assistance under the plan. Participants found by the board in violation of this section shall be declared ineligible for receiving assistance under the program authorized by this chapter.~~

~~((3))~~ (3) Repayment shall be limited to ~~((reasonable))~~ eligible educational and living expenses as determined by the board and shall include principal and interest.

~~((4))~~ (3) Loans from both government and private sources may be repaid by the program. Participants shall agree to allow the board access to loan records and to acquire information from lenders necessary to verify eligibility and to determine payments. Loans may not be renegotiated with lenders to accelerate repayment.

~~((5))~~ (4) Repayment of loans established pursuant to this program shall begin no later than ninety days after the individual has become a participant. Payments shall be made quarterly, or more frequently if deemed appropriate by the board, to the participant until the loan is repaid or the participant becomes ineligible due to discontinued service in a health professional shortage area or after the ~~((fifth year of services))~~ required service obligation when eligibility discontinues, whichever comes first.

~~((6))~~ (5) Should the participant discontinue service in a health professional shortage area payments against the loans of the participants shall cease to be effective on the date that the participant discontinues service.

~~((7))~~ (6) Except for circumstances beyond their control, participants who serve less than ~~((three years))~~ the required service obligation shall be obligated to repay to the program an amount equal to twice the total amount paid by the program on their behalf in addition to any payments on the unsatisfied portion of the principal and interest. The board shall determine the applicability of this subsection.

~~((8))~~ (7) The board is responsible for the collection of payments made on behalf of participants from the participants who discontinue service before ~~((their three year))~~ completion of the required service obligation. The board shall exercise due diligence in such collection, maintaining all necessary records to ensure that the maximum amount of payment made on behalf of the participant is recovered. Collection under this section shall be pursued using the full extent of the law, including wage garnishment if necessary.

~~((9))~~ (8) The board shall not be held responsible for any outstanding payments on principal and interest to any lenders once a participant's eligibility expires.

NEW SECTION. Sec. 25. PARTICIPANT OBLIGATION--SCHOLARSHIPS.

(1) Participants in the health professional loan repayment and scholarship program who are awarded scholarships incur an obligation to repay the scholarship, with interest, unless they serve the required service obligation in a health professional shortage area in the state of Washington.

(2) The terms of the repayment, including deferral and rate of interest, shall be consistent with the terms of the federal guaranteed student loan program.

(3) The period for repayment shall coincide with the required service obligation, with payments accruing quarterly commencing no later than nine months from the date the participant completes or discontinues the course of study or completes or discontinues the required residency.

(4) The entire principal and interest of each payment shall be forgiven for each payment period in which the participant serves in a health professional shortage area until the entire repayment obligation is satisfied or the borrower ceases to so serve. Should the participant cease to serve in a health professional shortage area of this state before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue

until the remainder of the participant's repayment obligation is satisfied. Except for circumstances beyond their control, participants who serve less than the required service obligation shall be obliged to repay to the program an amount equal to twice the total amount paid by the program on their behalf.

(5) The board is responsible for collection of repayments made under this section and shall exercise due diligence in such collection, maintaining all necessary records to ensure that maximum repayments are made. Collection and servicing of repayments under this section shall be pursued using the full extent of the law, including wage garnishment if necessary, and shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency. The board is responsible to forgive all or parts of such repayments under the criteria established in this section and shall maintain all necessary records of forgiven payments.

(6) Receipts from the payment of principal or interest or any other subsidies to which the board as administrator is entitled, which are paid by or on behalf of participants under this section, shall be deposited with the board and shall be used to cover the costs of granting the scholarships, maintaining necessary records, and making collections under subsection (5) of this section. The board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant scholarships to eligible students.

(7) Sponsoring communities who financially contribute to the eligible financial expenses of eligible medical students may enter into agreements with the student to require repayment should the student not serve the required service obligation in the community as a primary care physician. The board may develop criteria for the content of such agreements with respect to reasonable provisions and obligations between communities and eligible students.

(8) The board may make exceptions to the conditions for participation and repayment obligations should circumstances beyond the control of individual participants warrant such exceptions.

Sec. 26. RCW 28B.20.500 and 1990 c 271 s 9 are each amended to read as follows:

The school of medicine at the University of Washington shall develop and implement a policy to grant admission preference to prospective medical students from rural areas of the state who agree to serve for at least five years as primary care physicians in rural areas of Washington after completion of their medical education and have applied for and meet the qualifications of the program under (~~RCW 70.180.050~~) chapter 28B.-- RCW (codified pursuant to section 36 of this act). Should the school of medicine be unable to fill any or all of the admission openings due to a lack of applicants from rural areas who meet minimum qualifications for study at the medical school, it may admit students not eligible for preferential admission under this section.

Sec. 27. RCW 70.180.005 and 1990 c 271 s 1 are each amended to read as follows:

The legislature finds that a health care access problem exists in rural areas of the state (~~(due to a lack of practicing physicians, physician assistants, pharmacists, and advanced registered nurse practitioners. In addition, many of these)~~) because rural health care providers are unable to leave the community for short-term periods of time to attend required continuing education training or for personal matters because their absence would leave the community without adequate medical care coverage. The lack of adequate medical coverage in geographically remote rural communities constitutes a threat to the health and safety of the people in those communities.

The legislature declares that it is in the public interest to recruit and maintain a pool of physicians, physician assistants, pharmacists, and advanced registered nurse practitioners willing and able on short notice to practice in rural communities on a short-term basis to meet the medical needs of the community.

NEW SECTION. Sec. 28. DEDICATED ACCOUNT--TRUST FUND.

(1) Any funds appropriated by the legislature for the health professional loan repayment and scholarship program or any other public or private funds intended for loan repayments or scholarships under this program shall be placed in the account created by this section.

(2) The health professional loan repayment and scholarship program fund is created in custody of the state treasurer. All receipts from the program shall be deposited into the fund. Only the higher education coordinating board, or its designee, may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

NEW SECTION. Sec. 29. A new section is added to chapter 70.180 RCW to read as follows:

DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of health.

(2) "Rural areas" means a rural area in the state of Washington as identified by the department.

"PART 6
CREDENTIALING BY ENDORSEMENT"

NEW SECTION. Sec. 30. A new section is added to chapter 18.53 RCW to read as follows:

CREDENTIALING BY ENDORSEMENT--OPTOMETRY. An applicant holding a credential in another state may be credentialed to practice in this state without examination if the board determines that the other state's credentialing standards are substantially equivalent to the standards in this state.

NEW SECTION. Sec. 31. A new section is added to chapter 18.35 RCW to read as follows:

CREDENTIALING BY ENDORSEMENT--HEARING AIDED DISPENSERS. An applicant holding a credential in another state may be credentialed to practice in this state without examination if the board determines that the other state's credentialing standards are substantially equivalent to the standards in this state.

NEW SECTION. Sec. 32. A new section is added to chapter 18.50 RCW to read as follows:

CREDENTIALING BY ENDORSEMENT--MIDWIFERY. An applicant holding a credential in another state may be credentialed to practice in this state without examination if the secretary determines that the other state's credentialing standards are substantially equivalent to the standards in this state.

NEW SECTION. Sec. 33. A new section is added to chapter 18.34 RCW to read as follows:

CREDENTIALING BY ENDORSEMENT--DISPENSING OPTICIANS. An applicant holding a credential in another state may be credentialed to practice in this state without examination if the secretary determines that the other state's credentialing standards are substantially equivalent to the standards in this state.

"PART 7
NONTRADITIONAL TREATMENT"

Sec. 34. RCW 18.130.180 and 1989 c 270 s 33 are each amended to read as follows:

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers or documents;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority; or

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding;

(9) Failure to comply with an order issued by the disciplining authority or an assurance of discontinuance entered into with the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Violations of rules established by any health agency;

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and

all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The procuring, or aiding or abetting in procuring, a criminal abortion;

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(20) The willful betrayal of a practitioner-patient privilege as recognized by law;

(21) Violation of chapter 19.68 RCW;

(22) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action;

(23) Current misuse of:

(a) Alcohol;

(b) Controlled substances; or

(c) Legend drugs;

(24) Abuse of a client or patient or sexual contact with a client or patient.

"PART 8 MISCELLANEOUS"

NEW SECTION. Sec. 35. The following acts or parts of acts are each repealed:

(1) RCW 18.150.080 and 1989 1st ex.s. c 9 s 723;

(2) RCW 28B.102.010 and 1987 c 437 s 1;

(3) RCW 28B.102.020 and 1987 c 437 s 2;

(4) RCW 28B.102.030 and 1987 c 437 s 3;

(5) RCW 28B.102.040 and 1987 c 437 s 4;

(6) RCW 28B.102.045 and 1988 c 125 s 7;

(7) RCW 28B.102.050 and 1987 c 437 s 5;

(8) RCW 28B.102.060 and 1987 c 437 s 6;

(9) RCW 28B.102.070 and 1987 c 437 s 7;

(10) RCW 28B.102.900 and 1987 c 437 s 9;

(11) RCW 28B.102.905 and 1987 c 437 s 10;

(12) RCW 70.180.007 and 1990 c 271 s 5;

(13) RCW 70.180.010 and 1990 c 271 s 6;

(14) RCW 70.180.050 and 1990 c 271 s 7;

(15) RCW 70.180.060 and 1990 c 271 s 8;

(16) RCW 70.180.070 and 1990 c 271 s 10;

(17) RCW 70.180.080 and 1990 c 271 s 11;

(18) RCW 70.180.090 and 1990 c 271 s 12;

(19) RCW 70.180.100 and 1990 c 271 s 13; and

(20) RCW 70.180.910 and 1990 c 271 s 19.

NEW SECTION. Sec. 36. RCW 18.150.010, 18.150.020, 18.150.030, 18.150.040, 18.150.050, 18.150.060, 18.150.070, 18.150.900, and 18.150.910 are each recodified as a new chapter in Title 28B RCW.

NEW SECTION. Sec. 37. Sections 17, 19, 20, 21, 23, 25, and 28 of this act are each added to the new chapter in Title 28B RCW created by section 36 of this act.

NEW SECTION. Sec. 38. Sections 4 and 5 of this act shall constitute a new chapter in Title 28B RCW.

NEW SECTION. Sec. 39. Sections 7 through 14 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 40. Section captions and part headings as used in this act constitute no part of the law.

NEW SECTION. Sec. 41. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 42. If funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 43. Nothing in this act is intended to change the scope of practice of any health care profession referred to in this act.

MOTION

Senator West moved that the following amendment to the Committee on Health and Long-Term Care striking amendment be adopted:

On page 43, after line 21 of the amendment, insert the following:

Sec. 40. RCW 18.92.015 and 1991 c 3 s 238 are each amended to read as follows:

~~(The term)~~ Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

"Animal technician" means a person who has successfully completed an examination administered by the board and who has either successfully completed a post high school course approved by the board in the care and treatment of animals or had five years' practical experience, acceptable to the board, with a licensed veterinarian.

"Board" ((used in this chapter shall) means the Washington state veterinary board of governors((; and the term "secretary" shall)).

"Department" means the department of health.

"Secretary" means the secretary of ((health of the state of Washington)) the department of health.

~~(("Animal technician" shall mean a person who has successfully completed an examination administered by the board and who has either successfully completed a post high school course approved by the board in the care and treatment of animals, or a person who has had five years practical experience acceptable to the board with a licensed veterinarian.))~~

NEW SECTION. Sec. 41. A new section is added to chapter 18.92 RCW to read as follows:

(1) The department may issue a license to practice specialized veterinary medicine in this state to a veterinarian who:

(a) Submits an application on a form provided by the secretary for a license in a specialty area recognized by the board by rule;

(b) Holds a current certification as a diplomate of a national specialty board or college recognized by the board by rule in the specialty area for which application is submitted;

(c) Is not subject to license investigation, suspension, revocation, or other disciplinary action in any state, United States territory, or province of Canada;

(d) Has successfully completed an examination established by the board regarding this state's laws and rules regulating the practice of veterinary medicine; and

(e) Provides other information and verification required by the board.

(2) A veterinarian licensed to practice specialized veterinary medicine shall not practice outside his or her licensed specialty unless he or she meets licensing requirements established for practicing veterinary medicine, surgery, and dentistry under RCW 18.92.070 and 18.92.100.

(3) The board shall determine by rule the limits of the practice of veterinary medicine, surgery, and dentistry represented by a license to practice specialized veterinary medicine.

(4) The board may deny, revoke, suspend, or modify a license to practice specialized veterinary medicine if the national specialty board or college certifying the licensee denies, revokes, suspends, modifies, withdraws, or otherwise limits the certification or if the certification expires.

Sec. 42. RCW 18.92.145 and 1991 c 3 s 248 are each amended to read as follows:

The secretary shall determine the fees, as provided in RCW 43.70.250, for the issuance, renewal, or administration of the following licenses, certificates of registration, permits, duplicate licenses, renewals, or examination:

(1) For a license to practice veterinary medicine, surgery, and dentistry issued upon an examination given by the examining board;

(2) For a license to practice veterinary medicine, surgery, and dentistry issued upon the basis of a license issued in another state;

(3) For a certificate of registration as an animal technician;

(4) For a temporary permit to practice veterinary medicine, surgery, and dentistry. The temporary permit fee shall be accompanied by the full amount of the examination fee;

(5) For a license to practice specialized veterinary medicine.

Renumber the remaining sections and correct internal references accordingly.

MOTION

On motion of Senator West, further consideration of Engrossed Substitute House Bill No. 1960 was deferred.

MOTION

On motion of Senator McCaslin, Senator Patterson was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1054, by House Committee on Human Services (originally sponsored by Representatives Leonard, Winsley, Riley, Orr, R. King and Sheldon) (by request of Department of Social and Health Services)

Revising provisions for reports of abuse of children or adult dependent or developmentally disabled persons.

The bill was read the second time.

MOTIONS

On motion of Senator Roach, the following Committee on Children and Family Services amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 26.44.030 and 1989 c 22 s 1 are each amended to read as follows:

(1) When any practitioner, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, or juvenile probation officer has reasonable cause to believe that a child or adult dependent or developmentally disabled person, has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040. The report shall be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect. The report shall include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children, dependent adults, or developmentally disabled persons are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section shall apply.

(3) Any other person who has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

~~((3))~~ (4) The department, upon receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report shall also be made to the proper law enforcement agency within five days thereafter.

~~((4))~~ (5) Any law enforcement agency receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

~~((5))~~ (6) Any county prosecutor or city attorney receiving a report under subsection ~~((4))~~ (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

~~((6))~~ (7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services or department case services for the developmentally disabled. Upon

request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child or developmentally disabled person. Information considered privileged by statute and not directly related to reports required by this section shall not be divulged without a valid written waiver of the privilege.

~~((7))~~ (8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

~~((8))~~ (9) Persons or agencies exchanging information under subsection ~~((6))~~ (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

~~((9))~~ (10) Upon receiving reports of abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview shall occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

~~((10))~~ (11) Upon receiving a report of incidents, conditions, or circumstances of child abuse and neglect, the department shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

~~((11))~~ (12) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

~~((12))~~ (13) The department of social and health services shall, within funds appropriated for this purpose, use a risk assessment tool when investigating child abuse and neglect referrals. The tool shall be used, on a pilot basis, in three local office service areas. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

The department shall report to the ways and means committees of the senate and house of representatives on the use of the tool by December 1, 1989. The report shall include recommendations on the continued use and possible expanded use of the tool.

~~((13))~~ (14) Upon receipt of such report the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

NEW SECTION. Sec. 2. RCW 26.44.070 and 1987 c 524 s 12, 1987 c 206 s 6, 1986 c 269 s 3, 1984 c 97 s 6, 1981 c 164 s 4, 1977 ex.s. c 80 s 29, 1975 1st ex.s. c 217 s 7, 1972 ex.s. c 46 s 1, & 1969 ex.s. c 35 s 6 are each repealed.

On motion of Senator Roach, the rules were suspended, Substitute House Bill No. 1054, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1054, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1054 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Owen, Patterson, Sellar, Skratek - 4.

SUBSTITUTE HOUSE BILL NO. 1054, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1960 and the pending amendment by Senator West on page 43, after line 21, to the Committee on Health and Long-Term Care striking amendment, deferred earlier today.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator West on page 43, after line 21, to the Committee on Health and Long-Term Care striking amendment to Engrossed Substitute House Bill No. 1960.

The motion by Senator West carried and the amendment to the committee amendment was adopted.

MOTIONS

On motion of Senator West, the following amendment to the Committee on Health and Long-Term Care Committee amendment was adopted:

On page 44, beginning on line 5 of the amendment, strike all of sections 42 and 43 and insert the following:

NEW SECTION. Sec. 42. If specific funding for the purposes of sections 1 through 39 of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 1 through 39 of this act shall be null and void.

NEW SECTION. Sec. 43. Nothing in sections 1 through 39 of this act is intended to change the scope of practice of any health care profession referred to in sections 1 through 39 of this act.

The President Pro Tempore declared the question before the Senate to

be the adoption of the Committee on Health and Long-Term Care striking amendment, as amended, to Engrossed Substitute House Bill No. 1960.

The Committee on Health and Long-Term Care striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator West, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "regulation;" strike the remainder of the title, and insert "amending RCW 18.130.010, 18.120.030, 18.150.020, 18.150.030, 18.150.040, 18.150.050, 18.150.060, 28B.20.500, 70.180.005, 18.130.180, 18.92.015, and 18.92.145; adding new sections to chapter 18.130 RCW; adding a new section to chapter 70.180 RCW; adding a new section to chapter 18.53 RCW; adding a new section to chapter 18.35 RCW; adding a new section to chapter 18.50 RCW; adding a new section to chapter 18.34 RCW; adding a new section to chapter 18.92 RCW; adding new chapters to Title 28B RCW; adding a new chapter to Title 70 RCW; creating new sections; recodifying RCW 18.150.010, 18.150.020, 18.150.030, 18.150.040, 18.150.050, 18.150.060, 18.150.070, 18.150.080, 18.150.900, and 18.150.910; repealing RCW 18.150.080, 28B.102.010, 28B.102.020, 28B.102.030, 28B.102.040, 28B.102.045, 28B.102.050, 28B.102.060, 28B.102.070, 28B.102.900, 28B.102.905, 70.180.007, 70.180.010, 70.180.050, 70.180.060, 70.180.070, 70.180.080, 70.180.090, 70.180.100, and 70.180.910; prescribing penalties; and declaring an emergency."

On page 44, line 17 of the title amendment, strike "and 18.130.180" and insert "18.130.180, 18.92.015, and 18.92.145"

On page 44, line 21 of the title amendment, after "18.34 RCW;" insert "adding a new section to chapter 18.92 RCW;"

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 1960, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator West, just one question, there has been a considerable amount of concern about an amendment to the scope of practice of optometrists. Is there anything in this bill that addresses the scope of practice of optometrists?"

Senator West: "Senator Talmadge, there is nothing in this bill that addresses the scope of practice, as was conveyed by many people. That amendment was not presented, so we don't have to worry about that concern."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1960, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1960, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Pelz, Rasmussen, Roach, Saling, A. Smith, L. Smith, Stratton, Talmadge, Thorsness, Vognilid, von Reichbauer, West, Williams, Wojahn - 42.

Voting nay: Senators Rinehart, Snyder, Sutherland - 3.

Excused: Senators Owen, Patterson, Sellar, Skratek - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1960, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1416, by House Committee on Fisheries and Wildlife (originally sponsored by Representatives R. King, Fuhrman, Hochstatter, Padden, Basich, Morris, Dorn, R. Meyers and Winsley)

Establishing a plan for mitigation requirements if game fish habitat is impaired.

The bill was read the second time.

MOTIONS

On motion of Senator Metcalf, the following Committee on Environment and Natural Resources amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature declares that the public and private propagation, production, protection, and enhancement of fish is in the public interest.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the Washington department of wildlife.

(2) "Contract" means an agreement setting at a minimum, price, quantity of fish to be delivered, time of delivery, and fish health requirements.

(3) "Fish health requirements" means those site specific fish health and genetic requirements actually used by the department of wildlife in fish stocking.

(4) "Aquatic farmer" means a private sector person who commercially farms and manages private sector cultured aquatic products on the person's own land or on land in which the person has a present right of possession.

(5) "Person" means a natural person, corporation, trust, or other legal entity.

NEW SECTION. Sec. 3. If the department requires, pursuant to its authority relative to environmental permits or licenses, that resident hatchery game fish be stocked by the permittee or licensee for mitigation of environmental damage, the department shall specify the pounds or numbers, species, stock, and/or race of resident game fish that are to be provided. The department shall offer the permittee or licensee

the option of purchasing under contract from aquatic farmers in Washington, those game fish, unless the fish specified by the department are not available from Washington growers.

NEW SECTION. Sec. 4. Any agency of state or federal government, political subdivision of the state, private or public utility company, corporation, or sports group, or any purchaser of fish under section 3 of this act may purchase resident game fish from an aquatic farmer for stocking purposes if permit requirements of this title and the department have been met.

NEW SECTION. Sec. 5. A new section is added to chapter 43.131 RCW to read as follows:

The game fish mitigation program created in sections 1 through 4 of this act shall be terminated on June 30, 1994, as provided in section 6 of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 43.131 RCW to read as follows:

The following acts, or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1995:

- (1) RCW 77.--- and 1991 c ... s ... (section 1 of this act);
- (2) RCW 77.--- and 1991 c ... s ... (section 2 of this act);
- (3) RCW 77.--- and 1991 c ... s ... (section 3 of this act); and
- (4) RCW 77.--- and 1991 c ... s ... (section 4 of this act).

NEW SECTION. Sec. 7. Sections 1 through 4 of this act shall constitute a new chapter in Title 77 RCW.

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, line 1 of the title, after "mitigation;" strike the remainder of the title and insert "adding new sections to chapter 43.131 RCW; and adding a new chapter to Title 77 RCW."

MOTION

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 1416, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1416, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1416, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vogndild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Owen, Sellar, Skratek - 3.

SUBSTITUTE HOUSE BILL NO. 1416, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1355, by Representatives R. King, Jones, Cole and Wang (by request of Department of Labor and Industries)

Increasing civil penalties for industrial safety and health violations.

The bill was read the second time.

MOTION

Senator Hansen moved that the following amendment be adopted:

On page 3, after line 30, insert the following:

NEW SECTION. Sec. 2. The increase in civil penalties provided in this act and all civil penalties authorized to be imposed by the department of ecology, the pollution control hearings board, the department of agriculture, the department of natural resources, the department of fisheries and the department of wildlife shall be deposited into the state common school construction account.

POINT OF ORDER

Senator Anderson: "Madam President, I would like to raise the question of scope and object on this amendment. Senator Hansen, I certainly agree with this amendment; I like this amendment. The problem is that this bill is a bill that we are dealing with the WISHA penalties. The federal government changed the level of WISHA penalties at the federal level. We at the state level, then, have to change our own penalty schedule. If we do not change the penalties to be in compliance with the federal law, then we lose about five million dollars to the state of Washington from the federal government. Therefore, I don't think it fits on this particular bill, but I would certainly be willing to do a title search to help you find a place to handle this amendment."

Further debate ensued.

MOTION

On motion of Senator Linda Smith, Senator Anderson was excused.

MOTION

Senator Murray moved that the following amendment be adopted:

On page 3, after line 30, insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 49.17 RCW to read as follows:

(1)(a) Except as otherwise provided in subsection (2) of this section, if the director, or the director's designee, finds that an employer has violated any of the

requirements of RCW 49.12.121 or 49.12.123, or a rule or order adopted or variance granted under RCW 49.12.121 or 49.12.123, a citation stating the violations shall be issued to the employer. The citation shall be in writing, describing the nature of the violation including reference to the standards, rules, or orders alleged to have been violated. An initial citation for failure to comply with RCW 49.12.123 or rules requiring a minor work permit and maintenance of records shall state a specific time for abatement of the violation to allow the employer to correct the violation without penalty. The director or the director's designee may establish a specific time for abatement of other nonserious violations in lieu of a penalty for first time violations. The citation and a proposed penalty assessment shall be given to the highest management official available at the workplace or be mailed to the employer at the workplace. In addition, the department will mail a copy of the citation and proposed penalty assessment to the central personnel office of the employer. Citations issued under this section shall be posted at or near the place where the violation occurred.

(b) Except where an employer corrects a violation as provided in (a) of this subsection, he or she shall be assessed a civil penalty of not more than one thousand dollars depending on the size of the business and the gravity of the violation. The employer shall pay the amount assessed within thirty days of receipt of the assessment or notify the director of his or her intent to appeal the citation or the assessment penalty as provided in section 3 of this act.

(2) If the director, or the director's designee, finds that an employer has committed a serious or repeated violation of the requirements of RCW 49.12.121 or 49.12.123, or any rule or order adopted or variance granted under RCW 49.12.121 or 49.12.123, the employer is subject to a civil penalty of not more than one thousand dollars for each day the violation continues. For the purposes of this subsection, a serious violation shall be deemed to exist if death or serious physical or emotional harm has resulted or could result from a condition that exists, or from one or more practices, means, methods, operations, or processes that have been adopted or are in use by the employer, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

(3) In addition to any other authority provided in this section, if, upon inspection or investigation, the director, or the director's designee, believes that an employer has violated RCW 49.12.121 or 49.12.123, or a rule or order adopted or variance granted under RCW 49.12.121 or 49.12.123, and that the violation creates a danger from which there is a substantial probability that death or serious physical harm could result to a minor employee, the director, or the director's designee, may issue an order immediately restraining the condition, practice, method, process, or means creating the danger in the workplace. An order issued under this subsection may require the employer to take steps necessary to avoid, correct, or remove the danger and to prohibit the employment or presence of a minor in locations or under conditions where the danger exists.

(4) An employer who violates any of the posting requirements of RCW 49.12.121 or rules adopted implementing RCW 49.12.121 shall be assessed a civil penalty of not more than one hundred dollars for each violation.

(5) A person who gives advance notice, without the authority of the director, of an inspection to be conducted under this chapter shall be assessed a civil penalty of not more than one thousand dollars.

(6) Penalties assessed under this section shall be paid to the director and deposited into the general fund.

NEW SECTION. Sec. 3. A new section is added to chapter 49.17 RCW to read as follows:

A person, firm, or corporation aggrieved by an action taken or decision made by the department under section 2 of this act may appeal the action or decision to the director by filing notice of the appeal with the director within thirty days of the

department's action or decision. A notice of appeal filed under this section shall stay the effectiveness of a citation or notice of the assessment of a penalty pending review of the appeal by the director, but such appeal shall not stay the effectiveness of an order of immediate restraint issued under section 2 of this act. Upon receipt of an appeal, a hearing shall be held in accordance with chapter 34.05 RCW. The director shall issue all final orders after the hearing. The final orders are subject to appeal in accordance with chapter 34.05 RCW. Orders not appealed within the time period specified in chapter 34.05 RCW are final and binding.

NEW SECTION. Sec. 4. An employer who knowingly or recklessly violates the requirements of RCW 49.12.121 or 49.12.123, or a rule or order adopted under RCW 49.12.121 or 49.12.123, is guilty of a gross misdemeanor. An employer whose practices in violation of the requirements of RCW 49.12.121 or 49.12.123, or a rule or order adopted under RCW 49.12.121 or 49.12.123, result in the death or permanent disability of a minor employee is guilty of a class C felony.

Sec. 5. RCW 49.12.121 and 1989 c 1 s 3 are each amended to read as follows: ~~((The committee, or the director,))~~ (1) The department may at any time inquire into wages, hours, and conditions of labor of minors employed in any trade, business or occupation in the state of Washington and may adopt special rules for the protection of the safety, health and welfare of minor employees. ((The minimum wage for minors shall be as prescribed in RCW 49.46.020.))

(2) The ((committee)) department shall issue work permits to employers for the employment of minors((, after being assured)) if the proposed employment ((of a minor)) meets the standards ((set forth concerning)) for the health, safety and welfare of minors ((as set forth in the rules and regulations promulgated by the committee)) required by this chapter or adopted by department rule. To implement state policy to assure the attendance of children in the public schools, an employer employing a minor shall obtain a work permit issued by the department. The permit shall be kept on file during the employment of minors. No minor person shall be employed in any occupation, trade or industry subject to this 1973 amendatory act, unless a work permit has been properly issued, with the consent of the parent, guardian or other person having legal custody of the minor and with the approval of the school ~~((which such)) that the minor may then be attending.~~

Sec. 6. RCW 49.12.170 and 1973 2nd ex.s. c 16 s 16 are each amended to read as follows:

Except as otherwise provided in section 2 or 4 of this act, any employer employing any person for whom a minimum wage or standards, conditions, and hours of labor have been specified, at less than said minimum wage, or under standards, or conditions of labor or at hours of labor prohibited by the rules and regulations of the committee; or violating any other of the provisions of this 1973 amendatory act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than one thousand dollars.

NEW SECTION. Sec. 7. The penalties established in sections 2 and 4 of this act for violations of RCW 49.12.121 and 49.12.123 are exclusive remedies.

POINT OF ORDER

Senator Matson: "Madam President, I challenge this amendment, also, on scope and object. The bill itself is simply a bill to bring Washington state laws into conformance with the federal and the adding of child labor matters to the bill is totally without the scope and object of the bill."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of House Bill No. 1355 was deferred.

Vice President Pro Tempore Bluechel assumed the Chair.

SECOND READING

ENGROSSED HOUSE BILL NO. 1883, by Representatives R. Meyers, Chandler, Grant, Nealey, Hochstatter, McLean, Vance, Riley, Bray, Paris, Jacobsen, May, Betrozoff, Wynne, Moyer, D. Sommers and Rasmussen

Encouraging gasohol.

The bill was read the second time.

MOTION

Senator Metcalf moved that the following amendment be adopted:

On page 1, after line 14, insert the following:

Sec. 2. RCW 19.94.505 and 1984 c 61 s 1 are each amended to read as follows:

It is unlawful for any dealer or service station, as both are defined in RCW 82.36.010, to sell ~~((ethanol and/or methanol at one percent, by volume, or greater in))~~ gasoline for use as motor vehicle fuel unless the dispensing device has a label stating the type and maximum percentage of alcohol contained in the motor vehicle fuel. The dispensing device shall also be labeled with the following disclaimer: "WARNING - GASOLINE CONTAINING ALCOHOL MAY BE UNSUITABLE AS FUEL FOR SOME COMBUSTION ENGINES. ENGINE DAMAGE MAY RESULT FROM USE OF IMPROPER FUEL. CONSULT ENGINE MANUFACTURER FOR FUEL RECOMMENDATIONS."

Violation of this section is a misdemeanor.

Renumber the remaining section accordingly.

Debate ensued.

MOTION

On motion of Senator Linda Smith, Senator Amondson was excused.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Metcalf on page 1, after line 14, to House Bill No. 1883.

The motion by Senator Metcalf failed and the amendment was not adopted.

MOTIONS

On motion of Senator Thorsness, the following amendment by Senators Thorsness and Sutherland was adopted:

On page 2, after line 12, insert the following new section:

NEW SECTION. Sec. 3. A new section is added to chapter 19.112 RCW to read as follows:

The director may, with the concurrence of the department of ecology, grant a variance from the ASTM standards if necessary to produce a lower emission motor fuel.

On motion of Senator Thorsness, the following title amendment was adopted:

On page 1, line 1 of the title, after "gasohol;" strike the remainder of the title, and insert "amending RCW 19.112.010 and 82.36.225; and adding a new section to chapter 19.112 RCW."

MOTION

On motion of Senator Thorsness, the rules were suspended, Engrossed House Bill No. 1883, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1883, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1883, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Amondson, Anderson, Owen, Sellar, Skratek - 5.

ENGROSSED HOUSE BILL NO. 1883, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1525, by House Committee on Education (originally sponsored by Representatives Schmidt, Peery, Wood, Brumsickle, Zellinsky, Wilson, Anderson and Neher)

Authorizing procedures to enable school district employees to obtain government travel and subsistence rates.

The bill was read the second time.

MOTIONS

On motion of Senator Bailey, the following Committee on Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that school districts and educational service districts are funded primarily through state dollars, that state funds are to be used in the most efficient manner, that all travel expenses paid with state dollars should be treated similarly, and that the benefits of the preferred rates obtained by the state of Washington from various suppliers for travel expenses should extend to all travel expenses funded by state dollars.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.310 RCW to read as follows:

Any educational service district in this state may charge all travel expenses incurred by its employees and board of director members during official travel which is funded by state dollars and is authorized under the rules and regulations of the respective educational service district to the office of the superintendent of public instruction and obtain the benefit of the state of Washington preferred rates for travel expenses. Upon submittal of a travel voucher which establishes that the employee or board member will use or has used the supplier providing the state-preferred rate by an educational service district to the office of the superintendent of public instruction, the office of the superintendent of public instruction shall pay such travel expenses at the state-preferred rate. The office of the superintendent of public instruction shall bill the educational service district for the expenses paid and the educational service district shall reimburse the office of the superintendent of public instruction for all such expenses paid.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.400 RCW to read as follows:

Any school district in this state may charge all travel expenses incurred by its employees and board of director members during official travel which is funded by state dollars and is authorized under the rules and regulations of the respective school district to the office of the superintendent of public instruction and obtain the benefit of the state of Washington preferred rates for travel expenses. Upon submittal of a travel voucher which establishes that the employee or board member will use or has used the supplier providing the state-preferred rate by a school district to the office of the superintendent of public instruction, the office of the superintendent of public instruction shall pay such travel expenses at the state-preferred rate. The office of the superintendent of public instruction shall bill the school district for the expenses paid and the school district shall reimburse the office of the superintendent of public instruction for all such expenses paid.

NEW SECTION. Sec. 4. A new section is added to chapter 43.19 RCW to read as follows:

The state of Washington, through the department of general administration, is authorized and directed to take all reasonable and necessary action to include educational service districts and school districts as direct beneficiaries of any contract negotiated by the state of Washington for preferred rates regarding travel, lodging, and subsistence.

NEW SECTION. Sec. 5. Sections 2 and 3 of this act shall expire December 31, 1991.

NEW SECTION. Sec. 6. Sections 2 and 3 of this act shall not have the effect of impairing any contractual rights in effect as of the effective date of this act.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On motion of Senator Bailey, the following title amendment was adopted:

On page 1, line 2 of the title, after "employees;" strike the remainder of the title and insert "adding a new section to chapter 28A.310 RCW; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 43.19 RCW; creating new sections; and providing an expiration date."

MOTION

On motion of Senator Bailey, the rules were suspended, Substitute House Bill No. 1525, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1525, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1525, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Owen, Sellar, Skratek - 3.

SUBSTITUTE HOUSE BILL NO. 1525, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Linda Smith, Senators Anderson and Saling were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2048, by House Committee on Health Care (originally sponsored by Representatives Moyer, Prentice, Paris, Braddock, Holland, Sprengle, D. Sommers, Beck, Miller, Nealey, Padden, Winsley, Forner, Silver and Sheldon)

Lowering licensing fees for older physicians.

The bill was read the second time.

MOTIONS

On motion of Senator West, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 18.130 RCW to read as follows:

The disciplining authority may adopt rules pursuant to this section authorizing a retired active license status. An individual credentialed by a disciplining authority regulated in the state under RCW 18.130.040, who is practicing only in emergent or intermittent circumstances as defined by rule established by the disciplining authority, may hold a retired active license at a reduced renewal fee established by the secretary under RCW 43.70.250. Such a license shall meet the continuing education or continued competency requirements, if any, established by the disciplining authority for renewals, and is subject to the provisions of this chapter. Individuals who have entered into retired status agreements with the disciplinary authority in any jurisdiction shall not qualify for a retired active license under this section.

NEW SECTION. Sec. 2. A new section is added to chapter 18.64 RCW to read as follows:

The board may adopt rules pursuant to this section authorizing a retired active license status. An individual licensed pursuant to this chapter, who is practicing only in emergent or intermittent circumstances as defined by rule established by the board, may hold a retired active license at a reduced renewal fee established by the secretary under RCW 43.70.250. Such a license shall meet the continuing education requirements, if any, established by the board for renewals, and is subject to the provisions of the uniform disciplinary act, chapter 18.130 RCW. Individuals who have entered into retired status agreements with the disciplinary authority in any jurisdiction shall not qualify for a retired active license under this section.

Sec. 3. RCW 18.64.043 and 1989 1st ex.s. c 9 s 414 are each amended to read as follows:

(1) The owner of each pharmacy shall pay an original license fee to be determined by the secretary, and annually thereafter, on or before a date to be determined by the secretary, a fee to be determined by the secretary, for which he or she shall receive a license of location, which shall entitle the owner to operate such pharmacy at the location specified, or such other temporary location as the secretary may approve, for the period ending on a date to be determined by the secretary, and each such owner shall at the time of filing proof of payment of such fee as provided in RCW 18.64.045 as now or hereafter amended, file with the department on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of ownership of the pharmacy mentioned therein.

(2) It shall be the duty of the owner to immediately notify the department of any change of location or ownership and to keep the license of location or the renewal thereof properly exhibited in said pharmacy.

(3) Failure to comply with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense.

(4) In the event such license fee remains unpaid (~~for sixty days from~~) on the date due, no renewal or new license shall be issued except upon payment of the license renewal fee and a penalty fee equal to the original license fee.

Sec. 4. RCW 18.64.045 and 1989 1st ex.s. c 9 s 416 are each amended to read as follows:

The owner of each and every place of business which manufactures drugs shall pay a license fee to be determined by the secretary, and thereafter, on or before a date to be determined by the secretary, a fee to be determined by the secretary, for which the owner shall receive a license of location from the department, which shall entitle the owner to manufacture drugs at the location specified for the period ending on a date to be determined by the board, and each such owner shall at the time of payment of such fee file with the department, on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of the ownership of such place of business mentioned therein. It shall be the duty of the owner to notify immediately the department of any change of location or ownership and to keep the license of location or the renewal thereof properly exhibited in such place of business. Failure to conform with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid (~~for sixty days from~~) on the date due, no renewal or new license shall be issued except upon payment of the license renewal fee and a penalty fee equal to the license renewal fee.

Sec. 5. RCW 18.64.046 and 1989 1st ex.s. c 9 s 417 are each amended to read as follows:

The owner of each place of business which sells legend drugs and nonprescription drugs, or nonprescription drugs at wholesale shall pay a license fee to be determined by the secretary, and thereafter, on or before a date to be determined by the secretary, a like fee to be determined by the secretary, for which the owner shall receive a license of location from the department, which shall entitle such owner to either sell legend drugs and nonprescription drugs or nonprescription drugs at wholesale at the location specified for the period ending on a date to be determined by the board, and each such owner shall at the time of payment of such fee file with the department, on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of the ownership of such place of business mentioned therein. It shall be the duty of the owner to notify immediately the department of any change of location and ownership and to keep the license of location or the renewal thereof properly exhibited in such place of business. Failure to conform with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid (~~for sixty days from~~) on the date due, no renewal or new license shall be issued except upon payment of the license renewal fee and a penalty fee equal to the license renewal fee.

Sec. 6. RCW 18.64.047 and 1989 1st ex.s. c 9 s 418 are each amended to read as follows:

Any itinerant vendor or any peddler of any nonprescription drug or preparation for the treatment of disease or injury, shall pay a registration fee determined by the secretary on a date to be determined by the secretary. The department may issue a registration to such vendor on an approved application made to the department. Any itinerant vendor or peddler who shall vend or sell, or offer to sell to the public any such nonprescription drug or preparation without having registered to do so as provided in this section, shall be guilty of a misdemeanor and each sale or offer to sell shall constitute a separate offense. In event such registration fee remains unpaid (~~for sixty days from~~) on the date due, no renewal or new registration shall be issued except upon payment of the registration renewal fee and a penalty fee equal to the renewal fee. This registration shall not authorize the sale of legend drugs or controlled substances.

Sec. 7. RCW 18.64.140 and 1989 1st ex.s. c 9 s 421 are each amended to read as follows:

Every licensed pharmacist who desires to practice pharmacy shall secure from the department a license, the fee for which shall be determined by the secretary. The renewal fee shall also be determined by the secretary. The date of renewal may be established by the secretary by regulation and the department may by regulation extend the duration of a licensing period for the purpose of staggering renewal periods. Such regulation may provide a method for imposing and collecting such additional proportional fee as may be required for the extended period. Payment of this fee shall entitle the licensee to a pharmacy law book, subsequent current mailings of all additions, changes, or deletions in the pharmacy practice act, chapter 18.64 RCW, and all additions, changes, or deletions of pharmacy board and department regulations. Pharmacists shall pay the license renewal fee and a penalty equal to the license renewal fee for the late renewal of their license (~~(more than sixty days after the renewal is due)~~). The current license shall be conspicuously displayed to the public in the pharmacy to which it applies. Any licensed pharmacist who desires to leave the active practice of pharmacy in this state may secure from the department an inactive license. The initial license and renewal fees shall be determined by the secretary. The holder of an inactive license may reactivate his or her license to practice pharmacy in accordance with rules adopted by the board.

Sec. 8. RCW 69.45.070 and 1989 1st ex.s. c 9 s 447 are each amended to read as follows:

The department may charge reasonable fees for registration. The registration fee shall not exceed the fee charged by the department for a pharmacy location license. If the registration fee is not paid on or before the date due, a renewal or new registration may be issued only upon payment of the registration renewal fee and a penalty fee equal to the registration renewal fee.

Sec. 9. RCW 69.50.301 and 1989 1st ex.s. c 9 s 431 are each amended to read as follows:

The state board of pharmacy may promulgate rules and the secretary may set fees (~~(of not less than ten dollars or more than fifty dollars)~~) in accordance with RCW 43.70.250 relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances within this state.

NEW SECTION. Sec. 10. A new section is added to chapter 18.64A RCW to read as follows:

If a pharmacy assistant allows his or her certificate to lapse by failing to renew on or before the date due, a renewal or new license may be issued only upon payment of the certification fee and a penalty fee equal to the original certification fee.

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 18.64.043, 18.64.045, 18.64.046, 18.64.047, 18.64.140, 69.45.070, and 69.50.301; adding a new section to chapter 18.130 RCW; adding a new section to chapter 18.64 RCW; and adding a new section to chapter 18.64A RCW."

MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 2048, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2048, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2048, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Anderson, Owen, Saling, Sellar, Skratek - 5.

SUBSTITUTE HOUSE BILL NO. 2048, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Oke, Senator Thorsness was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2095, by House Committee on State Government (originally sponsored by Representatives R. Johnson, McLean, Anderson, Jones, Kremen, Braddock, Valle, Wineberry, Franklin, Day, Pruitt, Rayburn, Roland, Spanel and Prentice) (by request of Department of Veterans Affairs)

Establishing a counseling network for veterans and their families.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, Engrossed Substitute House Bill No. 2095 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2095.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2095 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, A. Smith, L. Smith, Snyder,

Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Excused: Senators Anderson, Owen, Saling, Sellar, Skratek, Thorsness - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2095, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE OF AMENDMENT TO SENATE RULES

Senator Talmadge served notice that he would move an amendment to the Senate Rules, Senate Resolution 1991-8606.

MOTION

At 4:40 p.m., on motion of Senator Newhouse, the Senate recessed until 6:30 p.m.

The Senate was called to order at 6:33 p.m. by President Pritchard.

STATEMENT FOR THE JOURNAL

Due to business in Seattle, I missed the vote on Engrossed Substitute House Bill No. 1727, as amended by the Senate; Substitute House Bill No. 1739; House Bill No. 1748; Substitute House Bill No. 1782; Engrossed Substitute House Bill No. 1813, as amended by the Senate; Substitute House Bill No. 1821; Substitute House Bill No. 1830, as amended by the Senate; Substitute House Bill No. 1861; Engrossed Substitute House Bill No. 1881; House Bill No. 1910; Substitute House Bill No. 1919, as amended by the Senate; Substitute House Bill No. 1931; Substitute House Bill No. 1957, as amended by the Senate; Substitute House Bill No. 1971; House Bill No. 1986; Substitute House Bill No. 2005; House Bill No. 2037, as amended by the Senate; House Bill No. 2082; House Bill No. 2106; House Joint Memorial No. 4004; Engrossed House Joint Memorial 4011 and Engrossed House Joint Memorial No. 4012.

I would have voted 'aye' on each measure.

SENATOR PHIL TALMADGE, 34th District

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1727, by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Jacobsen, Paris, Morton, Mielke, Brekke, Anderson, Forner, Day, Vance, R. Johnson and Wineberry)

Changing provisions relating to interpreters in legal proceedings.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 2.42.110 and 1985 c 389 s 11 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) (~~("Hearing")~~) "Impaired person" means a person who, because of a hearing or speech impairment, cannot readily understand or communicate in spoken language; and includes persons who are deaf, deaf and blind, speech impaired, or hard of hearing.

(2) "Qualified interpreter" means ~~((an interpreter who is certified by the registry of interpreters for the deaf with the certificate level specified below and who meets the requirements of RCW 2.42.130.~~

~~(a) For judicial proceedings involving a class A felony, use of the services of a qualified interpreter holding the specialist certificate legal is required.~~

~~(b) For other judicial, quasi judicial, or administrative proceedings, use of the services of a qualified interpreter holding the specialist certificate legal, master's comprehensive skills certificate, or comprehensive skills certificate is required.~~

~~(c) For programs and activities other than judicial or administrative proceedings, the services of a qualified interpreter holding a partial certification shall be required. Efforts to obtain the services of a qualified interpreter holding the master's comprehensive certificate or comprehensive skills certificate shall be made before obtaining the services of a qualified interpreter holding the interpreting certificate and/or the transliterating certificate))~~ a visual language interpreter who is certified by the state or is certified by the registry of interpreters for the deaf to hold the comprehensive skills certificate or both certificates of interpretation and transliteration, or an interpreter who can readily translate statements of speech impaired persons into spoken language.

~~((4))~~ (3) "Intermediary interpreter" means a hearing impaired interpreter who holds a reverse skills certificate by the state or is certified by the registry of interpreters for the deaf with a reverse skills certificate, who meets the requirements of RCW 2.42.130, and who is able to assist in providing an accurate interpretation between spoken and sign language or between variants of sign language by acting as an intermediary between a hearing impaired person and a qualified hearing interpreter.

~~((5))~~ (4) "Appointing authority" means the presiding officer or similar official of any court, department, board, commission, agency, licensing authority, or legislative body of the state or of any political subdivision.

Sec. 2. RCW 2.42.130 and 1985 c 389 s 13 are each amended to read as follows:

(1) If a qualified interpreter for a hearing impaired person is required, the appointing authority shall request a qualified interpreter and/or an intermediary interpreter through the department of social and health services, office of deaf services, or through any community center for hearing impaired persons which operates an interpreter referral service. The office of deaf services and these community centers shall maintain an up-to-date list or lists of interpreters that are certified by the state and/or by the registry of interpreters for the deaf.

(2) The appointing authority shall make a preliminary determination, on the basis of testimony or stated needs of the hearing impaired person, that the interpreter is able in that particular proceeding, program, or activity to interpret accurately all communication to and from the hearing impaired person. If at any time during the proceeding, program, or activity, in the opinion of the hearing impaired person or a

qualified observer, the interpreter does not provide accurate, impartial, and effective communication with the hearing impaired person the appointing authority shall appoint another qualified interpreter. No otherwise qualified interpreter who is a relative of any participant in the proceeding may be appointed.

Sec. 3. RCW 2.42.160 and 1985 c 389 s 16 are each amended to read as follows:

(1) A qualified and/or intermediary interpreter shall not, without the written consent of the parties to the communication, be examined as to any communication the interpreter interprets under circumstances where the communication is privileged by law.

(2) A qualified and/or intermediary interpreter shall not, without the written consent of the parties to the communication, be examined as to any information the interpreter obtains while interpreting pertaining to any proceeding then pending.

Sec. 4. RCW 2.42.170 and 1985 c 389 s 17 are each amended to read as follows:

A qualified and/or intermediary interpreter appointed under this chapter is entitled to a reasonable fee for services, including waiting time and reimbursement for actual necessary travel expenses. The fee for services for interpreters for hearing impaired persons shall be in accordance with standards established by the department of social and health services, office of deaf services.

NEW SECTION. Sec. 5. The following acts or parts of acts are each repealed:

- (1) RCW 2.42.020 and 1989 c 358 s 13, 1983 c 222 s 2, & 1973 c 22 s 2;
- (2) RCW 2.42.030 and 1973 c 22 s 3; and
- (3) RCW 2.42.040 and 1973 c 22 s 4.

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "interpreters;" strike the remainder of the title and insert "amending RCW 2.42.110, 2.42.130, 2.42.160, and 2.42.170; and repealing RCW 2.42.020, 2.42.030, and 2.42.040."

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 1727, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTIONS

On motion of Senator Murray, Senators Hansen, Moore, Pelz and Talmadge were excused.

On motion of Senator Anderson, Senators McDonald and West were excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1727, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1727, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 0; Absent, 0; Excused, 11.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Rinehart, Roach, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Vognild, von Reichbauer, Williams, Wojahn - 38.

Excused: Senators Hansen, McDonald, Moore, Owen, Pelz, Saling, Sellar, Skratek, Talmadge, Thorsness, West - 11.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1727, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1739, by House Committee on Housing (originally sponsored by Representatives Leonard, Mitchell, Nelson, Winsley, Franklin, Locke, May, R. Johnson, Wineberry and Miller)

Providing a property tax exemption for certain nonprofit organizations.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended; Substitute House Bill No. 1739 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1739.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1739 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Rinehart, Roach, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Vognild, von Reichbauer, West, Williams, Wojahn - 39.

Excused: Senators Hansen, McDonald, Moore, Owen, Pelz, Saling, Sellar, Skratek, Talmadge, Thorsness - 10.

SUBSTITUTE HOUSE BILL NO. 1739, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1748, by Representatives Ludwig, Cantwell, Forner, Moyer, Roland, Kremen, Rasmussen, Betrozoff, Ferguson, Wineberry, Miller, Bowman and Sheldon

Preventing termination of the small business export finance assistance center.

The bill was read the second time.

MOTION

On motion of Senator Matson, the rules were suspended, House Bill No. 1748 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1748.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1748 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Rinehart, Roach, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Vognild, von Reichbauer, West, Williams, Wojahn - 40.

Excused: Senators Hansen, Moore, Owen, Pelz, Saling, Sellar, Skratek, Talmadge, Thorsness - 9.

HOUSE BILL NO. 1748, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1782, by House Committee on Judiciary (originally sponsored by Representative Appelwick)

Affecting county court commissioners.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1782 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1782.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1782 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Rinehart, Roach, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Vognild, von Reichbauer, West, Williams, Wojahn - 40.

Excused: Senators Hansen, Moore, Owen, Pelz, Saling, Sellar, Skratek, Talmadge, Thorsness - 9.

SUBSTITUTE HOUSE BILL NO. 1782, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1813, by House Committee on Education (originally sponsored by Representatives Peery, Betrozoff, Phillips, Jacobsen, Ebersole, Orr, Rasmussen, Ogden, Franklin, Cooper, Hine, H. Myers and O'Brien) (by request of Superintendent of Public Instruction and Board of Education)

Changing provisions relating to teacher training and recruitment.

The bill was read the second time.

MOTIONS

On motion of Senator Bailey, the following Committee on Education amendment was adopted:

On page 1, beginning on line 6, strike all of section 1 through "personnel." on line 12

ReNUMBER the remaining sections accordingly.

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute House Bill No. 1813, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bailey, will you follow that through a little bit? Educational Service districts now--are they ones that are going to certify the teachers or is it the Superintendent of Public Instruction?"

Senator Bailey: "No, it will be the Superintendent of Public Instruction. This is simply for additional training for teachers and also for recruitment of teachers. In other words, many teachers have additional training programs and this would allow some of those, particularly, the pari-professional programs at the community colleges."

Senator Rasmussen: "Are these teachers already or are they new teachers coming in. You speak of teacher recruitment--new teachers coming into the state?"

Senator Bailey: "Yes."

Senator Rasmussen: "Are they, then, going to--do they have to file for their certificate with the Educational Service districts or do they have to--"

Senator Bailey: "The Educational Service districts will be the focal point for the training of the teachers, yes."

Senator Rasmussen: "Only for the training?"

Senator Bailey: "Yes."

Senator Rasmussen: "And when they apply for their certificate, they will go down to the Superintendent of Public Instruction?"

Senator Bailey: "Exactly."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1813, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1813 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Rinehart, Roach, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Vognild, von Reichbauer, West, Williams, Wojahn - 40.

Excused: Senators Hansen, Moore, Owen, Pelz, Saling, Sellar, Skratek, Talmadge, Thorsness - 9.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1813, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1821, by House Committee on Judiciary (originally sponsored by Representatives R. Meyers, Ferguson,

Schmidt, Zellinsky, Sheldon, Winsley, D. Sommers, Bowman, Paris, Miller, Riley, R. Johnson, Brough, Silver, Roland, Cooper, Horn, Chandler and Moyer)

Making the fraudulent installation of fire protection sprinkler systems a felony.

The bill was read the second time.

MOTION

On motion of Senator Matson, the rules were suspended, Substitute House Bill No. 1821 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1821.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1821 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Rinehart, Roach, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Vognild, von Reichbauer, West, Williams, Wojahn - 40.

Excused: Senators Hansen, Moore, Owen, Pelz, Saling, Sellar, Skratek, Talmadge, Thorsness - 9.

SUBSTITUTE HOUSE BILL NO. 1821, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1830, by House Committee on Judiciary (originally sponsored by Representatives H. Myers, Riley, Padden, Appelwick, Cooper, Winsley, D. Sommers, Bowman, Paris, Miller, R. Johnson, Brough, Silver, Forner, Ebersole, Fuhrman, Rasmussen, Brumsickle and Moyer)

Clarifying that provisions relating to admissibility of children's statements apply to juvenile proceedings.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 9A.44.120 and 1985 c 404 s 1 are each amended to read as follows:

A statement made by a child when under the age of ten describing any act of sexual contact performed with or on the child by another or describing any attempted act of sexual contact with or on the child by another, not otherwise admissible by statute or court rule, is admissible in evidence in dependency proceedings under Title 13 RCW and criminal proceedings, including juvenile offense adjudications, in the courts of the state of Washington if:

(1) The court finds, in a hearing conducted outside the presence of the jury, that the time, content, and circumstances of the statement provide sufficient indicia of reliability; and

(2) The child either:

(a) Testifies at the proceedings; or

(b) Is unavailable as a witness: PROVIDED, That when the child is unavailable as a witness, such statement may be admitted only if there is corroborative evidence of the act.

A statement may not be admitted under this section unless the proponent of the statement makes known to the adverse party his intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings to provide the adverse party with a fair opportunity to prepare to meet the statement.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "statements;" strike the remainder of the title and insert "amending RCW 9A.44.120; and declaring an emergency."

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1830, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1830, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1830, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Rinehart, Roach, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Vognild, von Reichbauer, West, Williams, Wojahn - 40.

Excused: Senators Hansen, Moore, Owen, Pelz, Saling, Sellar, Skratek, Talmadge, Thorsness - 9.

SUBSTITUTE HOUSE BILL NO. 1830, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1861, by House Committee on Health Care (originally sponsored by Representatives Morris, Moyer, Edmondson, Braddock, Sprengle and Paris)

Making changes to the osteopathic medicine and surgery statutes.

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 1861 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1861.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1861 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Rinehart, Roach, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Vognild, von Reichbauer, West, Williams, Wojahn - 40.

Excused: Senators Hansen, Moore, Owen, Pelz, Saling, Sellar, Skratek, Talmadge, Thorsness - 9.

SUBSTITUTE HOUSE BILL NO. 1861, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Murray, Senators Williams and Rinehart were excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1881, by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Paris, May, Winsley, Wood and D. Sommers)

Changing the method for determining the number of district court judges.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 1881 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1881.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1881 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 0; Absent, 0; Excused, 11.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Roach, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Vognild, von Reichbauer, West, Wojahn - 38.

Excused: Senators Hansen, Moore, Owen, Pelz, Rinehart, Saling, Sellar, Skratek, Talmadge, Thorsness, Williams - 11.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1881, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1910, by Representatives Dellwo, R. Johnson, Paris, Inslee, Brough, Winsley, Wood, Van Luven and Moyer (by request of Insurance Commissioner)

Making medicare supplemental insurance conform to federal law.

The bill was read the second time.

MOTION

On motion of Senator von Reichbauer, the rules were suspended, House Bill No. 1910 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1910.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1910 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 0; Absent, 1; Excused, 10.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Newhouse, Niemi, Oke, Patterson, Rasmussen, Roach, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Vognild, von Reichbauer, West, Williams, Wojahn - 38.

Absent: Senator Nelson - 1.

Excused: Senators Hansen, Moore, Owen, Pelz, Rinehart, Saling, Sellar, Skratek, Talmadge, Thorsness - 10.

HOUSE BILL NO. 1910, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1919, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Valle, Dellwo, Sprengle, Scott, Winsley, Prentice, Rasmussen, Bowman and Leonard)

Providing for a reduction in automobile insurance and the disbursement of information on the effects of alcohol and drugs on driving.

The bill was read the second time.

MOTIONS

On motion of Senator Bailey, the following Committee on Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 28A.220.900 and 1969 ex.s. c 218 s 7 are each amended to read as follows:

It is the purpose of this act to provide the financial assistance necessary to enable each high school district to offer a course in traffic safety education and by that means to develop in the youth of this state a knowledge of the motor vehicle laws, an acceptance of personal responsibility on the public highways, and an understanding of the causes and consequences of traffic accidents, with an emphasis on the consequences, both physical and legal, of the use of drugs or alcohol in relation to operating a motor vehicle. The course in traffic safety education shall further provide to the youthful drivers of this state training in the skills necessary for the safe operation of motor vehicles.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.220 RCW to read as follows:

The superintendent of public instruction shall include information on the effects of alcohol and drug use on motor vehicle operators, including information on drug and alcohol related traffic injury and mortality rates in the state of Washington, and current penalties for driving under the influence of drugs or alcohol in instructional material used in traffic safety education courses.

Sec. 3. RCW 46.82.420 and 1979 ex.s. c 51 s 15 are each amended to read as follows:

The advisory committee shall compile and furnish to each qualifying applicant for an instructor's license or a driver training school license a basic minimum required curriculum. The basic minimum required curriculum shall also include information on

the effects of alcohol and drug use on motor vehicle operators, including information on drug and alcohol related traffic injury and mortality rates in the state of Washington, and current penalties for driving under the influence of drugs or alcohol. Should the director be presented with acceptable proof that any licensed instructor or driver training school is not showing proper diligence in teaching such basic minimum curriculum as required, the instructor or school shall be required to appear before the advisory committee and show cause why the license of the instructor or school should not be revoked for such negligence. If the committee does not accept such reasons as may be offered, the director may revoke the license of the instructor or school, or both.

On motion of Senator Bailey, the following title amendment was adopted:

On page 1, line 1 of the title, after "courses;" strike the remainder of the title and insert "amending RCW 28A.220.900 and 46.82.420; and adding a new section to chapter 28A.220 RCW."

MOTION

On motion of Senator Bailey, the rules were suspended, Substitute House Bill No. 1919, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1919, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1919, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Roach, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Vognild, von Reichbauer, West, Williams, Wojahn - 39.

Excused: Senators Hansen, Moore, Owen, Pelz, Rinehart, Saling, Sellar, Skratek, Talmadge, Thorsness - 10.

SUBSTITUTE HOUSE BILL NO. 1919, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1931, by House Committee on Commerce and Labor (originally sponsored by Representatives Brough, Grant, Brumsickle, Broback, Neher, Morris, Mielke, Cantwell, Chandler, Van Luven, D. Sommers, Holland, Wilson, Bowman, Mitchell, Ferguson, Wynne and Forner)

Raising the limit on nonprofit raffles.

The bill was read the second time.

MOTION

On motion of Senator Matson, the rules were suspended, Substitute House Bill No. 1931 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1931.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1931 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 0; Absent, 1; Excused, 10.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Roach, A. Smith, L. Smith, Snyder, Stratton, Sutherland, von Reichbauer, West, Williams, Wojahn - 38.

Absent: Senator Vognild - 1.

Excused: Senators Hansen, Moore, Owen, Pelz, Rinehart, Saling, Sellar, Skratek, Talmadge, Thorsness - 10.

SUBSTITUTE HOUSE BILL NO. 1931, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Murray, Senator Vognild was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1957, by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Nealey, McLean, Chandler, Roland, Franklin and Rasmussen) (by request of Department of Agriculture)

Requiring licensing of food processing plants.

The bill was read the second time.

MOTIONS

On motion of Senator Barr, the following Committee on Agriculture and Water Resources amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 69.07 RCW to read as follows:

The processing of food intended for public consumption is important and vital to the health and welfare both immediate and future and is hereby declared to be a business affected with the public interest. The provisions of this chapter are enacted to safeguard the consuming public from unsafe, adulterated, or misbranded food by requiring licensing of all food processing plants as defined in this chapter and setting forth the requirements for such licensing.

Sec. 2. RCW 69.07.010 and 1967 ex.s. c 121 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Department" means the department of agriculture of the state of Washington;

(2) "Director" means the director of the department;

(3) "Food" means any substance used for food or drink by ~~((man))~~ any person, including ice, and any ingredient used for components of any such substance regardless of the quantity of such component;

(4) "Sale" means selling, offering for sale, holding for sale, preparing for sale, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media;

(5) "Food processing" means the handling or processing of any food in any manner in preparation for sale for human consumption: PROVIDED, That it shall not include fresh fruit or vegetables merely washed or trimmed while being prepared or packaged for sale in their natural state;

(6) "Food processing plant" includes but is not limited to any premises, plant, establishment, building, room, area, facilities and the appurtenances thereto, in whole or in part, where food is prepared, handled or processed in any manner for ~~((resale or))~~ distribution ~~((to))~~ or sale for resale by retail outlets, restaurants, and any such other facility selling or distributing to the ultimate consumer: PROVIDED, That ~~((retail outlets))~~, as set forth herein, establishments processing foods in any manner for resale shall be considered a food processing plant as to such processing;

(7) "Food service establishment" shall mean any fixed or mobile restaurant, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, roadside stand, industrial-feeding establishment, retail grocery, retail food market, retail meat market, retail bakery, private, public, or nonprofit organization routinely serving food, catering kitchen, commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

For the purpose of this chapter any custom cannery or processing plant where raw food products, food, or food products are processed for the owner thereof, or the food processing facilities are made available to the owners or persons in control of raw food products or food or food products for processing in any manner, shall be considered to be food processing plants~~(:);~~;

(8) "Person" means an individual, partnership, corporation, or association.

Sec. 3. RCW 69.07.040 and 1988 c 5 s 1 are each amended to read as follows: It shall be unlawful for any person to operate a food processing plant or process foods without first having obtained an annual license from the department, which shall expire on ~~((the 31st day of March following issuance. A separate license shall be required for each food processing plant))~~ a date set by rule by the director. License fees shall be prorated where necessary to accommodate staggering of expiration dates. Application for a license shall be on a form prescribed by the director and accompanied by a twenty-five dollar annual license fee. Such application shall include the full name of the applicant for the license and the location of the food processing plant he intends to operate. If such applicant is an individual, receiver, trustee, firm, partnership, association or corporation, the full name of each member of the firm or partnership, or names of the officers of the association or corporation shall be given

on the application. Such application shall further state the principal business address of the applicant in the state and elsewhere and the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant(~~(, and any other necessary information prescribed by the director)~~). The application shall also specify the type of food to be processed and the method or nature of processing operation or preservation of that food and any other necessary information. Upon the approval of the application by the director and compliance with the provisions of this chapter, including the applicable regulations adopted hereunder by the department, the applicant shall be issued a license or renewal thereof.

Licenses shall be issued to cover only those products, processes, and operations specified in the license application and approved for licensing. Wherever a license holder wishes to engage in processing a type of food product that is different than the type specified on the application supporting the licensee's existing license and processing that type of food product would require a major addition to or modification of the licensee's processing facilities or has a high potential for harm, the licensee shall submit an amendment to the current license application. In such a case, the licensee may engage in processing the new type of food product only after the amendment has been approved by the department.

If upon investigation by the director, it is determined that a person is processing food for retail sale and is not under permit, license, or inspection by a local health authority, then that person may be considered a food processor and subject to the provisions of this chapter.

Sec. 4. RCW 69.07.050 and 1988 c 5 s 2 are each amended to read as follows: If the application for renewal of any license provided for under this chapter is not filed prior to ~~((April 1st in any year))~~ the expiration date as established by rule by the director, an additional fee of fifteen dollars shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued: PROVIDED, That such additional fee shall not be charged if the applicant furnishes an affidavit certifying that he or she has not operated a food processing plant or processed foods subsequent to the expiration of his or her license.

Sec. 5. RCW 69.07.060 and 1979 c 154 s 19 are each amended to read as follows:

The director may, subsequent to a hearing thereon, deny, suspend or revoke any license provided for in this chapter if he determines that an applicant has committed any of the following acts:

(1) Refused, neglected or failed to comply with the provisions of this chapter, the rules and regulations adopted hereunder, or any lawful order of the director.

(2) Refused, neglected or failed to keep and maintain records required by this chapter, or to make such records available when requested pursuant to the provisions of this chapter.

(3) Refused the department access to any portion or area of the food processing plant for the purpose of carrying out the provisions of this chapter.

(4) Refused the department access to any records required to be kept under the provisions of this chapter.

(5) Refused, neglected, or failed to comply with any provisions of chapter 69.04 RCW, Washington Food, Drug, and Cosmetic Act, or any regulations adopted thereunder.

The provisions of this section requiring that a hearing be conducted before an action may be taken against a license do not apply to an action taken under section 6 of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 69.07 RCW to read as follows:

(1) Whenever the director finds an establishment operating under conditions that constitute an immediate danger to public health or whenever the licensee or any

employee of the licensee actively prevents the director or the director's representative, during an onsite inspection, from determining whether such a condition exists, the director may summarily suspend, pending a hearing, a license provided for in this chapter.

(2) Whenever a license is summarily suspended, the holder of the license shall be notified in writing that the license is, upon service of the notice, immediately suspended and that prompt opportunity for a hearing will be provided.

(3) Whenever a license is summarily suspended, food processing operations shall immediately cease. However, the director may reinstate the license when the condition that caused the suspension has been abated to the director's satisfaction.

NEW SECTION. Sec. 7. A new section is added to chapter 69.07 RCW to read as follows:

The director or the director's deputies, assistants, and inspectors are authorized to do all acts and things necessary to carry out the provisions of this chapter, including the taking of verified statements. The department personnel are empowered to administer oaths of verification on the statement.

NEW SECTION. Sec. 8. A new section is added to chapter 69.07 RCW to read as follows:

It shall be unlawful to resell, to offer for resale, or to distribute for resale in intrastate commerce any food processed in a food processing plant, which has not obtained a license, as provided for in this chapter, once notification by the director has been given to the person or persons reselling, offering, or distributing food for resale, that said food is from an unlicensed processing operation.

Sec. 9. RCW 69.07.150 and 1967 ex.s. c 121 s 15 are each amended to read as follows:

(1) Any person violating any provision of this chapter or any rule or regulation adopted hereunder shall be guilty of a misdemeanor and guilty of a gross misdemeanor for any second and subsequent violation: PROVIDED, That any offense committed more than five years after a previous conviction shall be considered a first offense. A misdemeanor under this section is punishable to the same extent that a misdemeanor is punishable under RCW 9A.20.021 and a gross misdemeanor under this section is punishable to the same extent that a gross misdemeanor is punishable under RCW 9A.20.021.

(2) Whenever the director finds that a person has committed a violation of any of the provisions of this chapter, and that violation has not been punished pursuant to subsection (1) of this section, the director may impose upon and collect from the violator a civil penalty not exceeding one thousand dollars per violation per day. Each violation shall be a separate and distinct offense.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:
 (1) RCW 69.07.090 and 1967 ex.s. c 121 s 9; and
 (2) RCW 69.07.130 and 1967 ex.s. c 121 s 13.

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 1 of the title, after "processing;" strike the remainder of the title and insert "amending RCW 69.07.010, 69.07.040, 69.07.050, 69.07.060, and 69.07.150; adding new sections to chapter 69.07 RCW; repealing RCW 69.07.090 and 69.07.130; and prescribing penalties."

MOTION

On motion of Senator Barr, the rules were suspended, Substitute House Bill No. 1957, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1957, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1957, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 0; Absent, 0; Excused, 11.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Roach, A. Smith, L. Smith, Snyder, Stratton, Sutherland, von Reichbauer, West, Williams, Wojahn - 38.

Excused: Senators Hansen, Moore, Owen, Pelz, Rinehart, Saling, Sellar, Skratek, Talmadge, Thorsness, Vognild - 11.

SUBSTITUTE HOUSE BILL NO. 1957, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1971, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo, Paris, Zellinsky, Mielke, Inslee, Day, Schmidt, Prince and Scott)

Regulating alien insurers.

The bill was read the second time.

MOTION

On motion of Senator von Reichbauer, the rules were suspended, Substitute House Bill No. 1971 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1971.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1971 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 0; Absent, 1; Excused, 11.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Roach, A. Smith, L. Smith, Stratton, Sutherland, von Reichbauer, West, Williams, Wojahn - 37.

Absent: Senator Snyder - 1.

Excused: Senators Hansen, Moore, Owen, Pelz, Rinehart, Saling, Sellar, Skratek, Talmadge, Thorsness, Vognild - 11.

SUBSTITUTE HOUSE BILL NO. 1971, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1986, by Representatives Leonard, Cooper, Prentice, Ferguson, Sprengle, Winsley, Appelwick, Braddock, Moyer, Locke, Paris, R. King, Wang, Valle, Ludwig, Kremen, Jacobsen, Dellwo, Holland, Inslee, H. Myers, Van Luven, O'Brien, Spanel, Mitchell, Brekke and Rasmussen

Providing for the protection and advocacy of the rights of developmentally disabled persons.

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, House Bill No. 1986 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1986.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1986 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Roach, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Vognild, von Reichbauer, West, Williams, Wojahn - 39.

Excused: Senators Hansen, Moore, Owen, Pelz, Rinehart, Saling, Sellar, Skratek, Talmadge, Thorsness - 10.

HOUSE BILL NO. 1986, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2005, by House Committee on Transportation (originally sponsored by Representatives Jones, Wilson, R. Fisher and Schmidt)

Regulating freight brokers and forwarders.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 2005 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2005.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2005 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Roach, A. Smith, L. Snyder, Stratton, Sutherland, Vogndild, von Reichbauer, West, Williams, Wojahn - 39.

Excused: Senators Hansen, Moore, Owen, Pelz, Rinehart, Saling, Sellar, Skratek, Talmadge, Thorsness - 10.

SUBSTITUTE HOUSE BILL NO. 2005, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2037, by Representatives Morris, Moyer and Sprenkle (by request of Department of Health)

Modifying requirements for radiologic technologists.

The bill was read the second time.

MOTIONS

On motion of Senator West, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 18.84.010 and 1987 c 412 s 1 are each amended to read as follows:

It is the intent and purpose of this chapter to protect the public (~~by setting standards of qualification, education, training, and experience for use~~) by the certification and registration of practitioners of radiological technology. By promoting high standards of professional performance, by requiring professional accountability, and by credentialing those persons who seek to provide radiological technology under the title of radiological technologists, and by regulating all persons utilizing ionizing radiation on human beings this chapter identifies those practitioners who have achieved

a particular level of competency. Nothing in this chapter shall be construed to require that individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization provide benefits or coverage for services and supplies provided by a person certified under this chapter.

The legislature finds and declares that this chapter conforms to the guidelines, terms, and definitions for the credentialing of health or health-related professions specified under chapter 18.120 RCW.

Sec. 2. RCW 18.84.020 and 1991 c 3 s 204 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of health.

(2) "Secretary" means the secretary of health.

(3) "Licensed practitioner" means ~~((a physician or osteopathic physician licensed under chapter 18.71 or 18.57 RCW, respectively; a registered nurse licensed under chapter 18.88 RCW; or a podiatrist licensed under chapter 18.22 RCW))~~ any licensed health care practitioner performing services within the person's authorized scope of practice.

(4) "Radiologic technologist" means an individual certified under this chapter, other than a licensed practitioner, who practices radiologic technology as a:

(a) Diagnostic radiologic technologist, who is a person who actually handles x-ray equipment in the process of applying radiation on a human being for diagnostic purposes ~~((under the supervision))~~ at the direction of a licensed practitioner; or

(b) Therapeutic radiologic technologist, who is a person who uses radiation-generating equipment for therapeutic purposes on human subjects at the direction of a licensed practitioner; or

(c) Nuclear medicine technologist, who is a person who prepares radiopharmaceuticals and administers them to human beings for diagnostic and therapeutic purposes and who performs in vivo and in vitro detection and measurement of radioactivity for medical purposes ~~((under the supervision))~~ at the direction of a licensed practitioner.

(5) "Advisory committee" means the Washington state radiologic technology advisory committee.

(6) "Approved school of radiologic technology" means a school of radiologic technology approved by the council on medical education of the American medical association or a school found to maintain the equivalent of such a course of study as determined by the department. Such school may be operated by a medical or educational institution, and for the purpose of providing the requisite clinical experience, shall be affiliated with one or more general hospitals.

(7) "Radiologic technology" means the use of ionizing radiation upon a human being for diagnostic or therapeutic purposes.

(8) "Radiologist" means a physician certified by the American board of radiology or the American osteopathic board of radiology.

(9) "Registered x-ray technician" means a person who is registered with the department, and who applies ionizing radiation at the direction of a licensed practitioner.

Sec. 3. RCW 18.84.030 and 1987 c 412 s 2 are each amended to read as follows:

No person may ~~((represent himself or herself to the public as a certified radiologic technologist without holding a valid certificate to practice under this chapter))~~ practice radiologic technology without being registered or certified under this chapter, unless that person is a licensed practitioner as defined in RCW 18.84.020(3). A person represents himself or herself to the public as a certified radiological

technologist when that person adopts or uses a title or description of services that incorporates one or more of the following items or designations:

(1) Certified radiologic technologist or CRT, for persons so certified under this chapter;

(2) Certified radiologic therapy technologist, CRTT, or CRT, for persons certified in the therapeutic field;

(3) Certified radiologic diagnostic technologist, CRDT, or CRT, for persons certified in the diagnostic field; or

(4) Certified nuclear medicine technologist, CNMT, or CRT, for persons certified as nuclear medicine technologists.

NEW SECTION. Sec. 4. The secretary may issue a registration to an applicant who submits, on forms provided by the department, the applicant's name, the address, occupational title, name and location of business where applicant performs his or her services, and other information as determined by the secretary, including information necessary to determine whether there are grounds for denial of registration under this chapter or chapter 18.130 RCW. Each applicant shall pay a fee as determined by the secretary as provided in RCW 43.70.250. The secretary shall establish by rule the procedural requirements and fees for registration and for renewal of registrations.

NEW SECTION. Sec. 5. The secretary may provide educational materials and training to registered x-ray technicians, certified radiologic technologists, licensed practitioners and the public concerning, but not limited to, health risks associated with ionizing radiation, proper radiographic techniques, and x-ray equipment maintenance. The secretary may charge fees to recover the cost of providing educational materials and training.

NEW SECTION. Sec. 6. Nothing in this chapter may be construed to prohibit or restrict the practice of a profession by a person who is either registered, certified, licensed, or similarly regulated under the laws of this state who is performing services within the person's authorized scope of practice.

NEW SECTION. Sec. 7. This chapter does not apply to practitioners licensed under chapter 18.32 RCW or unlicensed persons supervised by persons licensed under chapter 18.32 RCW.

NEW SECTION. Sec. 8. This chapter does not apply to practitioners licensed under chapter 18.25 RCW or unlicensed persons supervised by persons licensed under chapter 18.25 RCW.

NEW SECTION. Sec. 9. A new section is added to chapter 18.25 RCW to read as follows:

(1) A chiropractor may employ a technician to operate x-ray equipment after the technician has registered with the board.

(2) The board may adopt rules necessary and appropriate to carry out the purposes of this section.

NEW SECTION. Sec. 10. Persons required to register under this chapter must be registered by January 1, 1992.

Sec. 11. RCW 18.84.040 and 1991 c 3 s 205 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary may in consultation with the advisory committee:

(a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;

(b) Set all registration, certification, and renewal fees in accordance with RCW 43.70.250;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Evaluate and designate those schools from which graduation will be accepted as proof of an applicant's eligibility to receive a certificate;

(e) Determine whether alternative methods of training are equivalent to formal education, and to establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to receive a certificate;

(f) Issue a certificate to any applicant who has met the education, training, and conduct requirements for certification; and

(g) Issue a registration to an applicant who meets the requirement for a registration.

(2) The secretary may hire clerical, administrative, and investigative staff as needed to implement this chapter.

~~((2))~~ (3) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of registrations and certifications, unregistered and uncertified practice, and the discipline of registrants and certificants under this chapter. The secretary ~~((shall be))~~ is the disciplining authority under this chapter.

NEW SECTION. Sec. 12. Sections 4 through 8 and 10 of this act are each added to chapter 18.84 RCW.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

(1) RCW 43.131.349 and 1990 c 6 s 1 & 1987 c 412 s 18;

(2) RCW 43.131.350 and 1990 c 6 s 2 & 1987 c 412 s 19; and

(3) RCW 18.84.900 and 1987 c 412 s 13.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

On motion of Senator West, the following title amendment was adopted:

On page 1, line 2 of the title, after "beings;" strike the remainder of the title and insert "amending RCW 18.84.010, 18.84.020, 18.84.030, and 18.84.040; adding new sections to chapter 18.84 RCW; adding a new section to chapter 18.25 RCW; repealing RCW 43.131.349, 43.131.350, and 18.84.900; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator West, the rules were suspended, House Bill No. 2037, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Madsen: "Senator West, I thought I overheard you say that the committee amendment removed chiropractors from the bill. I know that chiropractors have x-ray machines in their offices. Are they now be eliminated? By the passage of this bill, would they not be able to have x-ray machines?"

Senator West: "No, in fact, by passing the amendment that we did, we insured that they would not come under this new licensing provision. So, by passing the committee amendment that we did, we took the chiropractors out of the new requirements for licensing."

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2037, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2037, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Roach, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Vognild, von Reichbauer, West, Williams, Wojahn - 39.

Excused: Senators Hansen, Moore, Owen, Pelz, Rinehart, Saling, Sellar, Skratek, Talmadge, Thorsness - 10.

HOUSE BILL NO. 2037, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2082, by Representative Appelwick

Changing provisions relating to district court judges.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 2082 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2082.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2082 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Roach, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Vognild, von Reichbauer, West, Williams, Wojahn - 39.

Excused: Senators Hansen, Moore, Owen, Pelz, Rinehart, Saling, Sellar, Skratek, Talmadge, Thorsness - 10.

HOUSE BILL NO. 2082, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2106, by Representatives Anderson, Moyer, O'Brien, Bowman, Pruitt, Grant, Padden, Chandler, Nelson, Prentice, Belcher, McLean, Jones, Ferguson, Sheldon, Vance, Holland, Kremen, Braddock, Wood, Zellinsky, Orr, Van Luven, Heavey, Wineberry, Beck, Winsley, Day, Ogden, Lisk, Leonard, Dellwo, Rayburn, Wang, Roland, Forner and Brekke

Authorizing the division of purchasing to donate state-owned surplus tangible personal property to certain shelters.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 2106 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2106.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2106 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Roach, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Vognil, von Reichbauer, West, Williams, Wojahn - 39.

Excused: Senators Hansen, Moore, Owen, Pelz, Rinehart, Saling, Sellar, Skratek, Talmadge, Thorsness - 10.

HOUSE BILL NO. 2106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4004, by Representatives Nealey, Grant, Beck, Valle, May, Ludwig, Betrozoff, Rayburn, Chandler, Prince, McLean, Hochstatter, Rasmussen, Silver, Vance, D. Sommers, Jacobsen, R. King, Bowman, Fuhrman, Paris, Horn, Moyer and Broback

Requesting Congress to increase ethanol content in motor fuel.

The joint memorial was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Joint Memorial No. 4004 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4004.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4004 and the joint memorial passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Roach, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Vognild, von Reichbauer, West, Williams, Wojahn - 39.

Excused: Senators Hansen, Moore, Owen, Pelz, Rinehart, Saling, Sellar, Skratek, Talmadge, Thorsness - 10.

HOUSE JOINT MEMORIAL NO. 4004, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED HOUSE JOINT MEMORIAL NO. 4011, by Representatives R. Fisher, R. Meyers, Wilson, Cooper, Schmidt, R. Johnson, Prentice, Wood, Mitchell, Heavey, Chandler, Forner, P. Johnson, Brough, Haugen, Zellinsky, Jones, Kremen, Cantwell, Holland and Anderson

Asking Congress for adoption of the new Federal Surface Transportation Assistance Act by October 1, 1991.

The joint memorial was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Engrossed House Joint Memorial No. 4011 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Patterson, the last figure that I looked at, and I do not have it up to date, the federal government was sitting on about sixteen billion dollars of highways funds. To your knowledge--and they were holding that, because it made the deficit look smaller--have they released any of that money?"

Senator Patterson: "Some of the money has been released. They still retain a great deal of it just for the purpose for which you just suggested. It makes the general fund balance look better by keeping it in reserve."

Senator Rasmussen: "And they have held it so long that they are now achieving interest at the lower rate at what--six or seven percent?"

Senator Patterson: "I'm not familiar with the interest rate that is accrued to the money that they are holding. Sorry, I don't have that information available, Senator."

Senator Rasmussen: "And they claim the infrastructure is deteriorating rapidly and they still are going to hold that money. Could we amend this resolution and say, 'Release what you have?'"

Senator Patterson: "Well, we certainly could. It is a letter to Santa Claus, as you well know. I would suggest that what we ought to do is contact our Congressmen and make the case with them. They are the ones that do this and so many times their actions mean that this state has got to pass additional taxes in order to comply with what the federal rules and regulations are. We have it all over the place. If you want to amend it, we could do that, but I don't think it will do any good."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Joint Memorial No. 4011.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Joint Memorial No. 4011 and the joint memorial passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Roach, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Vognild, von Reichbauer, West, Williams, Wojahn - 39.

Excused: Senators Hansen, Moore, Owen, Pelz, Rinehart, Saling, Sellar, Skratek, Talmadge, Thorsness - 10.

ENGROSSED HOUSE JOINT MEMORIAL NO. 4011, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Oke, Senator Linda Smith was excused.

SECOND READING

ENGROSSED HOUSE JOINT MEMORIAL NO. 4012, by Representatives R. Fisher, Wilson, Schmidt, Prentice, Wood, Cooper, R. Meyers, Heavey, Chandler, R. Johnson, Forner, P. Johnson, Mitchell, Brough, Haugen, Zellinsky, Jones, Kremen, Cantwell, Holland, Rasmussen, Nealey, Paris, Horn and Ferguson

Asking Congress to make motor fuel tax moneys available to the states for highway work.

The joint memorial was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Engrossed House Joint Memorial No. 4012 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Joint Memorial No. 4012.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Joint Memorial No. 4012 and the joint memorial passed the Senate by the following vote: Yeas, 38; Nays, 0; Absent, 0; Excused, 11.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rasmussen, Roach, A. Smith, Snyder, Stratton, Sutherland, Vognild, von Reichbauer, West, Williams, Wojahn - 38.

Excused: Senators Hansen, Moore, Owen, Pelz, Rinehart, Saling, Sellar, Skratek, L. Smith, Talmadge, Thorsness - 11.

ENGROSSED HOUSE JOINT MEMORIAL NO. 4012, having received the constitutional majority, was declared passed.

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

MOTION

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

SENATE RESOLUTION 1991-8662

By Senators Metcalf and Rasmussen

WHEREAS, The Whidbey Island Naval Air Station was established in Oak Harbor, in 1942, to provide for the national defense being located furthest to the North and West in the continental United States of any air base as well as having a superb combination of weather conditions and open air space; and

WHEREAS, The Naval Air Station currently employs 8,100 members of the military and 1,750 civilians; and

WHEREAS, There are twenty-three squadrons assigned to the base, including thirteen Tactical Electronic Warfare squadrons that fly EA-6B

aircraft, eight A-6E Intruder bomber squadrons, two training units for those aircraft, and several Navy and Marine Corps reserve units; and

WHEREAS, More than 2,500 military personnel from Whidbey Island Naval Air Station performed valiantly in the recent war with Iraq; and

WHEREAS, The federal government has spent millions of dollars at the base to build a new hospital, a new commissary, training facilities for pilots, and a new administration building for reserve officers all completed within the past year; and

WHEREAS, More than half all workers, military and civilian are employed at the base; and

WHEREAS, The nearly \$300 million annual payroll of the naval air station represents nearly half of the total income of Island County; and

WHEREAS, The economic base of the small community of Oak Harbor and much of Island County would be devastated by the loss of the base; and

WHEREAS, Secretary of Defense Richard Cheney on April 12, 1991, formally recommended the closure of Whidbey Island Naval Air Station; and

WHEREAS, A bipartisan commission appointed by the Bush administration will decide by July 15, 1991, whether to forward that recommendation to the United States Congress for implementation;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington urge the federal government to reject that recommendation and maintain the naval air base at Oak Harbor; and

BE IT FURTHER RESOLVED, That copies of this resolution be sent by the Secretary of the Senate to President George Bush, to the presiding officer of both houses of the United States Congress, the entire Washington State delegation to Congress, to the federal Base Closure and Realignment Commission, and to Secretary of Defense Richard Cheney.

Senator Metcalf spoke to Senate Resolution 1991-8662.

MOTION

On motion of Senator Newhouse, the Senate reverted to the first order of business.

REPORT OF STANDING COMMITTEE

April 12, 1991

ESHB 1330 Prime Sponsor, House Committee on Appropriations: Making appropriations and authorizing expenditures for the fiscal biennium ending June 30, 1993.

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Hayner, Johnson, Matson, Metcalf, Newhouse, Saling, L. Smith and West.

MINORITY recommendation: Do not pass as amended. Signed by Senators Bauer, Gaspard, L. Kreidler, Murray, Niemi, Owen, Rinehart, Talmadge, Williams and Wojahn.

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill No. 1330 was advanced to second reading and placed on the second reading calendar.

MOTION

At 8:10 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Monday, April 15, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

NINETY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 15, 1991

The Senate was called to order at 9:00 a.m. by President Pro Tempore Craswell. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Sellar and Linda Smith. On motion of Senator Anderson, Senators Sellar and Linda Smith were excused.

The Sergeant at Arms Color Guard, consisting of Pages Sara Dombkowski and Rachel Halley, presented the Colors. Reverend Larry Neufeld, pastor of the Timberline Baptist Church of Lacey, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

April 12, 1991

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5504,

SENATE BILL NO. 5585, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 12, 1991

MR. PRESIDENT:

The House has passed **SUBSTITUTE HOUSE BILL NO. 1850,** and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5958 by Senator McDonald

AN ACT Relating to vital records; amending RCW 70.58.107; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5959 by Senators McDonald, Hayner and West.

AN ACT Relating to public assistance; amending RCW 74.04.005; creating a new section; repealing RCW 74.04.660; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILL

SHB 1850 by House Committee on Revenue (originally sponsored by Representatives Wang and Holland) (by request of Department of Wildlife and Office of Financial Management)

Raising various hunting and fishing fees.

Referred to Committee on Ways and Means.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1214, by House Committee on State Government (originally sponsored by Representatives Anderson, Spanel, Fraser, R. Johnson and Riley)

Authorizing a medical benefit plan as an alternative to cash remuneration for accrued sick leave for retiring state employees.

The bill was read the second time.

MOTIONS

On motion of Senator Newhouse, the following Committee on Ways amendment was adopted:

On page 3, line 6, strike "(3)" and insert "(4)"

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill No. 1214, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1214, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1214, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Sellar, L. Smith - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1214, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9096, Leonard A. McComb, as director of the Office of Financial Management, was confirmed.

Senator McDonald spoke to the confirmation of Leonard A. McComb as director of the Office of Financial Management.

APPOINTMENT OF LEONARD A. McCOMB

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 43.

Voting nay: Senators Anderson, McCaslin, Nelson, West - 4.

Excused: Senators Sellar, L. Smith - 2.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1956, by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Nealey, McLean, Kremen, Chandler, Roland and Rasmussen) (by request of Department of Agriculture)

Changing provisions for plant protection.

The bill was read the second time.

MOTIONS

On motion of Senator Barr, the following Committee on Agriculture and Water Resources amendment was adopted:

On page 3, after line 22, insert the following:

Sec. 2. RCW 15.26.155 and 1983 c 281 s 3 are each amended to read as follows:

The producers of tree fruit subject to the provisions of this chapter may at any time, by referendum conducted by the department and approved by a majority of the producers voting, establish an additional assessment for programs including but not limited to sanitation programs and the reregistration of plant protection products for use on minor crops. ~~((The total amount assessed for any specific industry service program under this section shall not exceed one hundred thousand dollars in any single crop year.))~~ The members of the commission may, subject to approval by two-thirds of the voting members of the commission, suspend all or part of the assessments on tree fruit under this section.

Reumber the remaining sections consecutively.

On motion of Senator Barr, the following Committee on Agriculture and Water Resources amendment was adopted:

On page 19, after line 14, insert the following:

NEW SECTION. Sec. 25. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

MOTION

Senator Murray moved that the following amendment be adopted:

On page 14, beginning on line 18, after "PENALTY." strike all material through "for each violation." on line 25, and insert "Whenever the director finds that a person has committed a violation of any of the provisions of this chapter, and that violation has not been punished pursuant to RCW 17.24.100, the director may impose upon and collect from the violator a civil penalty not exceeding five thousand dollars per violation."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Murray on page 14, beginning on line 18, to Substitute House Bill No. 1956.

The motion by Senator Murray carried and the amendment was adopted.

MOTIONS

On motion of Senator Murray, the following amendments were considered simultaneously and were adopted:

On page 16, line 7, after "order." insert "Such measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides."

On page 19, line 2, strike all of subsection (7)

Reumber the remaining subsections consecutively and correct any internal references accordingly.

On page 19, line 10, strike all of subsection (14)

On motion of Senator Murray, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "15.09.080" strike the remainder of the title and insert ", 15.26.125, and 43.06.010; adding new sections to chapter 17.24 RCW; creating a new section; repealing RCW 17.24.005, 17.24.030, 17.24.035, 17.24.060, 17.24.070, 17.24.080, 17.24.100, 17.24.105, 17.24.110, 17.24.110, 17.24.120, 17.24.130, 17.24.140, 17.24.200, 17.24.210, 69.07.090, and 69.07.130; prescribing penalties; and declaring an emergency."

On page 1, line 4 of the title, after "17.24.080," strike the remainder of the title and insert "17.24.105, 17.24.110, 17.24.120, 17.24.130, 17.24.140, and 17.24.200; and prescribing penalties."

MOTION

On motion of Senator Barr, the rules were suspended, Substitute House Bill No. 1956, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1956, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1956, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senators Cantu, McCaslin - 2.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 1956, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 1355 and the pending amendment by Senator Hansen on page 3, after line 30, and the pending amendment by Senator Murray on page 3, after line 30, deferred on April 12, 1991.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Craswell: "In ruling upon the point of order raised by Senator Anderson, the President finds that House Bill No. 1355 is

a measure which increases the penalties for employer violations of the Washington Industrial Safety and Health Act.

"The amendment proposed by Senator Hansen would provide that the penalties specified in this bill and six other departments and agencies shall be deposited into the state common school construction account.

"The President, therefore, finds the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Hansen on page 3, after line 30, to House Bill No. 1355 was ruled out of order.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Craswell: "In ruling upon the point of order raised by Senator Matson, the President finds that House Bill No. 1355 is a measure which increases the penalties for employer violations of the Washington Industrial Safety and Health Act.

"The amendment proposed by Senator Murray would establish specified violations of laws relating to the employment of minors as violations of the Safety and Health Act; prescribe civil and criminal penalties; provide an appeal process and modify the procedure for issuance of minor work permits.

"The President, therefore, finds the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Murray on page 3, after line 30, to House Bill No. 1355 was ruled out of order.

MOTION

Senator Barr moved that the following amendment be adopted:

On page 3, after line 30, insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 70.94 RCW to read as follows:

(1) The department and air pollution control authorities, in carrying out their duties pursuant to RCW 70.94.331 and 70.94.141 to encourage voluntary cooperation by persons or affected groups to achieve the purposes of this chapter, shall grant requests for advice and consultation. The department and air pollution control authorities shall visit the air pollution sites for the purpose of affording the advice and consultation. The advice and consultation shall be limited to the matters specified in the request and affecting the interpretation and applicability of this chapter, and the rules adopted under this chapter, to the operations being conducted at the site. The department or authority in granting requests for advisory or consultative service may provide for an alternate means of affording advice and consultation other than on-site consultation.

(2) The department or authority may make recommendations regarding the elimination or modification of any practices not in compliance with this chapter and the rules adopted under this chapter. A visit to the site of air pollution under this section shall not be regarded as an inspection or investigation under the authority of this chapter; no notices or citations may be issued; civil penalties may not be assessed upon such visit; and authorized representatives of the director or authority designated to render advice and consult with employers under the voluntary compliance program

shall not have enforcement authority. In the event an on-site visit for the purpose of advice and consultation discloses a violation creating a serious and immediate danger to public health, the department or authority may take enforcement action under this chapter.

(3) Nothing in this section shall be construed as providing immunity from inspections or investigations conducted under this chapter to any person who has made application for advisory or consultative services during the pendency of the granting of the application. This section shall not be construed as requiring an inspection under this chapter of a site that has been visited for advisory or consultative purposes. However, in the event of a subsequent inspection, the director or the authority, or the authorized representative of either the director or the authority, may in their discretion take into consideration any information obtained during the advisory or consultative visit of that site in determining the nature of an alleged violation and the amount of penalties to be assessed, if any. Persons requesting advisory or consultative services shall be advised of the provisions of this section and the rules adopted by the department relating to the voluntary compliance program. The department may provide by rule for the frequency, manner, and method of the rendering of advisory or consultative services under this section, and for the scheduling and priorities in granting applications consistent with the availability of personnel, and in such a manner as not to jeopardize the enforcement requirements of this chapter.

(4) For the purposes of this section, "director" means the director of the state department of ecology; and "serious and immediate danger to public health" means a person is in immediate danger of death or serious bodily injury.

Sec. 3. RCW 70.94.211 and 1974 ex.s. c 69 s 4 are each amended to read as follows:

Whenever the board or the control officer has reason to believe that any provision of this chapter or any ordinance, resolution, rule or regulation relating to the control or prevention of air pollution has been violated, such board or control officer may cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this chapter or the ordinance, resolution, rule or regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the board or the control officer may require that the alleged violator or violators appear before the board for a hearing, or in addition to or in place of an order or hearing, the board may initiate action pursuant to RCW 70.94.425, 70.94.430, and 70.94.435. Upon application by a person showing that a good faith effort to comply with the requirements of an order has been made and that the requirements have not been completed because of factors beyond the person's control, the board or the control officer may affirm or modify the requirements in such order.

Sec. 4. RCW 70.105.010 and 1989 c 376 s 1 are each amended to read as follows:

The words and phrases defined in this section shall have the meanings indicated when used in this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ecology.

(2) "Director" means the director of the department of ecology or the director's designee.

(3) "Disposal site" means a geographical site in or upon which hazardous wastes are disposed of in accordance with the provisions of this chapter.

(4) "Dispose or disposal" means the discarding or abandoning of hazardous wastes or the treatment, decontamination, or recycling of such wastes once they have been discarded or abandoned.

(5) "Dangerous wastes" means any discarded, useless, unwanted, or abandoned substances, including but not limited to certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose

a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

(a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

(b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

(6) "Extremely hazardous waste" means any dangerous waste which

(a) will persist in a hazardous form for several years or more at a disposal site and which in its persistent form

(i) presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of man or wildlife, and

(ii) is highly toxic to man or wildlife

(b) if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment.

(7) "Person" means any person, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

(8) "Pesticide" shall have the meaning of the term as defined in RCW 15.58.030 as now or hereafter amended.

(9) "Solid waste advisory committee" means the same advisory committee as per RCW 70.95.040 through 70.95.070.

(10) "Designated zone facility" means any facility that requires an interim or final status permit under rules adopted under this chapter and that is not a preempted facility as defined in this section.

(11) "Facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for recycling, storing, treating, incinerating, or disposing of hazardous waste.

(12) "Preempted facility" means any facility that includes as a significant part of its activities any of the following operations: (a) Landfill, (b) incineration, (c) land treatment, (d) surface impoundment to be closed as a landfill, or (e) waste pile to be closed as a landfill.

(13) "Hazardous household substances" means those substances identified by the department as hazardous household substances in the guidelines developed under RCW 70.105.220.

(14) "Hazardous substances" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under this chapter.

(15) "Hazardous waste" means and includes all dangerous and extremely hazardous waste, including substances composed of both radioactive and hazardous components.

(16) "Local government" means a city, town, or county.

(17) "Moderate-risk waste" means (a) any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under this chapter solely because the waste is generated in quantities below the threshold for regulation, and (b) any household wastes which are generated from the disposal of substances identified by the department as hazardous household substances.

(18) "Service charge" means an assessment imposed under RCW 70.105.280 against those facilities that store, treat, incinerate, or dispose of dangerous or extremely hazardous waste that contains both a nonradioactive hazardous component and a radioactive component. Service charges shall also apply to facilities undergoing closure under this chapter in those instances where closure entails the physical characterization of remaining wastes which contain both a nonradioactive hazardous component and a

radioactive component or the management of such wastes through treatment or removal, except any commercial low-level radioactive waste facility.

(19) "Serious and immediate danger to public health or the environment" means that humans, wildlife, or the environment are in immediate danger of exposure to hazardous wastes.

Sec. 5. RCW 70.105.080 and 1987 c 109 s 12 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, every person who fails to comply with any provision of this chapter or of the rules adopted thereunder shall be subjected to a penalty in an amount of not more than ten thousand dollars per day for every such violation. Each and every such violation shall be a separate and distinct offense. In case of continuing violation, every day's continuance shall be a separate and distinct violation. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty herein provided.

(2) If the noncompliance does not create a serious and immediate danger to public health or the environment, the department shall issue a written order requiring compliance under the procedures of RCW 70.105.095, and shall specify a reasonable period of time in which compliance is required. An order shall describe with particularity the nature of the violation or violations, including a reference to the provisions of the statute, standard, rule, regulation, or order alleged to have been violated. If the person does not comply with the order, the department may proceed under subsection (1) of this section or take other enforcement action authorized by this chapter.

(3) The penalty provided for in this section shall be imposed pursuant to the procedures in RCW 43.21B.300.

Sec. 6. RCW 70.105.095 and 1987 c 109 s 16 are each amended to read as follows:

(1) Whenever on the basis on any reliable information the department determines that a person has violated or is clearly about to violate any provision of this chapter, the department may issue an order requiring compliance (~~((either immediately or))~~) within a specified reasonable period of time. The department may order immediate compliance if the violation creates a serious and immediate danger to the public health or the environment. The order shall be delivered by registered mail or personally to the person against whom the order is directed.

(2) Any person who fails to take corrective action as specified in a compliance order shall be liable for a civil penalty of not more than ten thousand dollars for each day of continued noncompliance. In addition, the department may suspend or revoke any permits and/or certificates issued under the provisions of this chapter to a person who fails to comply with an order directed against (~~((him))~~) the person.

(3) Upon application by a person showing that a good faith effort to comply with the requirements of a compliance order has been made and that the requirements have not been completed because of factors beyond the person's control, the director, after affording an opportunity for a hearing, shall issue an order affirming or modifying the requirements in the compliance order.

(4) Any order may be appealed pursuant to RCW 43.21B.310.

NEW SECTION. Sec. 7. A new section is added to chapter 70.105 RCW to read as follows:

(1) In carrying out the department's responsibilities to provide consultative services under RCW 70.105.170, the department shall grant a request for advice and consultation, and for the purpose of affording the advice and consultation, visit the site of hazardous waste generation or disposal. The advice and consultation shall be limited to the matters specified in the request and affecting the interpretation and applicability of this chapter, and the rules adopted under this chapter, to the operations

being conducted at the site. The department in granting requests for advisory or consultative service may provide for an alternate means of affording advice and consultation other than on-site consultation.

(2) The department may make recommendations regarding the elimination or modification of any practices not in compliance with this chapter and the rules adopted under this chapter. A visit to the site of hazardous waste generation or disposal under this section shall not be regarded as an inspection or investigation under the authority of this chapter; no notices or citations may be issued; civil penalties may not be assessed upon the visit; and authorized representatives of the director designated to render advice and consult with employers under the voluntary compliance program shall not have enforcement authority. In the event an on-site visit for the purpose of advice and consultation discloses a violation creating a serious and immediate danger to public health or the environment, the department may issue an order requiring compliance pursuant to RCW 70.105.095, or take other enforcement action authorized by this chapter.

(3) Nothing in this section shall be construed as providing immunity from inspections or investigations conducted under this chapter, or an inspection conducted as a result of a complaint, to a person who has made application for advisory or consultative services during the pendency of the granting of the application nor immunity from inspections by the department or resulting from a complaint subsequent to the conclusion of the consultative period. This section shall not be construed as requiring an inspection under this chapter of any site that has been visited for advisory or consultative purposes. However, in the event of a subsequent inspection, the director, or the director's authorized representative, may in the director's discretion take into consideration any information obtained during the advisory or consultative visit of that site in determining the nature of an alleged violation and the amount of penalties to be assessed, if any. Persons requesting advisory or consultative services shall be advised of the provisions of this section and the rules adopted by the department relating to the voluntary compliance program. The department may provide by rule for the frequency, manner, and method of the rendering of advisory or consultative services under this section, and for the scheduling and priorities in granting applications consistent with the availability of personnel, and in such a manner as not to jeopardize the enforcement requirements of this chapter.

POINT OF ORDER

Senator Niemi: "A point of order. I challenge the amendment as to scope and object. Senator Barr just described the bill. The underlying bill increases civil penalties. This amendment deals with definitions. I think they are an entirely different subject and not appropriate for an amendment."

MOTION

On motion of Senator Barr, and there being no objection, the amendment of page 3, after line 30, to House Bill No. 1355 was withdrawn.

MOTION

On motion of Senator Matson, the rules were suspended, House Bill No. 1355 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1355.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1355 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Sellar - 1.

HOUSE BILL NO. 1355, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

At 9:45 a.m., there being no objection, the President Pro Tempore declared the Senate to be at ease.

The Senate was called to order at 10:52 a.m. by President Pro Tempore Craswell.

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

MOTION

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

SENATE RESOLUTION 1991-8653

By Senators Matson, Oke, Rasmussen, Hansen, Thorsness and Cantu

WHEREAS, For the sake of world peace, freedom, and justice, the one hundred nine individuals who make up the Yakima-based Marine reserve unit known as the "Bravo Company" put their plans, their careers and their lives on hold to fight aggression in the Middle East; and

WHEREAS, As part of an unprecedented international coalition in Operation Desert Storm, the Bravo Company played an integral role in achieving a stunning victory over the forces of Iraqi dictator Saddam Hussein; and

WHEREAS, The Bravo Company, assigned to the 1st Battalion of the 8th Marines, is credited with the capture of hundreds of Iraqi prisoners and with the destruction of one hundred nineteen Iraqi war vehicles, including fifty-six Soviet-made T-72 tanks issued only to Iraq's Republican Guard; and

WHEREAS, Long before hostilities ended in the Middle East, Bravo Company's fourteen tank crews made their way to Kuwait City to see the liberation of a people and to take part in establishing the rule of law over tyranny and aggression; and

WHEREAS, Through their efforts, members of the Bravo Company established themselves as heroes in the age-old struggle to forge a world blessed with the promise of peace, freedom, and respect for human rights;

NOW, THEREFORE, BE IT RESOLVED, That, with great pride, the Washington State Senate honors with gratitude each of the one hundred nine members of the Bravo Company for their valiant service in the hard work of freedom; and

BE IT FURTHER RESOLVED, That members of the Washington State Senate hereby join communities throughout Washington in welcoming home the friends and neighbors who so selflessly served us all as members of the Bravo Company; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to commanders of the Bravo Company, to the Adjutant General of the Washington National Guard, and to the Honorable George Bush, President of the United States:

Senator Matson spoke to Senate Resolution 1991-8653.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore introduced the following members of the Bravo Company who were seated on the rostrum: Captain Jean T. Malone, First Sergeant Randy Wilcox, Lance Corporal Darren L. Mihelich and Lance Corporal Jed C. Odenrider.

With permission of the Senate, business was suspended to permit Captain Malone to address the Senate.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1330, by House Committee on Appropriations (originally sponsored by Representatives Locke, Silver, Spanel, Inslee, Morton and Holland) (by request of Governor Gardner)

Making appropriations and authorizing expenditures for the fiscal biennium ending June 30, 1993.

The bill was read the second time.

MOTION

Senator McDonald moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1991, and ending June 30, 1993, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 1992" or "FY 1992" means the fiscal year ending June 30, 1992.

(b) "Fiscal year 1993" or "FY 1993" means the fiscal year ending June 30, 1993.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

**PART I
GENERAL GOVERNMENT**

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation \$ 53,992,000

NEW SECTION. Sec. 102. FOR THE SENATE

General Fund Appropriation \$ 40,334,000

NEW SECTION. Sec. 103. FOR THE LEGISLATIVE BUDGET

COMMITTEE
General Fund Appropriation \$ 2,134,000

NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND

ACCOUNTABILITY PROGRAM COMMITTEE
General Fund Appropriation \$ 2,790,000

NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE

ACTUARY
Department of Retirement Systems Expense Fund
Appropriation \$ 1,249,000

The appropriation in this section is subject to the following conditions and limitations: The office shall provide all necessary services for the department of retirement systems within the funds appropriated in this section.

NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS

COMMITTEE
General Fund Appropriation \$ 8,092,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be transferred to the legislative systems revolving fund.

NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation \$ 6,584,000
Statute Law Committee Publications Account

Appropriation \$ 1,627,000

TOTAL APPROPRIATION \$ 8,211,000

NEW SECTION. Sec. 108. FOR THE REDISTRICTING COMMISSION

General Fund Appropriation \$ 888,000

NEW SECTION. Sec. 109. FOR THE SUPREME COURT

General Fund Appropriation	\$	15,236,000
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The appropriation in this section is subject to the following conditions and limitations: \$6,507,000 is provided solely for the indigent appeals program.

NEW SECTION. Sec. 110. FOR THE LAW LIBRARY

General Fund Appropriation	\$	3,194,000
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NEW SECTION. Sec. 111. FOR THE COURT OF APPEALS

General Fund Appropriation	\$	15,879,000
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NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation	\$	1,007,000
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NEW SECTION. Sec. 113. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation	\$	24,943,000
Judicial Information System Account		
Appropriation	\$	116,000
Public Safety and Education Account		
Appropriation	\$	28,994,000
TOTAL APPROPRIATION	\$	54,053,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$19,789,000 of the general fund appropriation is provided solely for the superior court judges program.
- (2) \$1,008,000 of the public safety and education account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1127 (superior court judges). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.
- (3) \$50,000 of the general fund appropriation is provided solely to implement Substitute Senate Bill No. 5072 (indigent defense task force).
- (4) \$725,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5127 (foster care citizen review boards).
- (5) \$1,744,000 of the public safety and education account appropriation is provided solely to install the district court information system (DISCIS) at forty-two district court sites. When providing equipment upgrades to an existing site, an equal amount of local matching funds shall be provided by the local jurisdictions.
- (6) \$8,238,000 of the public safety and education account appropriation is provided solely to continue the treatment alternative to street crimes program (TASC) in Pierce, Snohomish, Clark, King, Spokane and Yakima counties.

NEW SECTION. Sec. 114. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation	\$	7,037,000
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The appropriation in this section is subject to the following conditions and limitations:

- (1) \$186,000 is provided solely for mansion maintenance.
- (2) \$500,000 is provided solely for extradition expenses to carry out RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

NEW SECTION. Sec. 115. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund Appropriation	\$	250,000
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NEW SECTION. Sec. 116. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation	\$	524,000
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NEW SECTION. Sec. 117. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation \$ 1,759,000

The appropriation in this section is subject to the following conditions and limitations: \$25,000 is provided solely to implement Substitute Senate Bill No. 5149 (reporting gratuities). If the bill is not enacted by June 30, 1991, this amount shall be used to implement a system to track gratuities received by elected officials and others required to report under the public disclosure laws.

NEW SECTION. Sec. 118. FOR THE SECRETARY OF STATE

General Fund Appropriation \$ 8,296,000

Archives and Records Management Account

Appropriation \$ 3,621,000

Savings Recovery Account

Appropriation \$ 569,000

TOTAL APPROPRIATION \$ 12,486,000

(1) \$809,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$2,723,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) \$251,000 of the general fund appropriation is provided solely to implement Senate Bill No. 5906 (address disclosure).

NEW SECTION. Sec. 119. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation \$ 318,000

NEW SECTION. Sec. 120. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 366,000

NEW SECTION. Sec. 121. FOR THE STATE TREASURER

Motor Vehicle Account Appropriation \$ 44,000

State Treasurer's Service Fund Appropriation \$ 8,954,000

TOTAL APPROPRIATION \$ 8,998,000

The appropriations in this section are subject to the following conditions and limitations: The state treasurer shall conduct a study of the feasibility of assuming the function as the state's fiscal agent in the payment of principal and interest on state debt.

NEW SECTION. Sec. 122. FOR THE STATE AUDITOR

General Fund Appropriation \$ 593,000

Motor Vehicle Fund Appropriation \$ 238,000

Municipal Revolving Fund Appropriation \$ 21,138,000

Auditing Services Revolving Fund Appropriation . . . \$ 11,023,000

TOTAL APPROPRIATION \$ 32,992,000

The appropriations in this section are subject to the following conditions and limitations: \$2,255,000 of the municipal revolving fund appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5121 (local government

whistleblowers). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 123. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund Appropriation \$ 82,000

NEW SECTION. Sec. 124. FOR THE ATTORNEY GENERAL

General Fund Appropriation--State \$ 6,902,000
 General Fund Appropriation--Federal \$ 1,589,000
 Legal Services Revolving Fund Appropriation \$ 89,929,000
 Motor Vehicle Fund Appropriation \$ 725,000
 Public Safety and Education Account Appropriation . \$ 2,136,000
 New Motor Vehicle Arbitration Account
 Appropriation \$ 1,740,000
TOTAL APPROPRIATION \$ 103,021,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the general fund--state appropriation is provided solely to implement Second Substitute Senate Bill No. 5882 (criminal profiteering litigation).

(2) \$400,000 of the public safety and education account is provided solely for grants to local governments for the operating expenses of crime stoppers programs to increase public awareness and assistance in solving crime. The attorney general shall seek a geographic distribution of the grants under this subsection and may require matching funds from the local government. No more than eight percent of the money expended under this subsection may be used by the attorney general for administrative expenses.

(3) \$1,736,000 of the public safety and education account appropriation is provided solely for the attorney general's criminal litigation unit.

NEW SECTION. Sec. 125. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund Appropriation \$ 862,000

NEW SECTION. Sec. 126. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation--State \$ 11,963,000
 General Fund Appropriation--Federal \$ 101,000
 Motor Vehicle Fund Appropriation \$ 102,000
 Public Safety and Education Account Appropriation . \$ 290,000
 Savings Recovery Account Appropriation \$ 8,716,000
TOTAL APPROPRIATION \$ 21,172,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The public safety and education account appropriation is provided solely for jail population data collection pursuant to RCW 10.98.130.

(2) The office of financial management and the department of personnel shall jointly reconcile the two agencies' lists of authorized FTE positions for each agency under the jurisdiction of the department of personnel. The two agencies shall jointly submit the reconciled lists to the legislative fiscal committees by September 1, 1991.

NEW SECTION. Sec. 127. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Fund
 Appropriation \$ 11,566,000

NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund

Appropriation \$ 15,430,000

The appropriation in this section is subject to the following conditions and limitations: The office of financial management and the department of personnel shall jointly reconcile the two agencies' lists of authorized FTE positions for each agency under the jurisdiction of the department of personnel. The two agencies shall jointly submit the reconciled lists to the legislative fiscal committees by September 1, 1991.

NEW SECTION. Sec. 129. FOR THE COMMITTEE FOR DEFERRED COMPENSATION

General Fund Appropriation \$ 345,000

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the administration of a state employee salary reduction plan for dependent care assistance.

NEW SECTION. Sec. 130. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account Appropriation \$ 18,174,000

NEW SECTION. Sec. 131. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund Appropriation \$ 394,000

NEW SECTION. Sec. 132. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Fund

Appropriation \$ 856,000

NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

General Fund Appropriation \$ 20,000,000

Special Retirement Contribution

Increase Revolving Fund Appropriation \$ 6,782,000

Department of Retirement Systems Expense Fund

Appropriation \$ 26,155,000

TOTAL APPROPRIATION \$ 52,937,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,403,000 of the department of retirement systems expense fund appropriation is provided solely for information systems projects named in this section. Authority to expend these funds is conditioned on compliance with section 902 of this act. For the purposes of this section, "information systems projects" means the projects known by the following names or successor names: Support of member database, support of audit, audit of member files.

(2) The general fund appropriation and the special retirement contribution increase revolving fund appropriation are provided solely to fund cost-of-living adjustments by reducing, from sixty-five to sixty, the age at which the retirement allowance adjustment is made under RCW 41.32.575 and 41.40.325.

NEW SECTION. Sec. 134. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account

Appropriation \$ 2,858,000

The appropriation in this section is subject to the following conditions and limitations: \$50,000 is provided solely to implement Senate Bill No. 5954 (state funds investment return) and for an executive director search.

NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation \$ 89,659,000

Timber Tax Distribution Account Appropriation . . . \$	4,209,000
State Toxics Control Account Appropriation. \$	90,000
Solid Waste Management Account Appropriation. . . \$	82,000
Pollution Liability Reinsurance Trust Account Appropriation \$	226,000
Vehicle Tire Recycling Account Appropriation \$	122,000
Motor Vehicle Emissions Account Appropriation. . . \$	42,000
Oil/Hazardous Substance Cleanup Account Appropriation \$	27,000
TOTAL APPROPRIATION \$	94,457,000

The appropriations in this section are subject to the following conditions and limitations: \$4,862,000 of the general fund appropriation is provided solely for information systems projects named in this section. Authority to expend these funds is conditioned on compliance with section 902 of this act. For the purposes of this section, "information systems project" means the project known by the following names or successor names: Taxpayer account integration management project.

NEW SECTION. Sec. 136. FOR THE BOARD OF TAX APPEALS

General Fund Appropriation \$	1,621,000
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NEW SECTION. Sec. 137. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation \$	2,210,000
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NEW SECTION. Sec. 138. FOR THE UNIFORM LEGISLATION COMMISSION

General Fund Appropriation \$	49,000
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NEW SECTION. Sec. 139. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

General Fund Appropriation \$	2,291,000
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NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation--State \$	5,788,000
General Fund Appropriation--Federal \$	1,649,000
General Fund Appropriation--Private/Local. \$	272,000
Risk Management Account Appropriation \$	1,296,000
Motor Transport Account Appropriation \$	10,706,000
General Administration Facilities and Services Revolving Fund Appropriation \$	20,454,000
Central Stores Revolving Account Appropriation . . . \$	4,710,000
Air Pollution Central Account Appropriation \$	111,000
TOTAL APPROPRIATION \$	44,986,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$111,000 of the air pollution control account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1028 (air pollution control). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(2) \$555,000 of the central stores revolving account appropriation is provided solely to implement Second Substitute Senate Bill No. 5143 (purchasing recycled goods). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(3) \$3,454,000 of the central stores revolving account appropriation is provided solely for the purchasing and contract administration activities of the office of state procurement, division of purchasing, as provided in RCW 43.19.1923.

NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF INFORMATION SERVICES

General Fund Appropriation \$ 428,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$428,000 is provided solely to complete the video telecommunications demonstration project begun by the department during the 1989-91 biennium.

(2) The department may provide feasibility study reviews and other services formerly provided by the department's planning and policy division. Fees shall be charged for these services and paid to the department through interagency reimbursement.

NEW SECTION. Sec. 142. FOR THE PRESIDENTIAL ELECTORS

General Fund Appropriation \$ 1,000

NEW SECTION. Sec. 143. FOR THE INSURANCE COMMISSIONER

Insurance Commissioner's Regulatory Account
Appropriation \$ 13,979,000

NEW SECTION. Sec. 144. FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation \$ 522,000
Certified Public Accountant Examination Account
Appropriation \$ 638,000
TOTAL APPROPRIATION \$ 1,160,000

NEW SECTION. Sec. 145. FOR THE DEATH INVESTIGATION COUNCIL

Death Investigations Account Appropriation \$ 12,000

NEW SECTION. Sec. 146. FOR THE PROFESSIONAL ATHLETIC COMMISSION

General Fund Appropriation \$ 144,000

NEW SECTION. Sec. 147. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Fund Appropriation \$ 4,706,000

NEW SECTION. Sec. 148. FOR THE LIQUOR CONTROL BOARD

Liquor Revolving Fund Appropriation \$ 105,529,000

The appropriation in this section is subject to the following conditions and limitations: \$2,847,000 is provided solely to implement Senate Bill No. 5560 (cigarette tax enforcement). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 149. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation \$ 28,410,000
Grade Crossing Protective Fund Appropriation \$ 320,000
TOTAL APPROPRIATION \$ 28,730,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$221,000 of the public service revolving fund appropriation is provided solely to implement Engrossed Substitute House Bill No. 2031 (low-level radioactive waste sites). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(2) \$120,000 of the public service revolving fund appropriation is provided solely to increase consumer affairs staff.

(3) \$50,000 of the public service revolving fund appropriation is provided solely to determine the feasibility of compressed natural gas refueling stations for motor

vehicles pursuant to Engrossed Substitute House Bill No. 1028. If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 150. FOR THE BOARD FOR VOLUNTEER FIRE FIGHTERS

Volunteer Fire Fighters' Relief and Pension

Administrative Fund Appropriation	\$	364,000
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NEW SECTION. Sec. 151. FOR THE MILITARY DEPARTMENT

General Fund Appropriation--State	\$	9,365,000
General Fund Appropriation--Federal	\$	7,582,000
General Fund Appropriation--Private/Local	\$	180,000
TOTAL APPROPRIATION	\$	17,127,000

The appropriations in this section are subject to the following conditions and limitations: \$10,000 of the general fund--state appropriation is provided to the public affairs office for headquarters STARC, Camp Murray, Washington air national guard solely for the purpose of a publication to assist in the recruitment and retention of the Washington national guard.

NEW SECTION. Sec. 152. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation	\$	2,104,000
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**PART II
HUMAN SERVICES**

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1991. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, except maternal and child health block grant moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys shall lapse. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

(3) The department of social and health services is authorized to expend federal funds made available by the federal immigration reform and control act, P.L. 99-603, for the purposes contained in that act.

(4) From federal funds received by the department of social and health services, the department shall allot sufficient amounts to provide federally funded employees with salary and benefit increases equivalent to the increases provided in this act for classified state employees under the jurisdiction of the state personnel board.

(5) Appropriations contained in sections 202 through 214 of this part are provided to implement Engrossed Substitute Senate Bill No. 5540 (infectious disease immunizations).

(6)(a) The department, pursuant to its authority under RCW 43.20B.020, shall adopt a schedule of fees, based on the recipient's ability to pay, to be charged during the 1991-93 fiscal biennium for the following services: (i) Involuntary commitment under chapter 71.05 RCW; (ii) inpatient mental health services for minors under chapter 71.34 RCW; (iii) senior citizen services under chapter 74.38 RCW; and (iv) family reconciliation services under chapter 13.32A RCW. In adopting the fee schedules, the department may provide to each family a one-time one hundred dollar exemption to encourage early access to services.

(b) \$737,000 of the general fund--state appropriation to the division of revenue collections is provided solely for the administration and collection of the fees imposed pursuant to this subsection. \$470,000 of the general fund--state appropriation to the community services administration program is provided solely to annually determine financial responsibility of households affected by the fee schedules adopted under this subsection. If the fees are not imposed under (a) of this subsection, the amounts provided in this subsection shall lapse.

(7) The department shall not enter into any contracts or require the expenditure of any funds provided in this act which would permit the transfer of any property currently on the grounds of Western state hospital to Pierce county or any other entity without direct and specific authorization from the legislature.

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund Appropriation--State	\$	260,396,000
General Fund Appropriation--Federal	\$	171,887,000
General Fund Appropriation--Local	\$	1,628,000
Drug Enforcement and Education Account		
Appropriation	\$	4,000,000
Public Safety and Education Account		
Appropriation	\$	400,000
TOTAL APPROPRIATION	\$	438,311,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$110,000 of the general fund--state appropriation is provided solely for volunteers of America of Spokane's crosswalk project.

(2) \$3,300,000 of the general fund--state appropriation is provided solely for direct services provided by four existing continuum of care projects.

(3) At least \$800,000 of the general fund--state appropriation shall be spent on community-based family support centers. Of this amount, \$500,000 is provided solely to establish new centers in communities adversely affected by reductions in the federal timber harvest and related industry dislocation. Grants shall be administered and evaluated by the council for the prevention of child abuse and neglect.

(4) \$1,366,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5025 (youth and family services) subject to the following conditions and limitations:

(a) \$150,000 of this amount is provided solely for an evaluation of family reconciliation services pursuant to section 1 of Engrossed Second Substitute Senate Bill No. 5025 (youth and family services).

(b) \$650,000 is provided solely to expand family reconciliation services.

(c) \$256,000 is provided solely to expand homebuilder services to Whatcom county on July 1, 1992.

(d) \$10,000 is provided solely for production of a video program about state laws and services that pertain to at-risk youth, pursuant to section 4 of Engrossed Substitute Senate Bill No. 5025 (youth and family services).

(e) \$300,000 is provided solely for transfer through interagency agreement to the department of community development for juvenile court proceedings that pertain to

the involuntary commitment to treatment of a minor who is addicted to drugs or alcohol.

(5) Appropriations in this section derived from the \$34,643,000 federal child care block grant and title IV-A grants are subject to the following conditions and limitations:

(a) \$20,046,000 of this amount shall be block-granted to communities for locally designated child care services. Grants shall be administered and evaluated by the state child care resource and referral network, which shall consult with the state child care coordinating council. Distribution of this money shall take into account the number of infants and children up to age 13 and the incidence of poverty in each community whose boundary, for the purpose of block grant awards, shall be defined by the resource and referral network.

(b) \$4,609,000 of this amount is provided solely to increase child care slots for low-income families served by the department.

(c) \$2,600,000 of this amount is provided solely for transfer through interagency agreement to the department of community development to provide child care for homeless parents pursuant to Substitute Senate Bill No. 5653 (homeless parents/child care).

(d) \$2,170,000 of this amount is provided solely for transfer by interagency agreement to the department of community development for early childhood education programs.

(e) \$2,000,000 of this amount is provided solely for transfer by interagency agreement to the state board for community college education for child care for federally designated target populations.

(f) \$1,700,000 of this amount is provided solely for child care resource and referral services pursuant to Substitute Senate Bill No. 5580 (child care resource/referral). Of this amount, at least \$400,000 shall be spent to establish resource and referral agencies in unserved communities.

(g) \$1,250,000 of this amount shall be deposited in the child care facility revolving fund for loans or grants to assist persons, businesses, or organizations to start or operate a licensed child care facility to the extent permitted by federal law, pursuant to Substitute Senate Bill No. 5583 (child care facility fund).

(h) A maximum of \$268,000 of this amount may be spent to meet federal registration, data collection, evaluation, or reporting requirements or for child care licensing and regulation activity. Of this amount, \$100,000 shall be transferred by interagency agreement to the department of health.

(6) The general fund-local appropriation represents fee revenue generated from the family reconciliation services program pursuant to section 201 of this act.

(7) The department shall not continue adoption support payments under RCW 74.13.109 beyond the age of eighteen years.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation--State	\$	56,266,000
General Fund Appropriation--Federal	\$	135,000
Drug Enforcement and Education Account		
Appropriation	\$	1,762,000
TOTAL APPROPRIATION	\$	58,163,000

(2) INSTITUTIONAL SERVICES

General Fund Appropriation--State	\$	54,760,000
General Fund Appropriation--Federal	\$	876,000
Drug Enforcement and Education Account		
Appropriation	\$	928,000
TOTAL APPROPRIATION	\$	56,564,000

(3) PROGRAM SUPPORT

General Fund Appropriation	\$	3,466,000
Drug Enforcement and Education Account Appropriation	\$	342,000
TOTAL APPROPRIATION	\$	3,808,000

The appropriations in this subsection are subject to the following conditions and limitations: \$90,000 of the general fund--state appropriation is provided solely to implement Second Substitute Senate Bill No. 5167 (juvenile justice task force).

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation--State	\$	73,806,000
General Fund Appropriation--Federal	\$	107,600,000
General Fund Appropriation--Local	\$	3,720,000
TOTAL APPROPRIATION	\$	185,126,000

The appropriations in this subsection are subject to the following conditions and limitations: \$362,000 of the general fund--local appropriation represents fee revenue generated from the involuntary treatment, acute residential, and children's acute inpatient programs pursuant to section 201 of this act.

(2) REGIONAL SUPPORT NETWORKS

General Fund Appropriation	\$	150,709,000
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The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$26,200,000 of the general fund--state appropriation is provided solely to enhance funding for regional support networks. Of this amount, \$7,200,000 is provided to implement Second Substitute Senate Bill No. 5667 (mental health evaluation/treatment access), and \$600,000 is provided solely to enroll Grays Harbor county in the regional support network program in January 1992. The balance of the funds is provided solely to expand mental health service capacity in a manner to be determined by the regional support networks. However, community services that will reduce the populations of the state hospitals shall have first priority for these funds.

(b) \$2,500,000 of the general fund--state appropriation is provided solely to enroll an additional four counties in the regional support network program by January 1993.

(3) INSTITUTIONAL SERVICES

General Fund Appropriation--State	\$	233,370,000
General Fund Appropriation--Federal	\$	14,046,000
TOTAL APPROPRIATION	\$	247,416,000

(4) CIVIL COMMITMENT

General Fund Appropriation	\$	3,912,000
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(5) PROGRAM SUPPORT

General Fund Appropriation--State	\$	5,653,000
General Fund Appropriation--Federal	\$	1,971,000
TOTAL APPROPRIATION	\$	7,624,000

(6) SPECIAL PROJECTS

General Fund Appropriation--State	\$	1,794,000
General Fund Appropriation--Federal	\$	2,877,000
TOTAL APPROPRIATION	\$	4,671,000

NEW SECTION. Sec. 205. FOR THE REGIONAL SUPPORT NETWORK INFORMATION SYSTEM RESERVE ACCOUNT

\$3,500,000 is appropriated from the general fund to the regional support network information system reserve account which is hereby created in the state treasury. This appropriation represents the costs to develop and operate the regional support network information system, a utilization assessment system to track the use and outcome of specific mental health services provided to each of the clients of the regional support networks. It is the intent of the legislature to appropriate these funds in the 1992

supplemental appropriations act upon receipt and approval of the feasibility study for the regional support network information system.

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation--State	\$	205,338,000
General Fund Appropriation--Federal	\$	113,464,000
TOTAL APPROPRIATION	\$	318,802,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$12,100,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5780 (transitional services). This funding is to provide employment programs to recent high school graduates who are developmentally disabled.

(b) \$4,200,000 of the general fund--state appropriation is provided solely to expand the family support services program.

(c) \$12,100,000 of the general fund--state appropriation and \$10,200,000 of the general fund--federal appropriation are provided solely to move one hundred forty-seven residents from the residential habilitation center to appropriate placements in the community.

(2) RESIDENTIAL HABILITATION SERVICES

General Fund Appropriation--State	\$	136,912,000
General Fund Appropriation--Federal	\$	155,372,000
TOTAL APPROPRIATION	\$	292,284,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$15,400,000 of the general fund--state appropriation and \$6,900,000 of the general fund--federal appropriation are provided to increase staff levels at the residential habilitation centers to maintain certification in the federal ICF/MR program, excepting the Interlake school.

(b) \$10,700,000 of the general fund--state appropriation is provided to assume the federal government's share of the cost to operate the Interlake school. This action will result in the withdrawal of the Interlake school from the federal ICF/MR program. The division of developmental disabilities shall convene an advisory committee of treatment professionals and parents or guardians of the residents of the Interlake school to assure high quality care for these residents after withdrawal from the federal program.

(3) PROGRAM SUPPORT

General Fund Appropriation--State	\$	5,490,000
General Fund Appropriation--Federal	\$	647,000
TOTAL APPROPRIATION	\$	6,137,000

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--LONG-TERM CARE SERVICES

General Fund Appropriation--State	\$	544,939,000
General Fund Appropriation--Federal	\$	649,850,000
General Fund Appropriation--Local	\$	959,000
TOTAL APPROPRIATION	\$	1,195,748,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 3.9 percent on July 1, 1991, and 3.1 percent on July 1, 1992.

(2) At least \$16,686,400 of the general fund--state appropriation shall initially be allotted for implementation of the senior citizens services act. However, \$1,290,300 of

this amount shall be used solely for programs that use volunteer workers for the provision of services to persons whose need for services is not being met by the chore services program.

(3) \$714,000 of the general fund--state appropriation is provided for new and expanded volunteer chore services.

(4) The general fund--local appropriation represents fee revenue generated from the senior citizens services program pursuant to section 201 of this act.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--INCOME ASSISTANCE PROGRAM

General Fund Appropriation--State	\$	527,092,000
General Fund Appropriation--Federal	\$	625,541,000
TOTAL APPROPRIATION	\$	1,152,633,000

The appropriations in this section are subject to the following conditions and limitations: Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$200,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$55	71	86	102	117	133	154	170

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund Appropriation--State	\$	35,204,000
General Fund Appropriation--Federal	\$	41,642,000
Drug Enforcement and Education Account		
Appropriation--State	\$	44,629,000
TOTAL APPROPRIATION	\$	121,475,000

The appropriations in this section are subject to the following conditions and limitations: \$1,200,000 of the general fund--federal appropriation is provided solely to implement the information technology platform of the division of alcohol and substance abuse. The authority to expend this amount is conditioned on compliance with section 902 of this act.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund Appropriation--State	\$	976,663,000
General Fund Appropriation--Federal	\$	1,026,273,000
TOTAL APPROPRIATION	\$	2,002,936,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall continue variable ratable reductions for the medically indigent and general assistance--unemployable programs in effect November 1, 1988.

(2) After July 1, 1991, the department shall not include chiropractic services in medical assistance coverage for adults.

(3) The department shall continue disproportionate share payments and vendor payment advances to Harborview medical center. It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund Appropriation--State	\$	17,907,000
General Fund Appropriation--Federal	\$	55,641,000
TOTAL APPROPRIATION	\$	73,548,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$600,000 of the general fund--state appropriation is provided solely to contract with the Washington initiative for supported employment for the purpose of continuing the promotion of supported employment services for persons with significant disabilities. Any agreement for the use of a portion of this appropriation shall require that an amount equal to at least one-half of that portion be contributed from nonstate sources for the same purpose. The department shall audit the nonprofit organization during the biennium to ensure that the organization has secured the required matching funds.

(2) \$1,040,000 of the general fund--state appropriation is provided solely to implement Substitute Senate Bill No. 5458 (regional service centers for the deaf). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund Appropriation--State	\$	52,686,000
General Fund Appropriation--Federal	\$	37,381,000
Industrial Insurance Premium Refund Account		
Appropriation	\$	80,000
TOTAL APPROPRIATION	\$	90,147,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the general fund--state appropriation is provided solely to mitigate the impact of state institutions on local communities in the manner provided under RCW 72.72.030(1).

(2) \$6,500,000 of the general fund--state appropriation may be expended for the implementation of the automated client eligibility system (ACES) only after:

- (a) The ACES advanced planning document for implementation is approved by the federal government;
- (b) The ACES request for proposals for implementation is completed;
- (c) The department complies with Senate Bill No. and section 902 of this act; and
- (d) The March 28, 1991, recommendations of the information services board are implemented.

If expenditures are made during fiscal year 1992 in compliance with this subsection, it is the intent of the legislature to appropriate to the department an equivalent sum in the 1992 supplemental appropriations act as replacement of the sums expended under this subsection.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund Appropriation--State	\$	210,956,000
General Fund Appropriation--Federal	\$	252,772,000
TOTAL APPROPRIATION	\$	463,728,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$800,000 of the general fund--state appropriation is provided solely to expand refugee services.

(2) \$1,000,000 of the general fund--state appropriation is provided solely for services to communities adversely affected by reduction in federal timber harvests or related industry dislocation.

(3) \$435,000 is provided solely for transfer by interagency agreement to the University of Washington to continue the evaluation of the maternity care access

program pursuant to RCW 74.09.415. Overhead on the research contract shall continue at the 1989-91 level.

(4) \$636,600 of the general fund--state appropriation and \$1,181,400 of the general fund--federal appropriation are provided solely for transfer by interagency agreement to the legislative budget committee for an independent evaluation of the family independence program as required by section 14, chapter 434, Laws of 1987.

(5) \$1,000,000 of the general fund--state appropriation and \$1,000,000 of the general fund--federal appropriation are provided solely for transfer by interagency agreement to the Washington state institute for public policy to continue to conduct a longitudinal study of public assistance recipients, pursuant to section 14, chapter 434, Laws of 1987.

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--REVENUE COLLECTIONS PROGRAM

General Fund Appropriation--State	\$	37,169,000
General Fund Appropriation--Federal	\$	91,987,000
General Fund Appropriation--Local	\$	280,000
Public Safety and Education Account Appropriation	\$	15,000,000
TOTAL APPROPRIATION	\$	144,436,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$15,000,000 from the public safety and education account appropriation is provided solely to contract with county prosecuting attorneys to provide paternity establishment services.

(2) The appropriations in this section provide specific funding to implement sections 4 and 7 of Engrossed Second Substitute Senate Bill No. 5120 (child support schedule).

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund Appropriation--State	\$	32,213,000
General Fund Appropriation--Federal	\$	11,211,000
TOTAL APPROPRIATION	\$	43,424,000

NEW SECTION. Sec. 216. FOR THE WASHINGTON STATE HEALTH CARE AUTHORITY

State Employees Insurance Administrative Account		
Appropriation	\$	7,259,000
General Fund Appropriation--State	\$	2,206,000
TOTAL APPROPRIATION	\$	9,465,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$281,000 of the state employees insurance administrative account appropriation and \$1,980,000 of the general fund--state appropriation are provided solely to implement the recommendations of the health care purchasing study concerning the use of diagnostic-related groups for hospital care, the implementation of a resource-based relative value scale for physicians' fees, and new prescription drug policies.

(2) \$226,000 of the general fund--state appropriation is provided solely for the operations of the health care commission.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund Appropriation--State	\$	97,424,000
General Fund Appropriation--Federal	\$	153,195,000
General Fund Appropriation--Private/Local	\$	1,363,000
Public Safety and Education Account		
Appropriation	\$	9,532,000
Building Code Council Account Appropriation	\$	837,000

Public Works Assistance Account Appropriation	\$	994,000
Fire Service Training Account Appropriation	\$	770,000
State Toxics Control Account Appropriation.	\$	556,000
Drug Enforcement and Education Account Appropriation	\$	4,188,000
Low Income Weatherization Account Appropriation	\$	2,562,000
Washington Housing Trust Fund Appropriation	\$	13,484,000
TOTAL APPROPRIATION	\$	284,905,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,330,000 of the general fund--state appropriation and \$2,500,000 of the general fund--federal appropriation are provided solely for the early childhood education and assistance program. A quality improvement pool is established. The pool shall be available through application and shall be used solely for transportation systems expansions needed in order to serve more children where the usual methods of attaining transportation, such as through the public school system, have reached capacity or are unsafe; for facility improvements and renovations; for start-up grants to build capacity in communities; and for one-time equipment purchases. The pool shall not exceed \$1,500,000.

(2) \$3,800,000 of the general fund--state appropriation is provided solely to implement section 201 of Second Substitute Senate Bill No. 5568 (hunger and nutritional programs). These funds may be used to purchase food for people with special nutritional needs.

(3) \$1,000,000 of the general fund--state appropriation is provided solely to implement Second Substitute Senate Bill No. 5830 (gang risk intervention).

(4) \$20,000 of the general fund--state appropriation is provided solely for the Seattle children's museum.

(5) \$300,000 of the general fund--state appropriation is provided solely for continued support of the Washington state games.

(6) \$200,000 of the general fund--state appropriation is provided solely to continue assistance to Okanogan county to address impacts associated with tourism developments.

(7) \$1,000,000 of the general fund--state appropriation is provided solely to implement sections 36 through 40 of Engrossed Substitute Senate Bill No. 5555 (mortgage assistance in timber-impacted areas). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(8) \$970,000 of the general fund--state appropriation is provided solely to implement section 50 of Engrossed Substitute Senate Bill No. 5555 (community assistance program in timber-impacted areas).

(9) \$46,000 of the general fund--state appropriation is provided solely to implement Second Substitute Senate Bill No. 5143 (recycled products). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(10) \$4,000,000 of the public safety and education account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1378 (indigent civil legal services).

(11) \$1,000,000 of the general fund--state appropriation is provided solely to implement Senate Bill No. 5091 (Yakima county jail).

(12) \$500,000 of the general fund--state appropriation is provided solely to implement Substitute Senate Bill No. 5581 (community partnership program).

(13) \$40,000 of the general fund--state appropriation is provided solely for continuation of the circuit rider program, which provides technical and managerial assistance to cities and counties.

(14) \$763,000 of the general fund--state appropriation is provided solely for the local development matching fund program. The total amount provided shall be distributed to economically distressed areas as defined in RCW 43.168.020.

(15) \$7,955,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed as follows:

(a) \$4,400,000 to local units of government to continue existing local drug task forces;

(b) \$730,000 to the department of community development to expand the state-wide drug prosecution assistance program;

(c) \$535,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of expanding existing domestic violence advocacy programs, to provide legal and other assistance to victims and witnesses in court proceedings, and to establish new domestic violence advocacy programs;

(d) \$150,000 to the Washington state patrol for coordination of local drug task forces;

(e) \$180,000 to the department of community development for general administration of the grant;

(f) \$120,000 to the Washington state patrol for the clandestine drug lab unit. The patrol shall coordinate activities related to the unit with the department of ecology to ensure maximum effectiveness of the program;

(g) \$580,000 to units of local government for urban projects;

(h) \$170,000 to the department of community development for a state-wide drug offense indigent defense program;

(i) \$440,000 to the department of community development for drug education programs in the common schools. The department shall direct the fund to education programs that employ either local law enforcement officers or state patrol troopers;

(j) \$50,000 to the Washington state patrol for data management;

(k) \$225,000 to the Washington state patrol for a technical support unit; and

(l) \$375,000 to the Washington state patrol for support of law enforcement task forces.

(16) The departments shall not reduce grants or contracts in assistance of units of government unless the reduction is specifically identified in the legislative budget notes.

(17) \$25,000 of the general fund--state appropriation is provided solely for a contract with an organization representing persons with disabilities. Under the contract, the organization shall provide legal advocacy to ensure that the state, as trustee, is fully complying with the fiduciary duties owed to persons with disabilities, pursuant to trusts established under state and federal law.

NEW SECTION. Sec. 218. FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation--State	\$	3,890,000
General Fund Appropriation--Federal	\$	930,000
General Fund Appropriation--Private/Local	\$	520,000
TOTAL APPROPRIATION	\$	5,340,000

NEW SECTION. Sec. 219. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Public Safety and Education Account		
Appropriation	\$	110,000
Worker and Community Right-to-Know Account		
Appropriation	\$	20,000
Accident Fund Appropriation	\$	7,843,000

Medical Aid Fund Appropriation	\$	7,843,000
TOTAL APPROPRIATION	\$	15,816,000

NEW SECTION. Sec. 220. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund Appropriation--State	\$	66,000
Death Investigations Account Appropriation	\$	36,000
Public Safety and Education Account		
Appropriation	\$	12,056,000
Drug Enforcement and Education Account		
Appropriation	\$	370,000
TOTAL APPROPRIATION	\$	12,528,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,000 of the general fund--state appropriation is provided solely to implement Second Substitute Senate Bill No. 5125 (private detectives licensing). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(2) \$33,000 of the general fund--state appropriation is provided solely to implement Second Substitute Senate Bill No. 5124 (security guards licensing). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(3) \$40,000 of the public safety and education account appropriation is provided solely for the criminal justice training commission to provide training sessions to law enforcement officers, county prosecuting attorneys, public defenders, and sexual assault victim advocates on the investigation and prosecution of sexual assault offenses. The training shall be an integrated approach to sexual assault cases so that law enforcement, prosecutors, defenders, and victim advocates can benefit from the training.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	\$	11,115,000
Public Safety and Education Account		
State	\$	18,780,000
Public Safety and Education Account		
Appropriation--Federal	\$	3,740,000
Accident Fund Appropriation	\$	126,477,000
Electrical License Fund Appropriation	\$	14,841,000
Farm Labor Revolving Account Appropriation	\$	30,000
Medical Aid Fund Appropriation	\$	143,998,000
Plumbing Certificate Fund Appropriation	\$	596,000
Pressure Systems Safety Fund Appropriation	\$	1,811,000
Worker and Community Right-to-Know Fund		
Appropriation	\$	2,060,000
TOTAL APPROPRIATION	\$	323,448,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,320,229 from the accident fund appropriation; \$4,615,063 from the medical aid fund appropriation; \$378,556 from the general fund--state appropriation; \$714,163 from the electrical license fund appropriation; \$41,139 from the plumbing certificate fund appropriation; \$92,956 from the pressure systems safety fund appropriation; \$317 from the public safety and education account appropriation; and \$12,448 from the worker and community right-to-know fund appropriation are provided solely for information systems projects named in this section. Authority to expend these funds is conditioned on compliance with section 902 of this act. For the purposes of this section, "information systems projects" means the projects known by the following

names or successor names: Document imaging, state fund information system, and safety and health information management system.

(2) \$50,000 of the accident fund appropriation and \$50,000 of the medical aid fund appropriation are provided solely to implement Substitute Senate Bill No. 5374 (labor/management cooperative program).

NEW SECTION. Sec. 222. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation	\$	3,260,000
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NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund Appropriation--State	\$	21,539,000
General Fund Appropriation--Federal	\$	6,708,000
General Fund Appropriation--Local	\$	10,367,000
TOTAL APPROPRIATION	\$	38,614,000

The appropriations in this section are subject to the following conditions and limitations: \$300,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2095 (post-traumatic stress disorder counseling).

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF HEALTH

General Fund Appropriation--State	\$	123,105,000
General Fund Appropriation--Federal	\$	108,954,000
General Fund Appropriation--Local	\$	15,167,000
Hospital Commission Account Appropriation	\$	2,260,000
Medical Disciplinary Account Appropriation	\$	1,594,000
Health Professions Account Appropriation	\$	23,206,000
Public Safety and Education Account		
Appropriation	\$	90,000
Safe Drinking Water Account Appropriation	\$	871,000
State Toxics Control Account Appropriation	\$	2,970,000
Drug Enforcement and Education Account		
Appropriation	\$	492,000
Water Quality Account Appropriation	\$	734,000
Medical Test Site Licensure Account		
Appropriation	\$	488,000
TOTAL APPROPRIATION	\$	279,931,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$27,000 of the general fund--state appropriation is provided solely to implement Second Substitute Senate Bill No. 5358 (water interties). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(2) \$81,000 of the general fund--state appropriation and \$871,000 from the safe drinking water account appropriation are provided solely to implement Substitute House Bill No. 1709 (drinking water system permit). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(3) \$270,000 of the general fund--state appropriation is provided solely for implementation of RCW 43.20.230 and related conservation of water resource activities.

(4) \$3,800,000 of the general fund--state appropriation and \$2,500,000 of the general fund--federal appropriation are provided solely for enhancement of the women, infants and children nutritional program pursuant to section 101 of Second Substitute Senate Bill No. 5568 (hunger/nutritional problems).

(5) \$600,000 of the general fund--state appropriation is provided solely for community-based outreach programs to promote health and prevent illness and injury

among high-risk pregnant and parenting women pursuant to Substitute Senate Bill No. 5650 (community outreach/health).

(6) \$150,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5782 (rural health care services). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(7) \$400,000 of the general fund--state appropriation is provided solely for transfer through interagency agreement to Washington State University's area health education center in Spokane.

(8) \$685,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5236 (HIV testing/sex offenders). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(9) Appropriations in this section are provided to implement Engrossed Substitute Senate Bill No. 5540 (infectious disease immunization).

(10) Appropriations in this section are provided to implement Substitute Senate Bill No. 5792 (chiropractic peer review).

(11) Within appropriated funds, the department shall develop and administer challenge exams for midwives seeking licensure under RCW 18.50.040 (3).

(12) Available funding for each regional AIDS service network shall be allocated as follows:

(a) Seventy-five percent of the amount provided for regional AIDS service networks shall be allocated per capita based on the number of persons residing within each region. This amount shall be expended for testing, counseling, education, case management, notification of sexual partners of infected persons, planning, coordination, and other services required by law, except for mandatory testing and/or counseling services for certain individuals, as required by law.

(b) Twenty-five percent of the amount provided for regional AIDS service networks shall be allocated for intervention strategies specifically addressing groups that are at a high risk of being infected with the human immunodeficiency virus. The allocation shall be made by the office on AIDS based on documented need.

(13) \$800,000 of the general fund--local appropriation represents revenue generated by fees charged for vital records pursuant to RCW 70.58.107.

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY CORRECTIONS

General Fund Appropriation	\$	103,904,000
Drug Enforcement and Education Account		
Appropriation	\$	7,594,000
Public Safety and Education Account Appropriation .	\$	200,000
TOTAL APPROPRIATION	\$	111,698,000

The appropriations in this subsection are limited to the following conditions and limitations:

(a) \$200,000 from the public safety and education account appropriation is provided solely for comprehensive local criminal justice planning under the county partnership program pursuant to RCW 72.09.300.

(b) \$75,000 of the general fund--state appropriation is provided solely to implement Substitute Senate Bill No. 5128 (witness notification).

(2) INSTITUTIONAL SERVICES

General Fund Appropriation	\$	350,610,000
Drug Enforcement and Education Account		
Appropriation	\$	25,823,000
TOTAL APPROPRIATION	\$	376,433,000

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation	\$	38,241,000
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Drug Enforcement and Education Account	
Appropriation	\$ 2,126,000
Industrial Insurance Premium Refund--State	\$ 72,000
TOTAL APPROPRIATION	\$ 40,439,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$125,000 of the general fund appropriation is provided solely for an additional affirmative action officer.

(b) \$350,000 of the general fund appropriation is provided solely to mitigate the impact of state institutions on local communities in the manner provided under RCW 72.72.030(2).

(4) CORRECTIONAL INDUSTRIES

General Fund Appropriation	\$ 3,512,000
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NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund Appropriation--State	\$ 2,804,000
General Fund Appropriation--Federal	\$ 7,810,000
TOTAL APPROPRIATION	\$ 10,614,000

NEW SECTION. Sec. 227. FOR THE WASHINGTON BASIC HEALTH PLAN

General Fund Appropriation	\$ 42,774,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) The basic health plan may enroll up to 22,000 members during the 1991-93 biennium.

(2) \$3,877,000 of the general fund appropriation is provided solely to expand enrollment in communities adversely affected by reductions in federal timber harvest and related industry dislocation pursuant to sections 20 through 23 of Engrossed Substitute Senate Bill No. 5555 (timber assistance). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 228. FOR THE SENTENCING GUIDELINES COMMISSION

General Fund Appropriation	\$ 626,000
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NEW SECTION. Sec. 229. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation--State	\$ 30,000
General Fund Appropriation--Federal	\$ 132,704,000
General Fund Appropriation--Local	\$ 9,081,000
Administrative Contingency Fund	
Appropriation--Federal	\$ 11,305,000
Unemployment Compensation Administration Fund	
Appropriation--Federal	\$ 128,310,000
Employment Service Administration Account	
Appropriation--Federal	\$ 8,467,000
TOTAL APPROPRIATION	\$ 289,897,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$70,000 of the administrative contingency fund--federal appropriation is provided solely for transfer to the department of community development to implement section 52 of Engrossed Substitute Senate Bill No. 5555 (reemployment support for timber-impacted areas).

(2) \$948,000 of the administrative contingency fund--federal appropriation and \$330,000 of the unemployment compensation administration account--federal

appropriation are provided solely to implement section 17 of Engrossed Substitute Senate Bill No. 5555 (unemployment insurance extension for timber-impacted areas).

(3) \$1,000,000 of the administrative contingency fund--federal appropriation is provided solely to implement sections 11 through 16 of Engrossed Substitute Senate Bill No. 5555 (countercyclical program for timber-impacted areas). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(4) \$25,000 of the administrative contingency fund--federal appropriation is provided solely to implement section 51 of Engrossed Substitute Senate Bill No. 5555 (message service for timber areas).

(5) \$500,000 of the administrative contingency fund--federal appropriation is provided solely to implement section 10 of Engrossed Substitute Senate Bill No. 5555 (self-employment enterprise development program for timber areas).

PART III NATURAL RESOURCES

NEW SECTION. Sec. 301. FOR THE STATE ENERGY OFFICE

General Fund Appropriation--State	\$ 1,038,000
General Fund Appropriation--Federal	\$ 20,433,000
General Fund Appropriation--Private/Local	\$ 4,926,000
Geothermal Account Appropriation--Federal	\$ 40,000
Building Code Council Account Appropriation	\$ 86,000
Air Pollution Control Account Appropriation	\$ 6,711,000
Energy Code Training Account Appropriation	\$ 120,000
TOTAL APPROPRIATION	\$ 33,354,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire air pollution control account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1028 (air pollution control). If the bill is not enacted by June 30, 1991, the air pollution control account appropriation shall lapse.

(2) \$250,000 of the general fund--state appropriation and all of the energy efficiency services account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1022 or Senate Bill No. 5245 (state energy policy development). If neither bill is enacted by June 30, 1991, the general fund--state amount provided in this subsection and the entire energy efficiency services account appropriation shall lapse.

(3) Within the appropriations in this section, the state energy office shall convene a school bus compressed natural gas fuel advisory committee. The committee shall be chaired by the director of the state energy office or a designee and the following persons shall be invited to be members: The superintendent of public instruction or a designee; the director of the department of ecology or a designee; two members of the house of representatives, one from each caucus, appointed by the speaker of the house; two members of the senate, one from each caucus, appointed by the president of the senate; two members representing school districts appointed by the director of the state energy office, and one member representing a natural gas local distribution company. The state energy office shall, with the guidance of the advisory committee, analyze and report on the potential benefits, costs, and safety risks associated with increasing the use of compressed natural gas as fuel for school buses. The report shall address: (a) The anticipated operation and maintenance costs of compressed natural gas school buses in comparison to diesel fuel and gasoline school buses; (b) factors affecting the safety of passengers, drivers, mechanics, and other persons using compressed natural gas school buses in comparison to diesel fuel and gasoline school buses; (c) capital costs, including: (i) The availability and capital cost of purchasing

new compressed natural gas school buses, (ii) the feasibility and capital cost of retrofitting diesel and gasoline school buses, and (iii) capital costs associated with fuel storage and refueling; and (d) other considerations, including air quality benefits, needed to determine the total costs, problems, and benefits of increasing the use of compressed natural gas as a fuel for school buses. The report shall also evaluate all of the preceding factors as they relate to the use of propane as a fuel for school buses. The state energy office shall submit a report to the appropriations and environmental affairs committees of the house of representatives and the ways and means and environment and natural resources committees of the senate by December 1, 1991, and the school bus compressed natural gas fuel advisory committee shall terminate as of that date.

NEW SECTION. Sec. 302. FOR THE COLUMBIA RIVER GORGE

COMMISSION

General Fund Appropriation--State	\$	552,000
General Fund Appropriation--Private/Local	\$	552,000
TOTAL APPROPRIATION	\$	1,104,000

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation--State	\$	57,250,000
General Fund Appropriation--Federal	\$	38,260,000
General Fund Appropriation--Private/Local	\$	911,000
Flood Control Assistance Account Appropriation . . .	\$	3,960,000
Special Grass Seed Burning Research Account		
Appropriation	\$	132,000
Reclamation Revolving Account Appropriation	\$	493,000
Emergency Water Project Revolving Account		
Appropriation: Appropriated pursuant to		
chapter 1, Laws of 1977 ex. sess.	\$	300,000
Litter Control Account Appropriation	\$	6,795,000
State and Local Improvements Revolving Account--		
Waste Disposal Facilities: Appropriated		
pursuant to chapter 127, Laws of 1972		
ex. sess. (Referendum 26)	\$	2,206,000
State and Local Improvements Revolving Account--		
Waste Disposal Facilities 1980: Appropriated		
pursuant to chapter 159, Laws of 1980		
(Referendum 39)	\$	1,112,000
State and Local Improvements Revolving Account--		
Water Supply Facilities: Appropriated pursuant		
to chapter 234, Laws of 1979 ex. sess.		
(Referendum 38)	\$	874,000
Stream Gaging Basic Data Fund Appropriation	\$	300,000
Vehicle Tire Recycling Account Appropriation	\$	7,756,000
Water Quality Account Appropriation	\$	3,741,000
Wood Stove Education Account Appropriation	\$	1,307,000
Worker and Community Right-to-Know Fund		
Appropriation	\$	335,000
State Toxics Control Account--State	\$	40,842,000
State Toxics Control Account--Federal	\$	7,508,000
Local Toxics Control Account	\$	2,933,000
Water Quality Permit Account Appropriation	\$	14,532,000
Solid Waste Management Account Appropriation . . .	\$	7,578,000
Underground Storage Tank Account Appropriation . .	\$	3,343,000
Hazardous Waste Assistance Account Appropriation . .	\$	5,137,000
Air Pollution Control Account Appropriation	\$	6,358,000

Air Operating Permit Account Appropriation \$	1,594,000
Oil/Spill Administration Account Appropriation. . . . \$	6,246,000
TOTAL APPROPRIATION \$	221,803,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,540,000 of the general fund--state appropriation is provided solely for the implementation of the Puget Sound water quality management plan.

(2) If Engrossed Substitute House Bill No. 1028 (air pollution control) is not enacted by June 30, 1991, \$573,000 of the general fund--state appropriation shall lapse.

(3) If Engrossed Substitute House Bill No. 1028 (air pollution control) is not enacted by June 30, 1991, the air pollution control account appropriation and the air operating permit account appropriation shall lapse and the woodstove education account appropriation shall be reduced by \$611,000.

(4) \$484,000 of the general fund--state appropriation and \$2,301,756 of the water quality permit account appropriation are provided solely to carry out the recommendations of the commission on efficiency and ability in government concerning the wastewater discharge permit program.

(5) A maximum of \$325,000 of the general--state appropriation is provided solely for water resource management and conservation activities.

(6) \$100,000 of the general fund--state appropriation is provided solely as state matching funds for the Columbia basin irrigation project.

(7) \$286,000 of the general fund--state appropriation is provided solely to implement Second Substitute Senate Bill No. 5358 (water system interties). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(8) \$139,000 of the solid waste management account appropriation is provided solely to implement Senate Bill No. 5143 (recycled products procurement). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(9) \$30,000 of the general fund--state appropriation is provided solely to implement Second Substitute Senate Bill No. 5428 (Pacific Ocean resources management). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(10) \$150,000 of the general fund--state appropriation is provided solely to implement House Bill No. 2021 (joint water resource policy committee).

(11) The entire oil/hazardous substance cleanup account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1027 (oil/hazardous substances). If the bill is not enacted by June 30, 1991, the appropriation shall lapse.

(12) No funds appropriated in this section may be expended for imposing and administering numeric chlorinated organics limits (except for dioxin) in wastewater discharge permits for pulp and paper mills prior to the time the federal environmental protection agency issues effluent guidelines addressing appropriate numeric limits. The department of ecology may establish an advisory committee to consider whether federal effluent guidelines, when issued, for pulp and paper mills should be modified on a case-by-case basis considering unique economic or environmental factors. However, such modifications shall conform to federal guidelines.

(13) The entire water quality permit account appropriation is provided solely for the department to administer the wastewater discharge permit program pursuant to Engrossed Second Substitute Senate Bill No. 5534 or Substitute House Bill No. 1649. If neither bill is enacted by June 30, 1991, the water quality permit account appropriation shall lapse.

NEW SECTION. Sec. 304. FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM

Pollution Liability Insurance Program Trust Account	
Appropriation \$	872,000

NEW SECTION. Sec. 305. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation--State	\$	39,775,000
General Fund Appropriation--Federal	\$	1,683,000
General Fund Appropriation--Private/Local	\$	965,000
Trust Land Purchase Account Appropriation	\$	13,799,000
Winter Recreation Parking Account Appropriation	\$	814,000
ORV (Off-Road Vehicle) Account Appropriation	\$	204,000
Snowmobile Account Appropriation	\$	1,236,000
Millersylvania State Park--Private/Local	\$	9,000
Public Safety and Education Account		
Appropriation	\$	50,000
Motor Vehicle Fund Appropriation	\$	1,100,000
Water Quality Account Appropriation	\$	58,000
Oil Spill Administration Account Appropriation	\$	62,000
TOTAL APPROPRIATION	\$	59,755,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$644,000 of the trust land purchase account appropriation is provided solely to repair damage to state parks facilities caused by storms which occurred in November and December, 1990, and January, 1991.

(2) The entire water quality account appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) The entire oil spill administration account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1027 (oil spills prevention and response). If the bill is not enacted by June 30, 1991, the appropriation shall lapse.

NEW SECTION. Sec. 306. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Outdoor Recreation Account Appropriation--State	\$	2,123,000
Outdoor Recreation Account		
Appropriation--Federal	\$	32,000
Firearms Range Account Appropriation--State	\$	44,000
TOTAL APPROPRIATION	\$	2,199,000

NEW SECTION. Sec. 307. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation	\$	1,174,000
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The appropriation in this section is subject to the following conditions and limitations: Funds are provided for an additional administrative law judge.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

General Fund Appropriation	\$	33,393,000
Motor Vehicle Fund Appropriation	\$	552,000
Solid Waste Management Account Appropriation	\$	308,000
Public Facility Construction Loan Revolving Fund		
Appropriation	\$	398,000
TOTAL APPROPRIATION	\$	34,651,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,000,000 of the general fund--state appropriation is provided solely to promote value-added manufacturing in timber-impacted areas of the state.

(2) \$1,500,000 of the general fund--state appropriation is provided solely to implement sections 1 through 10 of Engrossed Substitute Senate Bill No. 5555 (economic development in timber-dependent communities).

(3) \$1,700,000 of the general fund--state appropriation is provided solely to implement Substitute Senate Bill No. 5639 (Pacific Northwest export assistance center). If neither Substitute Senate Bill No. 5639 nor sections 24 through 32 of Engrossed Substitute Senate Bill No. 5555 (aid to timber-dependent communities) are enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(4) The department of trade and economic development shall establish a fee for referral services provided by the business assistance center hotline. The fee shall be sufficient to maintain the referral services on a self-sustaining basis. No general fund--state moneys may be expended in operating the hotline.

(5) It is the intent of the legislature that the department shall continue to provide grants of at least current 1989-91 level amounts to associate development organizations located in counties of classes three through eight. Counties of all other classes shall match state funds with at least an equal amount of local funds, which shall be used to offset a reduction of the current state contribution.

(6) \$9,195,000 of the general fund--state appropriation is provided solely for the Washington high technology center.

(7) The department of trade and economic development shall establish a schedule of fees for services performed by the department's overseas trade offices. The fee schedule shall generate revenue of at least \$1,032,000 during the 1991-93 biennium, which shall be deposited in the general fund.

(8) The department shall not reduce grants or contracts in assistance of units of local government unless the reduction is specifically identified in the legislative budget notes.

NEW SECTION. Sec. 309. FOR THE CONSERVATION COMMISSION

General Fund Appropriation	\$	1,948,000
Water Quality Account Appropriation	\$	540,000
TOTAL APPROPRIATION	\$	2,488,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$350,000 of the water quality account appropriation is provided solely to implement the Puget Sound water quality management plan, which may include grants to conservation districts for basic operations. Of the remaining water quality account appropriation administered by the commission, not more than eight percent may be used for administration and program activities related to the grant and loan program.

(2) \$650,000 of the general fund appropriation is provided solely for increased basic operation grants to conservation districts.

NEW SECTION. Sec. 310. FOR THE WINTER RECREATION COMMISSION

General Fund Appropriation	\$	20,000
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NEW SECTION. Sec. 311. FOR THE PUGET SOUND WATER QUALITY AUTHORITY

General Fund Appropriation--State	\$	2,533,000
General Fund Appropriation--Federal	\$	202,000
Water Quality Account Appropriation	\$	1,154,000
Aquatic Lands Enhancement Account Appropriation	\$	33,000
State Toxics Control Account Appropriation	\$	3,000
TOTAL APPROPRIATION	\$	3,925,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire aquatic lands enhancement account appropriation is provided solely for the authority's activities regarding the recreational shellfish and shellfish public involvement elements of the Puget Sound water quality management plan.

(2) The entire state toxics account appropriation is provided solely for the contaminated sediment element of the Puget Sound water quality management plan.

NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation--State	\$ 59,694,000
General Fund Appropriation--Federal	17,649,000
General Fund Appropriation--Private/Local	8,048,000
Aquatic Lands Enhancement Account Appropriation	1,070,000
Water Quality Account Appropriation	50,000
Oil Spill Administration Account Appropriation	409,000
TOTAL APPROPRIATION	86,920,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$130,000 of the general fund--state appropriation is provided solely for improvements to and monitoring of wastewater discharges from state salmon hatcheries.

(2) \$1,050,000 of the general fund--state appropriation is provided solely for attorney general cost, on behalf of the department of fisheries, department of natural resources, department of health, and the state parks and recreation commission, in defending the state and public interest in tribal shellfish litigation (U.S. v. Washington, subproceeding 89-3). The attorney general cost shall be paid as an interagency reimbursement.

(3) The water quality account appropriation is provided solely for the implementation of the Puget Sound water quality management plan.

(4) \$1,085,000 of the general fund--state appropriation is provided solely for increased coho salmon production through pen-rearing, delay release methods.

(5) The oil spill administration account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1027 (oil/hazardous substances). If the bill is not enacted by June 30, 1991, the appropriation shall lapse.

NEW SECTION. Sec. 313. FOR THE DEPARTMENT OF WILDLIFE

General Fund Appropriation	\$ 13,017,000
ORV (Off-Road Vehicle) Account Appropriation	266,000
Aquatic Lands Enhancement Account Appropriation	1,066,000
Public Safety and Education Account Appropriation	590,000
Wildlife Fund Appropriation--State	38,310,000
Wildlife Fund Appropriation--Federal	16,282,000
Wildlife Fund Appropriation--Private/Local	2,072,000
Game Special Wildlife Account Appropriation	516,000
Oil Spill Administration Account Appropriation	540,000
TOTAL APPROPRIATION	72,659,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 of the general fund appropriation and \$250,000 of the wildlife fund--state appropriation are provided solely for a cooperative effort with the department of agriculture for the control and eradication of purple loosestrife, including surveys, research, and public education.

(2) \$106,000 of the general fund appropriation is provided solely for improvements to and monitoring of wastewater discharges from state game fish hatcheries.

(3) \$770,000 of the wildlife fund--state appropriation is provided solely for the operation of the game farm program, as provided in Engrossed Second Substitute Senate Bill No. 5753 (upland game bird enhancement). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(4) \$514,145 of the general fund appropriation is provided solely for the implementation of the Puget Sound water quality management plan.

(5) The entire oil spill administration account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1027 (oil/hazardous substances). If the bill is not enacted by June 30, 1991, the appropriation shall lapse.

(6) \$1,300,000 of the general fund appropriation and \$1,300,000 of the wildlife fund--state appropriation are provided solely for wildlife enforcement staff. Wildlife enforcement FTE staff levels shall not be reduced below the fiscal year 1992 average FTE staff level.

(7) \$25,000 of the general fund appropriation and \$25,000 of the wildlife fund--state appropriation are provided solely for a demonstration project to develop a wildlife mitigation plan for private and public lands in the Lake Roosevelt area. The department shall create a steering committee consisting of representatives of local private landowners, local government, tribes, hunters, fishers, and other users of wildlife in the Lake Roosevelt area. The committee shall study and report to the department on issues related to the development of the Lake Roosevelt plan including, but not limited to, local government impact, wildlife species, needs of wildlife users, other recreational needs, land use regulations, and wildlife supply.

NEW SECTION. Sec. 314. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation--State	\$	55,461,000
General Fund Appropriation--Federal	\$	604,000
General Fund Appropriation--Private/Local	\$	12,000
ORV (Off-Road Vehicle) Account Appropriation	\$	3,949,000
Forest Development Account Appropriation	\$	25,122,000
Survey and Maps Account Appropriation	\$	993,000
Natural Resources Conservation Area Stewardship		
Account Appropriation	\$	882,000
Aquatic Lands Enhancement Account Appropriation	\$	970,000
Resource Management Cost Account Appropriation	\$	71,069,000
Aquatic Land Dredged Material Disposal Site		
Account Appropriation	\$	778,000
State Toxics Control Account Appropriation	\$	756,000
State Litter Control Account Appropriation	\$	500,000
Oil Spill Administration Account Appropriation	\$	35,000
Air Pollution Control Account Appropriation	\$	198,000
TOTAL APPROPRIATION		161,329,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,285,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$1,710,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(3) \$1,470,000 of the general fund--state appropriation is provided solely for the development of a forest practices data management system.

(4) \$2,444,000 of the general fund--state appropriation is provided solely for workload increase in the forest practices subprogram.

(5) \$50,000 of the general fund--state appropriation is provided solely for agency activities related to enforcement of the federal log export ban.

(6) \$450,000 from the resource management cost account is provided solely for the control and eradication of Spartina.

(7) \$163,000 of the general fund--state appropriation is provided solely for the department to contract with the University of Washington college of forest resources for a timber supply study. The study shall identify the quantity of timber present now and quantity of timber that may be available from forest lands in the future, use

various assumptions of landowner management, and include changes in the forest land base, amount of capital invested in timber management, and expected harvest age. No portion of this appropriation may be expended for indirect costs associated with the study.

(8) \$1,000,000 of the general fund--state appropriation and \$1,000,000 of the resource management cost account appropriation is provided solely to implement sections 11 through 16 of Engrossed Substitute Senate Bill No. 5555 (countercyclical program for timber-impacted areas). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(9) The entire oil spill administration account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1027 (oil spills prevention and response). If the bill is not enacted by June 30, 1991, the appropriation shall lapse.

(10) The entire air pollution control account appropriation is provided to implement Engrossed Substitute House Bill No. 1028 (air pollution control). If the bill is not enacted by June 30, 1991, the appropriation shall lapse.

NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation--State	\$	18,236,000
General Fund Appropriation--Federal	\$	1,226,000
State Toxics Control Account Appropriation.	\$	1,104,000
Motor Vehicle Fund	\$	200,000
TOTAL APPROPRIATION	\$	20,766,000

The appropriations in this section are subject to the following conditions and limitations: \$97,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5096 (adverse impacts on agriculture). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 316. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention/Trade Center Account

Appropriation	\$	20,504,000
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The appropriation in this section is subject to the following conditions and limitations: \$4,486,000 is provided solely for marketing the facilities and services of the convention center, for promoting the locale as a convention and visitor destination, and for related activities. Of this amount, the center shall not expend more than is projected to be received from revenue generated by the special excise tax that is deposited in the state convention and trade center operations account under RCW 67.40.090(3). Projections of such revenue shall be as determined and updated by the department of revenue.

**PART IV
TRANSPORTATION**

NEW SECTION. Sec. 401. FOR THE STATE PATROL

General Fund Appropriation--State	\$	21,534,000
General Fund Appropriation--Federal	\$	220,000
General Fund Appropriation--Private/Local.	\$	2,569,000
Death Investigations Account Appropriation	\$	24,000
Drug Enforcement and Education Account--State.	\$	1,960,000
TOTAL APPROPRIATION	\$	26,307,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,400,000 of the general fund--private/local appropriation is provided for the operation of Washington state patrol crime laboratories and represents the revenue from the fees imposed under RCW 43.43.670.

(2) The staff of the Washington state patrol crime laboratories shall not provide tests for marijuana to cities or counties except: (a) To verify weight for criminal cases where weight is a factor, or (b) for criminal cases that the prosecuting attorney and field administrator of the crime laboratory agree are likely to go to trial.

(3) \$195,000 of the general fund--state appropriation is provided solely for security costs for the national governors' association 1990 conference.

(4) \$916,000 of the general fund--state appropriation is provided solely for the operations of the three satellite crime laboratories at Everett, Kennewick, and Kelso. The state patrol shall not reduce the operations of these laboratories below the fiscal year 1991 levels.

NEW SECTION. Sec. 402. FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation	\$	19,327,000
Architects' License Account Appropriation	\$	743,000
Cemetery Account Appropriation	\$	169,000
Health Professions Account Appropriation	\$	526,000
Professional Engineers' Account Appropriation	\$	1,614,000
Real Estate Commission Account Appropriation	\$	6,083,000
TOTAL APPROPRIATION	\$	28,462,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$483,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5124 (licensing private security guards). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(2) \$145,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5125 (licensing private detectives). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(3) A total of \$2,474,000 shall be transferred to the department of licensing from the following agencies to provide for the operation of the master license center: The department of revenue, the department of agriculture, the department of labor and industries, the employment security department, the department of health, the liquor control board, the lottery commission, and the secretary of state. The office of financial management shall transfer the funds from these agencies based on relative number of licenses issued by each agency through the master license center. By December 1, 1991, the office of financial management shall report to the legislative fiscal committees on the amounts transferred from each agency. It is the intent of the legislature to appropriate to the agencies specified in this section, in the 1992 supplemental appropriations act, moneys from the agencies' dedicated funds and accounts as replacement for the moneys transferred under this subsection.

**PART V
EDUCATION**

NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION

General Fund Appropriation--State	\$	20,696,000
General Fund Appropriation--Federal	\$	13,016,000
Public Safety and Education Account Appropriation	\$	358,000
Drug Enforcement and Education Account Appropriation	\$	148,000
TOTAL APPROPRIATION	\$	34,218,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) The entire drug enforcement and education account appropriation is provided solely for administration of the grant awards established under chapter 28A.170 RCW.

(3) \$100,000 of the general fund--state appropriation is provided solely to print and distribute an informational brochure on enrollment options.

(4) The superintendent of public instruction shall propose procedures and standards to meet demonstrable funding needs beyond the level provided in the state-funded program for handicapped children. The procedures and standards shall permit relief for a school district only if a district can at least demonstrate that:

(a) Student characteristics and costs of providing program services in the district differ significantly from the assumptions of the state handicapped funding formula;

(b) Individualized education plans are properly and efficiently prepared and formulated;

(c) The district is making a reasonable effort to provide program services for handicapped children within funds generated by the state funding formula;

(d) District programs are operated in a reasonably efficient manner;

(e) No indirect costs are charged against the handicapped program; and

(f) Any available federal funds are insufficient to address the additional needs.

The superintendent of public instruction shall submit a report describing the proposed procedures and standards to the legislature by January 10, 1992.

(5) \$45,000 of the general fund--state appropriation is provided solely for purchase of computers and associated equipment and materials for the legislative page school.

(6) \$39,000 of the general fund--state appropriation is provided to implement Second Substitute Senate Bill No. 5022 (teacher excellence awards). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation \$ 5,183,690,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$500,438,000 of the general fund appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) Allocations for certificated staff salaries for the 1991-92 and 1992-93 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Small school enrollments in kindergarten through grade six shall generate funding under (a) of this subsection, and shall not generate allocations under (d) and (e) of this subsection, if the staffing allocations generated under (a) of this subsection exceed those generated under (d) and (e) of this subsection. The certificated staffing allocations shall be as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students excluding full time equivalent handicapped enrollment as recognized for funding purposes under section 510 of this act;

(ii) 54.3 certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight; and

(iii) Forty-six certificated instructional staff units for each one thousand full time equivalent students, excluding full time equivalent handicapped students ages nine and above;

(b) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(c) On the basis of full time equivalent enrollment in vocational education programs and skill center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;

(d) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full time equivalent students in kindergarten through grade eight:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades nine through twelve in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades nine through twelve but no more than twenty-five average annual full time equivalent kindergarten through twelfth grade students, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four

certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit.

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1991-92 and 1992-93 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 21.11 percent in the 1991-92 and 1992-93 school years of certificated salary allocations provided under subsection (2) of this section, and a rate of 18.84 percent in the 1991-92 and 1992-93 school years of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 506 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$6,654 per certificated staff unit in the 1991-92 and 1992-93 school years.

(b) For nonemployee related costs associated with each certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$12,679 per certificated staff unit in the 1991-92 and 1992-93 school years.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$318 for the 1991-92 school year and \$318 per year for the 1992-93 school year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1990-91 school year.

(8) The superintendent may distribute a maximum of \$4,546,000 outside the basic education formula during fiscal years 1992 and 1993 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$375,000 may be expended in each fiscal year.

(b) For summer vocational programs at skills centers, a maximum of \$1,762,000 may be expended in fiscal year 1992 and a maximum of \$1,762,000 may be expended in fiscal year 1993.

(c) A maximum of \$272,000 may be expended for school district emergencies.

(9) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 5.7 percent from the 1990-91 school year to the 1991-92 school year, and 4.6 percent from the 1991-92 school year to the 1992-93 school year.

(10) A maximum of \$2,450,000 may be expended in the 1991-92 fiscal year and a maximum of \$2,450,000 may be expended in the 1992-93 fiscal year for high technology vocational equipment for secondary vocational education programs and skill centers.

(11)(a) For each school year, the funding provided under subsection (2)(a)(ii) of this section shall be based on a ratio of 54.3 certificated instructional staff per thousand students in kindergarten through grade three only if the district documents an actual ratio of at least 54.3 full time basic education certificated instructional staff per thousand full time equivalent students at those grade levels.

(b) Districts at or above 52.3 certificated instructional staff per one thousand full time equivalent students may dedicate up to 1.3 of the 54.3 funding ratio to employ classified instructional assistants assigned to basic education classrooms in kindergarten through grade three. For any school district documenting a lower ratio, the funding provided under subsection (2)(a)(ii) of this section shall be based on the district's actual K-3 ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(c), if greater.

(c) Districts may not use allocations provided above the statutory minimum ratio established under RCW 28A.150.160(2)(c) to supplant other moneys previously used to employ K-3 certificated instructional staff or K-3 classified instructional assistants. However, a district that has achieved a ratio of 54.3 basic education certificated instructional staff per thousand full time equivalent students in grades K-3 may also use the allocation to employ additional basic education certificated instructional staff or classified instructional assistants in any grades K-12.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION INNOVATIVE EQUIPMENT, BOOKS AND SUPPLIES GRANTS

General Fund Appropriation \$ 30,060,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) A maximum of \$16,700,000 may be expended in the 1991-92 school year.
- (2) Funds shall be allocated each school year based on the relationship that a district's state allocation for nonemployee related costs bears to the total state nonemployee related costs generated in the following programs:
 - (a) General apportionment (basic education), section 502;
 - (b) Pupil transportation, section 506;
 - (c) Handicapped education programs, section 509;
 - (d) Institutional education, section 514.
- (3) School districts are encouraged to expend these funds in the appropriate programs for innovative equipment, computers, textbooks, materials, and supplies.

School districts may expend these funds in the same manner as other nonemployee related cost allocations.

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION INCREASES

General Fund Appropriation \$ 237,694,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12, by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1A.

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100.

(b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours.

(c) "LEAP Document 1B" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience for the 1991-92 school year, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:37 hours.

(d) "LEAP Document 1C" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience for the 1992-93 school year, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:40 hours.

(e) "LEAP Document 12" means the computerized tabulation of 1990-91, 1991-92, and 1992-93 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education certificated instructional staff as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:30 hours.

(3) Incremental fringe benefits factors shall be applied to salary increases at a rate of 1.2047 for certificated salaries and 1.1534 for classified salaries for both the 1991-92 and 1992-93 school years.

(4) The increase for each certificated administrative staff unit provided under section 502 of this act shall be the 1990-91 state-wide average certificated administrative salary increased by 4.0 percent for 1991-92, and further increased by 3.5 percent for 1992-93, as shown on LEAP Document 12.

(5) The increase for each classified staff unit provided under section 502 of this act shall be the 1990-91 state-wide average classified salary increased by 4.4 percent for 1991-92 and further increased by 3.8 percent for 1992-93, as shown on LEAP Document 12.

(6) Increases for certificated instructional staff units provided under section 502 of this act shall be the difference between the salary allocation specified in subsection (1)(a) of this section and the salary allocation specified as follows:

(a) For 1991-92, the allocation for each certificated instructional staff unit shall be the 1991-92 derived base salary, as shown on LEAP Document 12, multiplied by the district's average staff mix factor for actual 1991-92 full time equivalent basic education certificated instructional staff using LEAP Document 1B.

(b) For 1992-93, the allocation for each certificated instructional staff unit shall be the 1992-93 derived base salary, as shown on LEAP Document 12, multiplied by the district's average staff mix factor for actual 1992-93 full time equivalent basic education certificated instructional staff using LEAP Document 1C.

(7)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations for the 1991-92 and 1992-93 school years:

1991-92 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45	BA+90
0	21,969	22,562	23,178	23,793	24,400
1	22,538	23,147	23,778	24,429	25,212
2	23,112	23,736	24,380	25,090	26,035
3	23,712	24,351	25,009	25,753	26,874
4	24,316	24,990	25,662	26,440	27,764
5	24,944	25,630	26,317	27,149	28,668
6	25,594	26,273	26,994	27,879	29,603
7	26,246	26,938	27,671	28,606	30,569
8	26,899	27,624	28,368	29,374	31,566
9		28,528	29,309	30,352	32,595
10			30,262	31,379	33,653
11				32,437	34,760
12				33,461	35,897
13					37,062
14					38,233
15 or more					39,227

Years of Service	BA+135	MA	MA+45	MA+90 or PHD
0	25,606	24,939	26,811	28,018
1	26,434	25,696	27,624	28,846
2	27,295	26,488	28,447	29,706
3	28,188	27,292	29,286	30,600
4	29,115	28,130	30,176	31,527
5	30,073	29,000	31,080	32,485
6	31,043	29,904	32,015	33,455
7	32,065	30,818	32,981	34,476
8	33,116	31,786	33,978	35,528
9	34,198	32,762	35,007	36,609
10	35,308	33,791	36,064	37,720
11	36,449	34,849	37,172	38,861
12	37,637	35,949	38,309	40,049
13	38,854	37,086	39,474	41,265
14	40,116	38,258	40,720	42,528
15 or more	41,159	39,252	41,779	43,634

**1992-93 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF**

Years of Service	BA	BA+15	BA+30	BA+45	BA+90
0	23,652	24,291	24,953	25,615	25,254
1	24,147	24,800	25,475	26,174	26,094
2	24,642	25,307	25,995	26,751	26,947
3	25,159	25,836	26,535	27,324	27,814
4	25,673	26,384	27,094	27,916	28,736
5	26,207	26,927	27,649	28,523	29,671
6	26,756	27,466	28,219	29,144	30,639
7	27,302	28,021	28,783	29,756	31,639
8	27,840	28,590	29,361	30,402	32,671
9		29,527	30,335	31,414	33,736
10			31,321	32,477	34,830
11				33,572	35,977
12				34,632	37,153
13					38,359
14					39,571
15 or more					40,600

Years of Service	BA+135	MA	MA+45	MA+90 or PHD
0	26,502	25,812	27,750	28,998
1	27,359	26,596	28,590	29,855
2	28,250	27,415	29,443	30,745
3	29,175	28,247	30,311	31,671
4	30,134	29,115	31,232	32,630
5	31,125	30,016	32,167	33,622
6	32,130	30,951	33,135	34,626
7	33,187	31,897	34,135	35,683
8	34,275	32,898	35,167	36,771
9	35,394	33,909	36,232	37,891
10	36,544	34,974	37,327	39,040
11	37,725	36,068	38,473	40,221
12	38,954	37,207	39,649	41,450
13	40,213	38,384	40,855	42,710
14	41,520	39,597	42,146	44,016
15 or more	42,600	40,626	43,241	45,161

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(8) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1990-91 school year.

(e) "Credits" means college quarter hour credits and equivalent inservice credits computed in accordance with RCW 28A.415.020.

(9) The salary allocation schedules established in subsection (7) of this section are for allocation purposes only.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation \$ 51,431,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The incremental fringe benefits factors applied to salary increases in subsection (3) of this section shall be 1.2047 for certificated salaries and 1.1534 for classified salaries in the 1991-92 and 1992-93 school years.

(2) Salary increases for each school year for state-supported formula units in the following categorical programs include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified below:

(a) Transitional bilingual instruction: The rates specified in section 520 of this act shall be increased by \$20.57 per pupil for the 1991-92 school year and by \$39.11 per pupil for the 1992-93 school year.

(b) Learning assistance: The rates specified in section 521 of this act shall be increased by \$15.57 per pupil for the 1991-92 school year and by \$29.60 per pupil for the 1992-93 school year.

(c) Education of highly capable students: The rates specified in section 516 of this act shall be increased by \$12.19 per pupil for the 1991-92 school year and by \$23.16 per pupil for the 1992-93 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 508 of this act shall be increased by \$80.05 per full time equivalent student for the 1991-92 school year, and by \$167.21 per full time equivalent student for the 1992-93 school year. A maximum of \$810,000 is provided for the 1991-92 fiscal year and a maximum of \$1,844,000 is provided for the 1992-93 fiscal year.

(e) Pupil transportation: The rates provided under section 507 of this act shall be increased by \$.79 per weighted pupil-mile for the 1991-92 school year, and by \$1.51 per weighted pupil-mile for the 1992-93 school year.

(3) The superintendent of public instruction shall distribute salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program (section 510 of this act), in the educational service districts (section 512 of this act), and in the institutional education program (section 515 of this act), in the same manner as salary increases are provided for basic education staff under section 503 of this act.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE INSURANCE BENEFIT INCREASES

General Fund Appropriation \$ 63,992,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$246.24 per month for

each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b) of this act.

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff for the 1991-92 school year, effective October 1, 1991, to a rate of \$276.24 per month, and for the 1992-93 school year, effective October 1, 1992, to a rate of \$302.98 as distributed pursuant to this section.

(3) The increase in insurance benefit allocations for basic education staff units under section 502(5) of this act, for handicapped program staff units as calculated under section 510 of this act, for state-funded staff in educational service districts, and for institutional education programs is \$30.00 per month for the 1991-92 school year and an additional \$26.74 per month in the 1992-93 school year.

(4) The increases in insurance benefit allocations for the following categorical programs shall be calculated by increasing the annual state funding rates by the amounts specified in this subsection. Effective October 1 of each school year, the maximum rate adjustments provided on an annual basis under this section are:

(a) For pupil transportation, an increase of \$.24 per weighted pupil-mile for the 1991-92 school year and \$.24 per weighted pupil-mile for the 1992-93 school year;

(b) For learning assistance, an increase of \$6.70 per pupil for the 1991-92 school year and \$6.68 for the 1992-93 school year;

(c) For education of highly capable students, an increase of \$2.29 per pupil for the 1991-92 school year and \$2.28 per pupil for the 1992-93 school year;

(d) For transitional bilingual education, an increase of \$4.34 per pupil for the 1991-92 school year and \$4.33 per pupil for the 1992-93 school year;

(e) For vocational-technical institutes, an increase of \$16.25 per full time equivalent pupil for the 1991-92 school year and \$17.80 per full time equivalent pupil for the 1992-93 school year. A maximum of \$164,000 is provided for the 1991-92 fiscal year and \$400,000 is provided for the 1992-93 fiscal year.

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ 288,707,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$25,994,000 is provided solely for distribution to school districts for the remaining months of the 1990-91 school year.

(2) A maximum of \$134,199,000 may be distributed for pupil transportation operating costs in the 1991-92 school year.

(3) A maximum of \$873,000 may be expended for regional transportation coordinators.

(4) A maximum of \$65,000 may be expended for bus driver training.

(5) For eligible school districts, the small fleet maintenance factor shall be funded at a rate of \$1.60 per weighted pupil-mile.

(6) The superintendent shall ensure that, by the 1992-93 school year, school districts in accordance with RCW 28A.160.160(4) are making good faith efforts to alleviate the problem of hazardous walking conditions for students.

(7) \$745,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5114 (school bus safety crossing arms). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation \$ 85,707,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for vocational programs during the 1991-92 and 1992-93 school years shall be distributed at a rate of \$3,355 per student for a maximum of 12,655 full time equivalent students.

(2) Funding for adult basic education programs during the 1991-92 and 1992-93 school years shall be distributed at a rate of \$1.62 per hour of student service for a maximum of 288,690 hours.

(3) \$1,500,000 is provided solely to lease computer equipment, reprogram software and databases, and provide for other initial operating costs necessary to merge the computer systems of the vocational-technical institutes into the community and technical college system created under Engrossed Substitute House Bill No. 1039 or Engrossed Substitute Senate Bill No. 5184 (work force training education). The apportionment of this amount among the vocational-technical institutes shall be made by the director of the office of financial management. If neither bill is enacted by June 30, 1991, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund Appropriation--State	\$	6,000,000
General Fund Appropriation--Federal	\$	110,000,000
TOTAL APPROPRIATION	\$	116,000,000

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation--State	\$	688,833,000
General Fund Appropriation--Federal	\$	72,000,000
TOTAL APPROPRIATION	\$	760,833,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$62,455,000 of the general fund--state appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1991-92 and 1992-93 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 13 as developed on April 8, 1991, at 14:15 hours.

(3) A maximum of \$614,000 may be expended from the general fund--state appropriation to fund 5.43 full time equivalent teachers and 2.1 full time equivalent aides at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) \$272,000 of the general fund--state appropriation is provided solely for the early childhood home instruction program for hearing impaired infants and their families.

(5) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide handicapped students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(6) No indirect charges may be charged against this program.

(7) Project funding under this section and sections 520 and 521 of this act for special services demonstration projects shall be allocated and disbursed under Engrossed Substitute House Bill No. 1329 (special services demonstration projects). If the bill is not enacted by June 30, 1991, this subsection is null and void.

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education Account

Appropriation \$ 5,342,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Not more than \$596,000 may be expended for regional traffic safety education coordinators.

(2) A maximum of \$2,330,000 may be expended in the 1991-92 fiscal year and \$2,416,000 in the 1992-93 fiscal year to provide tuition assistance for traffic safety education for students from low-income families.

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT SERVICE DISTRICTS

General Fund Appropriation \$ 10,570,000

The appropriation in this section is subject to the following conditions and limitations: The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation \$ 148,303,000

The appropriation in this section is subject to the following conditions and limitations: \$148,303,000 is provided for state matching funds pursuant to RCW 28A.500.010.

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE ENUMERATED PURPOSES

General Fund Appropriation--Federal \$ 183,032,000

(1) Education Consolidation and Improvement Act. . \$ 178,000,000

(2) Education of Indian Children \$ 332,000

(3) Adult Basic Education \$ 4,700,000

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation--State \$ 24,917,000

General Fund Appropriation--Federal \$ 8,378,000

TOTAL APPROPRIATION \$ 33,295,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,065,000 of the general fund--state appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) A maximum of \$950,000 of the general fund--state appropriation may be expended for juvenile parole learning centers in the 1991-92 school year and \$950,000 in the 1992-93 school year at a rate not to exceed \$2,351 per full time equivalent student.

(3) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(4) Average staffing ratios for each category of institution, excluding juvenile parole learning centers, shall not exceed the rates specified in the legislative budget notes.

(5) The superintendent of public instruction shall:

(a) Define what constitutes a full time equivalent student;

(b) In cooperation with the secretary of social and health services, define responsibility for the variety of services offered through the common schools and the department of social and health services;

(c) Convene meetings of the parties responsible for the well-being of children in the institutional education programs for purpose of identifying and resolving problems associated with service delivery; and

(d) Report to the appropriate fiscal and policy committees of the legislature on (a), (b), and (c) of this subsection by January 10, 1992.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ 10,234,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$945,000 is provided solely for distribution to school districts for the remaining months of the 1990-91 school year.

(2) Allocations for school district programs for highly capable students during the 1991-92 and 1992-93 school years shall be distributed at a maximum rate of \$397.16 per student for up to one and one-half percent of each district's full time equivalent enrollment.

(3) A maximum of \$356,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL DISTRICT SUPPORT

General Fund Appropriation--State \$ 5,155,000

General Fund Appropriation--Federal \$ 7,214,000

Drug Enforcement and Education Account. \$ 13,514,000

TOTAL APPROPRIATION \$ 25,883,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$282,000 of the general fund--state appropriation is provided solely for teacher in-service training in math, science, and computer technology.

(2) \$651,000 of the general fund--state appropriation is provided solely for teacher training workshops conducted by the Pacific science center. \$496,000 of this amount is for in-service training in science to be provided to approximately ten percent of the kindergarten through eighth grade teachers each year.

(3) \$872,000 of the general fund--state appropriation and \$413,000 of the general fund--federal appropriation are provided solely for teacher training in drug and alcohol abuse education and prevention in kindergarten through grade twelve. The amount provided in this subsection includes \$300,000 from license fees collected pursuant to RCW 66.24.320 and 66.24.330 which are dedicated to juvenile drug and alcohol prevention programs under RCW 66.08.180(4).

(4) \$3,000,000 of the general fund--state appropriation is provided solely for training of paraprofessional classroom assistants and classroom teachers to whom the assistants are assigned.

(5) \$150,000 of the general fund--state appropriation is provided solely for school district staff training and materials to implement the schools and architecture program.

(6) \$200,000 of the general fund--state appropriation is provided solely to contract with the Henry M. Jackson school of international studies at the University of Washington to provide inservice training programs, technical assistance to school districts, and dissemination of curriculum materials related to international education.

(7) \$10,400,000 of the drug enforcement and education account appropriation is provided to support school district substance abuse awareness programs as provided under chapter 28A.170 RCW.

(8) \$3,114,000 of the drug enforcement and education account appropriation is provided solely for matching grants to enhance security in secondary schools. School districts which apply for such grants shall ensure that no more than seventy-five percent of the district's total expenditures for school security in any school year are supported

by the grant amounts. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events.

NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL AND PILOT PROGRAMS

General Fund Appropriation--State	\$	52,361,000
General Fund Appropriation--Federal	\$	8,289,000
TOTAL APPROPRIATION	\$	60,650,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,731,000 of the general fund--state appropriation is provided solely for a contract with the Pacific science center for travelling van programs and other educational services for public schools.

(2) \$88,000 of the general fund--state appropriation is provided solely for a contract with the Cispus learning center for environmental education programs.

(3) \$2,000,000 of the general fund--federal appropriation is provided solely to fund innovative programs that are targeted to providing special assistance to at-risk students.

(4) \$2,312,000 of the general fund--state appropriation is provided solely for the beginning teachers assistance program established under RCW 28A.405.450. Moneys shall be distributed under this subsection at a maximum rate per mentor/beginning teacher team of \$1,780 per year.

(5) \$204,000 of the general fund--state appropriation is provided solely for child abuse education provisions of RCW 28A.300.150 through 28A.300.160.

(6) \$1,400,000 of the general fund--state appropriation is provided solely for grants for drop-out prevention and retrieval programs established under chapter 28A.175 RCW.

(7) \$126,000 of the general fund--state appropriation is provided solely to establish and operate a toll-free telephone number at the Lifeline Institute to assist school districts in youth suicide prevention.

(8) \$20,000,000 of the general fund--state appropriation is provided solely to implement the reach grant program established under sections 401 through 414 of Engrossed Second Substitute Senate Bill No. 5919.

(9) \$20,000,000 of the general fund--state appropriation is provided solely to implement the fair start program established under sections 701 through 709 of Engrossed Second Substitute Senate Bill No. 5919.

(10) \$5,500,000 of the general fund--state appropriation is provided solely to implement the small schools grant program established under sections 1001 through 1005 of Engrossed Second Substitute Senate Bill No. 5919.

(11) \$500,000 of the general fund--state appropriation is provided solely for grants for homeless children education programs. The grant applications shall be submitted jointly by school districts and at least one shelter within the district serving homeless families. The grants are not intended to fund separate instructional programs for homeless children unless the services are necessary to facilitate adjustment into a regular classroom setting. The grants may be used for staffing, for coordinating the transfer of records, for transportation, for student assessment, or for other individualized instruction or assistance.

(12) \$50,000 of the general fund--federal appropriation is provided solely for a Federal Way school district pilot program for teenage suicide prevention.

(13) \$50,000 of the general fund--federal appropriation is provided solely for a Northshore school district pilot program for teenage suicide prevention.

(14) \$500,000 of the general fund--state appropriation is provided solely to implement Substitute Senate Bill No. 5504 (student teaching centers). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR ENCUMBRANCES OF FEDERAL GRANTS

General Fund Appropriation--Federal \$ 51,216,000

NEW SECTION. Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ 23,882,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,395,000 is provided solely for the remaining months of the 1990-91 school year.

(2) The superintendent shall distribute funds for the 1991-92 and 1992-93 school years at a rate for each year of \$508.82 per eligible student.

(3) No indirect charges may be charged against this program.

(4) For a student served more than twenty-five percent of the school day in a transitional bilingual program, the superintendent of public instruction shall ensure that state basic education funds generated by the student are expended, to the greatest extent practical, in the instruction of that student.

NEW SECTION. Sec. 521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ 91,807,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$8,850,000 is provided solely for the remaining months of the 1990-91 school year.

(2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1991-92 and 1992-93 school years at a maximum rate of \$426 per unit as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.155 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.155 RCW. In determining these allocations, the superintendent shall use the most recent prior five-year average scores on the fourth grade and eighth grade state-wide basic skills tests.

(3) No indirect charges may be charged against this program.

NEW SECTION. Sec. 522. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL CLINICS

General Fund Appropriation \$ 3,584,000

The appropriation in this section is subject to the following conditions and limitations: Not more than \$1,792,000 of the general fund appropriation may be expended during fiscal year 1992.

NEW SECTION. Sec. 523. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE STATE SCHOOL FOR THE BLIND AND THE STATE SCHOOL FOR THE DEAF

General Fund Appropriation--State \$ 18,829,000

General Fund Appropriation--Federal	\$	303,000
TOTAL APPROPRIATION	\$	19,132,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,475,000 of the general fund--state appropriation and \$68,000 of the general fund--federal appropriation is provided to pass through directly to the state school for the blind at the request of the school's superintendent.

(2) \$11,967,000 of the general fund--state appropriation and \$235,000 of the general fund--federal appropriation is provided to pass through directly to the state school for the deaf at the request of the school's superintendent.

(3) \$387,000 of the general fund--state appropriation is provided solely for transportation of day students attending the schools. The state school for the deaf and the state school for the blind shall contract with educational service district No. 112 for the provision of pupil transportation services.

NEW SECTION. Sec. 524. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS

General Fund appropriation	\$	58,724,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$5,605,000 of the general fund appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) \$53,119,000 of the general fund appropriation is provided solely to implement the block grant program, section 1301 of Engrossed Second Substitute Senate Bill No. 5919.

(3)(a) Allocation to eligible school districts for the 1991-92 and 1992-93 school years shall be calculated on the basis of average annual full time equivalent enrollment, at an annual rate of up to \$35.26 per pupil. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be determined as follows:

(i) Enrollment of not more than sixty average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;

(ii) Enrollment of not more than twenty average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and

(ii) Enrollment of sixty or fewer average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.

(b) Allocations shall be distributed on a school-year basis pursuant to RCW 28A.48.010.

NEW SECTION. Sec. 525. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR CERTIFICATED INSTRUCTIONAL STAFF--LONGEVITY SALARY INCREMENTS

General Fund Appropriation	\$	48,611,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is intended to provide eligible certificated instructional staff an average 3.2 percent increment for an additional year of experience in each school year, based on LEAP Document 1R as developed on March 29, 1990, at 11:00 hours.

(2) The superintendent shall transfer the following amounts to the specified programs:

(a) \$42,146,000 to General Apportionment, section 502 of this act;

(b) \$6,251,000 to the Handicapped Education Program, section 510 of this act; and

(c) \$215,000 to the Institutional Education Program, section 515 of this act.

(3) Certificated instructional staff salary allocations in the specified programs shall be allocated in accordance with sections 502 and 504 of this act.

NEW SECTION. Sec. 526. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR CERTIFICATED INSTRUCTIONAL STAFF PERFORMANCE-BASED PAY FOR THE 1992-93 SCHOOL YEAR

General Fund Appropriation \$ 10,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The general fund appropriation is provided solely to implement performance-based pay, pursuant to sections 603 through 607 of Second Substitute Senate Bill No. 5919.

(2) The superintendent shall allocate performance-based pay funds to school districts in the 1992-93 school year based on the relationship that a district's state allocation for certificated instructional staff for general apportionment, section 502 of this act, bears to the total state allocation for certificated instructional staff for general apportionment.

**PART VI
HIGHER EDUCATION**

NEW SECTION. Sec. 601. HIGHER EDUCATION. The appropriations in sections 602 through 610 of this act are subject to the following conditions and limitations:

(1) "Institutions of higher education" means the institutions receiving appropriations pursuant to sections 602 through 610 of this act.

(2)(a) Student Quality Standard: Each institution and branch campus shall adhere to annual budgeted enrollment levels. During each fiscal year of the 1991-93 fiscal biennium, each institution of higher education shall spend not less than the average annual amount listed in this subsection per full time equivalent student, plus or minus two percent each year. The amounts include total appropriated general fund state operating expenditures, less expenditures for plant maintenance and operation, with the exception of Washington State University, where cooperative extension and agriculture research expenditures are also excluded.

	1991-92	1992-93
University of Washington	\$ 9,809	10,220
Washington State University.	\$ 8,119	8,488
Eastern Washington University	\$ 6,022	6,194
Central Washington University	\$ 6,038	6,163
The Evergreen State College	\$ 7,368	7,605
Western Washington University.	\$ 5,676	5,855
State Board for Community College Education.	\$ 3,543	3,597

(b) Budgeted Enrollments: Each institution and its branch campuses shall enroll to their budgeted annual average full time equivalent enrollments ("AA FTEs"), plus or minus two percent. If the actual average annual 1991-92 full time equivalent student enrollment of an institution or branch campus varies from the budgeted amount by more than two percent, an amount equal to the student quality standard as calculated in (2)(a) of this subsection per full time equivalent student above or below the two percent variance shall be transferred to the higher education coordinating board for distribution to the other institutions of higher education. If the estimated average annual 1992-93 full time equivalent student enrollment of an institution or branch

campus (as estimated on April 30, 1993, by the office of financial management using spring enrollment reports submitted by the institutions) varies from the budgeted amount by more than two percent, an amount equal to the student quality standard as calculated in (2)(a) of this subsection per full time equivalent student above or below the two percent variance shall revert to the state general fund.

	1991-92 Budgeted AA FTEs	1992-93 Budgeted AA FTEs
University of Washington		
Main campus	29,995	30,195
Tacoma branch	300	390
Bothell branch	300	395
Washington State University		
Main campus	15,994	16,194
Tri-Cities branch	448	485
Vancouver branch	300	383
Spokane branch	87	119
Eastern Washington University	7,195	7,370
Central Washington University	6,340	6,590
The Evergreen State College	3,150	3,200
Western Washington University	8,875	9,100
State Board for Community College Education	88,525	91,550

(c) Facilities Quality Standard: During the 1991-93 biennium, no institution of higher education may allow its expenditures for plant operation and maintenance to fall more than five percent below the amounts allotted for this purpose.

(3)(a) The following are maximum amounts that each institution may spend from the appropriations in sections 602 through 610 of this act for staff salary increases on January 1, 1992, and January 1, 1993, excluding classified staff salary increases, and subject to all the limitations contained in this section.

	1991-92	1992-93
University of Washington \$	3,914,000	10,603,000
Washington State University \$	1,841,000	5,356,000
Eastern Washington University \$	568,000	1,507,000
Central Washington University \$	500,000	1,301,000
The Evergreen State College \$	272,000	720,000
Western Washington University \$	696,000	1,815,000
State Board for Community College Education \$	4,463,000	11,452,000
Higher Education Coordinating Board \$	25,000	74,000

(b) The amounts listed in (3)(a) of this subsection shall be used to provide faculty, exempt staff, teaching and research assistants, and medical residents at each four-year institution and the community college system as a whole an average salary increase of 4.0 percent on January 1, 1992, and 3.5 percent on January 1, 1993.

(c) The salary increases authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

(4) In addition to the amounts provided in subsection (3)(a) of this section, the following amounts are provided to each institution of higher education and the community college system to grant salary increases on January 1, 1992, and on January 1, 1993, that address their most serious salary inequities and merit issues among faculty and exempt staff. Eastern Washington University may use moneys provided under this

section to grant across-the-board salary increases to address salary inequities that may exist among the state's regional universities. The state board for community college education shall assess salary equity in the system and establish guidelines for the allocation of the funds. The community college districts shall distribute these amounts consistent with the state board's allocation. In no case may the funds provided under this subsection and subsection (3) of this section be used to grant a salary increase exceeding \$4,400 in fiscal year 1992, or \$3,800 in fiscal year 1993, to any person whose annual salary exceeds \$100,000.

	1991-92	1992-93
University of Washington	\$ 391,000	1,024,000
Washington State University.	\$ 184,000	519,000
Eastern Washington University	\$ 57,000	146,000
Central Washington University	\$ 49,000	125,000
The Evergreen State College	\$ 27,000	69,000
Western Washington University.	\$ 69,000	175,000
State Board for Community College Education	\$ 446,000	1,104,000
Higher Education Coordinating Board	\$ 3,000	7,000

(5) The following amounts from the appropriations in sections 602 through 610 of this act, or as much thereof as may be necessary, shall be spent to provide employees classified by the higher education personnel board:

(a) A 4.0 percent across-the-board increase effective January 1, 1992, and an additional 3.5 percent across-the-board increase effective January 1, 1993; and

(b) An additional increase effective January 1, 1992, which, when calculated in combination with the 4.0 percent increase granted under (a) of this subsection, raises employees' salaries to the salary range closest to 15 percent behind prevailing rate.

Calculations for determining the increase granted in this subsection shall be made subsequent to the calculations for the general salary increase of 4.0 percent granted on January 1, 1992. The findings of the 1990 comprehensive salary survey as adopted by the higher education personnel board, expressed as the number of ranges behind prevailing rate, shall be used to determine the salary increase under this subsection. However, the number of ranges behind prevailing rate shall be adjusted to reflect salary changes resulting from:

(i) Any job classification revision approved after June 1, 1990; and

(ii) The salary increase granted on January 1, 1991, to raise employees' salaries to within twenty percent of prevailing rate based on the findings of the 1988 trend salary survey.

The general across-the-board salary increase granted on January 1, 1991, shall not be considered when calculating the number of ranges between employee salaries and prevailing rate as shown in the findings of the 1990 survey.

Increases to reduce the number of ranges behind prevailing rate may be granted only in whole-range increments.

(c) The salary increases granted in this subsection (5) shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by the 1986 Senate Concurrent Resolution No. 126, where applicable.

(d) No salary increases may be paid under this subsection (5) to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

	1991-92	1992-93
University of Washington	\$ 1,751,000	5,082,000

Washington State University	\$ 1,069,000	3,117,000
Eastern Washington University	\$ 264,000	766,000
Central Washington University	\$ 213,000	618,000
The Evergreen State College	\$ 161,000	467,000
Western Washington University	\$ 286,000	853,000
State Board for Community College Education	\$ 1,630,000	4,744,000
Higher Education Coordinating Board	\$ 15,000	42,000

(6)(a) In addition to any other compensation adjustments provided in this act, salary increments in fiscal year 1992 may be funded by community college districts from moneys provided under subsection (4) of this section and from any moneys available from FTE employee vacancies resulting from staff turnover.

(b) By December 1, 1991, the higher education coordinating board, in consultation with the state board for community college education and with the cooperation of the institutions of higher education, shall report to the appropriate committees of the legislature on higher education compensation, including salary increments. The report shall provide data on the number of higher education employees eligible for salary increments during FY 1992, the total and average individual cost of salary increments for each institution, the basis on which the increments are granted, and the frequency thereof. Any performance-based compensation plans in effect in the institutions of higher education shall also be described in the report. The report shall also contain the recommendations of the higher education coordinating board to the legislature for the implementation and funding of a compensation plan, including salary increments, in the higher education system. It is the intent of the legislature that such compensation plan be based, in significant part, on the merits of the employee's performance.

(7) No institution of higher education may deduct more than fifteen percent for administrative overhead from any amount received for services performed under a contract or interagency agreement with an agency or department of the state without prior approval from the office of financial management. This subsection applies to new or renewed contracts and interagency agreements entered into after June 30, 1990.

NEW SECTION. Sec. 602. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation \$ 725,710,000

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$3,640,000 shall be spent on assessment of student outcomes.

(2) \$25,371,000 is provided solely for an increase in instructional support for supplies, materials, equipment, staffing and other services necessary to directly support instruction. To the extent possible, the use of these funds should focus on improving and expanding existing classes and courses in order to allow students to meet graduation requirements without delays resulting from insufficient course availability. These funds shall not be spent for nonteaching contracts, overtime, or travel not directly related to student instruction. Not more than ten percent may be used for plant operation and maintenance and institutional support.

(3) The 1991-93 enrollment increases funded by this appropriation shall be distributed among the community college districts based on the weighted prorated percentage enrollment plan developed by the state board for community college education, and contained in the legislative budget notes.

(4) \$2,000,000 is provided solely to implement section 49 of Engrossed Substitute Senate Bill No. 5555, to be distributed to community colleges located in timber-dependent areas to develop various programs and pilot projects.

(5) \$1,322,000 is provided solely to implement sections 18 and 19 of Engrossed Substitute Senate Bill No. 5555, to fund three hundred additional community college student FTE enrollments in timber-dependent communities.

NEW SECTION. Sec. 603. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$	686,256,000
Medical Aid Fund Appropriation	\$	3,482,000
Accident Fund Appropriation	\$	3,482,000
Death Investigations Account Appropriation	\$	996,000
Oil Spill Administration Account Appropriation	\$	228,000
TOTAL APPROPRIATION	\$	694,444,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$2,549,600 shall be spent to expand upper-division and graduate course offerings at the Bothell branch campus.

(2) At least \$2,525,800 shall be spent to expand upper-division and graduate offerings at the Tacoma branch campus.

(3) At least \$400,000 shall be spent on assessment of student outcomes.

(4) \$14,315,000 is provided solely for an increase in instructional support for supplies, materials, equipment, staffing, and other services necessary to directly support instruction. To the extent possible, the use of these funds should focus on improving and expanding existing classes and courses in order to allow students to meet graduation requirements without delays resulting from insufficient course availability. These funds cannot be spent for nonteaching contracts, overtime, or travel not directly related to student instruction. Not more than ten percent may be used for plant operation and maintenance and institutional support.

(5) \$575,000 is provided solely to operate the Olympic natural resources center as specified in section 53 of Engrossed Substitute Senate Bill No. 5555.

(6) \$228,000 of the oil spill administration account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1027 (hazardous substance spills). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 604. FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation	\$	383,116,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$1,039,000 shall be spent to expand upper-division and graduate offerings at the Tri-Cities branch campus.

(2) At least \$2,179,000 shall be spent to expand upper-division and graduate offerings at the Vancouver branch campus.

(3) At least \$1,940,400 shall be spent to expand graduate offerings at the Spokane branch campus.

(4) At least \$400,000 shall be spent on assessment of student outcomes.

(5) \$7,894,000 is provided solely for an increase in instructional support for supplies, materials, equipment, staffing, and other services necessary to directly support instruction. To the extent possible, the use of these funds should focus on improving and expanding existing classes and courses in order to allow students to meet graduation requirements without delays resulting from insufficient course availability. These funds shall not be spent for nonteaching contracts, overtime, or travel not directly related to student instruction. Not more than ten percent may be used for plant operation and maintenance and institutional support.

(6) \$60,000 is provided solely for the purpose of implementing Senate Bill No. 5198 (aquatic animal health).

NEW SECTION. Sec. 605. FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation	\$	104,331,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$400,000 shall be spent on assessment of student outcomes.

(2) \$2,875,000 is provided solely for an increase in instructional support for supplies, materials, equipment, staffing, and other services necessary to directly support instruction. To the extent possible, the use of these funds should focus on improving and expanding existing classes and courses in order to allow students to meet graduation requirements without delays resulting from insufficient course availability. These funds shall not be spent for nonteaching contracts, overtime, or travel not directly related to student instruction. Not more than ten percent may be used for plant operation and maintenance and institutional support.

NEW SECTION. Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY
General Fund Appropriation \$ 90,242,000

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$400,000 shall be spent on assessment of student outcomes.

(2) \$3,124,000 is provided solely for an increase in instructional support for supplies, materials, equipment, staffing, and other services necessary to directly support instruction. To the extent possible, the use of these funds should focus on improving and expanding existing classes and courses in order to allow students to meet graduation requirements without delays resulting from insufficient course availability. These funds shall not be spent for nonteaching contracts, overtime, or travel not directly related to student instruction. Not more than ten percent may be used for plant operation and maintenance and institutional support.

NEW SECTION. Sec. 607. FOR THE EVERGREEN STATE COLLEGE
General Fund Appropriation \$ 54,913,000
Savings Recovery Account Appropriation \$ 325,000
TOTAL APPROPRIATION \$ 55,238,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$400,000 shall be spent on assessment of student outcomes.

(2) \$1,520,000 is provided solely for an increase in instructional support for supplies, materials, equipment, staffing, and other services necessary to directly support instruction. To the extent possible, the use of these funds should focus on improving and expanding existing classes and courses in order to allow students to meet graduation requirements without delays resulting from insufficient course availability. These funds shall not be spent for nonteaching contracts, overtime, or travel not directly related to student instruction. Not more than ten percent may be used for plant operation and maintenance and institutional support.

NEW SECTION. Sec. 608. FOR WESTERN WASHINGTON UNIVERSITY
General Fund Appropriation \$ 116,411,000

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$400,000 shall be spent on assessment of student outcomes.

(2) \$2,643,000 is provided solely for an increase in instructional support for supplies, materials, equipment, staffing, and other services necessary to directly support instruction. To the extent possible, the use of these funds should focus on improving and expanding existing classes and courses in order to allow students to meet graduation requirements without delays resulting from insufficient course availability. These funds shall not be spent for nonteaching contracts, overtime, or travel not

directly related to student instruction. Not more than ten percent may be used for plant operation and maintenance and institutional support.

NEW SECTION. Sec. 609. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund State Appropriation	\$	3,464,000
General Fund Federal Appropriation	\$	230,000
TOTAL APPROPRIATION	\$	3,694,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies, and administrative functions of the board.

NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund State Appropriation	\$	77,546,000
General Fund Federal Appropriation	\$	3,326,000
State Education Grant Account Appropriation	\$	40,000
TOTAL APPROPRIATION	\$	79,412,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$977,000 of the general fund state appropriation is provided solely for the displaced homemakers program.

(2) \$467,000 of the general fund state appropriation is provided solely for the western interstate commission for higher education.

(3) \$76,102,000 of the general fund state appropriation is provided solely for student financial aid, including administrative costs. Of this amount:

(a) \$69,729,000 is provided solely for the state need grant and state work study programs. Not less than \$24,400,000 shall be expended for state work study grants. Any state need grant moneys not awarded by April 1 of each year may be transferred to the state work study program for distribution. The need grant award to any individual shall not exceed the amount received by a student attending a state research university.

(b) \$2,000,000 is provided solely for the educational opportunity grant program.

(c) \$150,000 is provided solely for the health professional loan repayment program.

(d) \$234,000 of the general fund--state appropriation is provided solely to implement Second Substitute Senate Bill No. 5022 (teacher excellence awards).

NEW SECTION. Sec. 611. FOR THE COMPACT FOR EDUCATION

General Fund Appropriation	\$	101,000
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NEW SECTION. Sec. 612. FOR THE STATE BOARD FOR VOCATIONAL EDUCATION

General Fund State Appropriation	\$	4,022,000
General Fund Federal Appropriation	\$	34,782,000
TOTAL APPROPRIATION	\$	38,804,000

NEW SECTION. Sec. 613. FOR THE WASHINGTON INSTITUTE OF APPLIED TECHNOLOGY

General Fund Appropriation	\$	3,131,000
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NEW SECTION. Sec. 614. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund Appropriation	\$	2,392,000
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The appropriation in this section is subject to the following conditions and limitations: \$71,000, or as much thereof as may be necessary, is provided solely for:

(1) A 4.0 percent across-the-board salary increase effective January 1, 1992, and an additional 3.5 percent salary increase effective January 1, 1993, for classified and exempt staff of the higher education personnel board; and

(2) An additional increase effective January 1, 1992, which, when calculated in combination with the 4.0 percent increase granted under subsection (1) of this section, raises classified employees' salaries to the salary range closest to 15 percent behind prevailing rate. Calculation of the increase granted in this subsection (2) shall be carried out according to the procedures and restrictions outlined in section 601(5)(b) of this act.

NEW SECTION. Sec. 615. FOR WASHINGTON STATE LIBRARY

General Fund State Appropriation	\$	13,838,000
General Fund Federal Appropriation	\$	4,745,000
General Fund Private/Local Appropriation	\$	46,000
TOTAL APPROPRIATION	\$	18,629,000

The appropriations in this section are subject to the following conditions and limitations: \$2,463,516 of the combined general fund state and the general fund federal appropriations are provided solely for a contract with the Seattle public library for library services for the blind and physically handicapped.

NEW SECTION. Sec. 616. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund State Appropriation	\$	4,650,000
General Fund Federal Appropriation	\$	900,000
TOTAL APPROPRIATION	\$	5,550,000

NEW SECTION. Sec. 617. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$	1,278,000
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NEW SECTION. Sec. 618. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$	922,000
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NEW SECTION. Sec. 619. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation	\$	1,007,000
State Capitol Historical Association Museum		
Account Appropriation	\$	132,000
TOTAL APPROPRIATION	\$	1,139,000

**PART VII
SPECIAL APPROPRIATIONS**

NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL FUND BOND DEBT

General Fund Appropriation	\$	600,301,000
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This appropriation is for deposit into the accounts listed in section 801 of this act.

NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Account		
Appropriation	\$	23,896,000
University of Washington Hospital Bond Retirement		
Fund 1975 Appropriation	\$	1,178,000

Office-Laboratory Facilities Bond Redemption Fund		
Appropriation	\$	274,000
Higher Education Bond Retirement Fund 1979		
Appropriation	\$	2,560,000
State General Obligation Bond Retirement Fund 1979		
Appropriation	\$	19,126,000
TOTAL APPROPRIATION	\$	47,034,000

NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

Community College Refunding Bond Retirement Fund		
1974 Appropriation	\$	9,793,000
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977		
Appropriation	\$	10,292,000
Higher Education Bond Retirement Fund 1979		
Appropriation	\$	13,525,000
Washington State University Bond Redemption Fund		
1977 Appropriation	\$	518,000
Higher Education Refunding Bond Redemption Fund		
1977 Appropriation	\$	6,988,000
State General Obligation Bond Retirement Fund 1979		
Appropriation	\$	42,251,000
TOTAL APPROPRIATION	\$	83,367,000

NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

Common School Building Bond Redemption Fund 1967		
Appropriation	\$	6,910,000
State Building Bond Redemption Fund 1967		
Appropriation	\$	654,000
State Building and Parking Bond Redemption Fund 1969		
Appropriation	\$	2,450,000
TOTAL APPROPRIATION	\$	10,014,000

NEW SECTION. Sec. 705. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY MOTOR VEHICLE FUND REVENUE

Highway Bond Retirement Fund Appropriation	\$	192,403,518
Ferry Bond Retirement Fund 1977 Appropriation	\$	28,172,551
TOTAL APPROPRIATION	\$	220,576,069

NEW SECTION. Sec. 706. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

State Convention and Trade Center Appropriation	\$	8,926
Excess Earnings Account Appropriation	\$	750,000
State/Local Improvements Revolving Account		
Appropriation	\$	3,574

State/Local Improvements Revolving Account Waste		
Disposal Facilities Appropriation	\$	13,388
State Building Construction Account		
Appropriation	\$	44,715,566
State/Local Improvements Revolving Account Water		
Supply Facilities Appropriation	\$	2,680
Motor Vehicle Fund Appropriation.	\$	1,542,000
Urban Arterial Trust Account Appropriation.	\$	552,496
Labor and Industries Construction Appropriation	\$	583,115
TOTAL APPROPRIATION	\$	48,171,745
Total Bond Retirement and Interest Appropriation	\$	1,009,464,782

NEW SECTION. Sec. 707. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND

General Fund Appropriation	\$	9,532,000
Motor Vehicle Fund Appropriation.	\$	8,942,000
Wildlife Fund Appropriation.	\$	106,000
Accident Fund Appropriation	\$	4,000
Ferry System Revolving Account Appropriation	\$	4,744,000
Liquor Revolving Fund Appropriation.	\$	378,000
Lottery Administrative Account.	\$	50,000
Resource Management Cost Account Appropriation	\$	980,000
Public Service Revolving Account Appropriation.	\$	48,000
TOTAL APPROPRIATION	\$	24,784,000

NEW SECTION. Sec. 708. FOR THE GOVERNOR--EMERGENCY FUND

General Fund Appropriation \$ 1,000,000
 The appropriation in this section is for the governor's emergency fund, for the critically necessary work of any agency.

NEW SECTION. Sec. 709. FOR THE GOVERNOR--TORT DEFENSE SERVICES

General Fund Appropriation	\$	1,542,000
Special Fund Agency Tort Defense Services		
Revolving Fund Appropriation.	\$	850,000
TOTAL APPROPRIATION	\$	2,392,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund tort defense services revolving fund, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

NEW SECTION. Sec. 710. FOR THE OFFICE OF FINANCIAL MANAGEMENT--BELATED CLAIMS

- (1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund \$ 800,000
- (2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1993, in order to reimburse the general fund for expenditures from belated claims, to be disbursed on vouchers approved by the office of financial management:

Archives and Records Management Account	\$	562
Winter Recreational Program Account	\$	75

Snowmobile Account	\$	226
Flood Control Assistance Account	\$	1,354
Aquatic Lands Enhancement	\$	6
State Investment Board Expense Account	\$	1,995
State Toxics Control Account	\$	671
State Emergency Water Projects Revolving Account	\$	16
State and Local Improvement Revolving Account-- Waste Disposal Facilities	\$	384
Local Toxics Control Account	\$	3,626
Litter Control Account	\$	173
State Patrol Highway Account	\$	29,500
State Wildlife Fund	\$	31,700
Motor Vehicle Fund	\$	42,708
High Capacity Transportation Account	\$	7,110
Public Service Revolving Account	\$	3,038
Insurance Commissioner's Regulatory Account	\$	2,079
State Treasurer's Service Fund	\$	37
Legal Services Revolving Fund	\$	24,362
Municipal Revolving Account	\$	6,249
Department of Personnel Service Fund	\$	1,238
State Auditing Services Revolving Account	\$	2,878
Liquor Revolving Fund	\$	21,372
Department of Retirement Systems Expense Fund	\$	1,234
Accident Fund	\$	3,034
Medical Aid Fund	\$	3,034

NEW SECTION, Sec. 711. FOR SUNDRY CLAIMS The following sum, or so much thereof as is necessary, is appropriated from the general fund for the payment of a sundry claim. This appropriation shall be disbursed on a voucher approved by the director of general administration for reimbursement and settlement of all claims under RCW 9A.16.110 for loss of time, legal fees, or other expenses, including interest, in the defense of a criminal prosecution: Gary and Beryle Murray, claim number SCJ-91-11 \$ 7,092.50

NEW SECTION, Sec. 712. FOR THE GOVERNOR--COMPENSATION--SALARY AND INSURANCE BENEFITS

General Fund--State Appropriation	\$	142,184,000
General Fund--Federal Appropriation	\$	27,313,000
Special Fund Salary and Insurance Contribution Increase Revolving Fund Appropriation	\$	105,908,000
TOTAL APPROPRIATION	\$	275,405,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) \$74,253,000 of the general fund--state appropriation, \$18,555,000 of the general fund--federal appropriation, and \$47,805,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for the following salary increases:

(a) A 4.0 percent across-the-board increase effective January 1, 1992, and an additional 3.5 percent across-the-board increase effective January 1, 1993, for all classified and exempt employees under the state personnel board and commissioned officers of the Washington state patrol; and

(b) For state classified and exempt employees whose salaries are determined by the comprehensive salary survey, an additional increase effective January 1, 1992,

which, when calculated in combination with the 4.0 percent increase granted under subsection (1)(a) of this section, raises employees' salaries to the salary range closest to fifteen percent behind prevailing rate.

Calculations for determining the increases granted in this subsection (b) shall be made subsequent to the calculations for the general salary increase of 4.0 percent granted on January 1, 1992. The findings of the 1990 comprehensive salary survey as adopted by the state personnel board, expressed as the number of ranges behind prevailing rate, shall be used to determine salary increases under this subsection. However, the number of ranges behind prevailing rate shall be adjusted to reflect salary changes resulting from:

(i) Any job classification revision approved after June 1, 1990; or

(ii) The salary increase granted on January 1, 1991, to raise employees' salaries to within twenty percent of prevailing rate based on the findings of the 1988 trend salary survey.

The general across-the-board salary increase granted on January 1, 1991, shall not be considered when calculating the number of ranges between employee salaries and prevailing rate as shown in the findings of the 1990 survey.

Increases to reduce the number of ranges behind prevailing rate may be granted only in whole-range increments.

(2) \$4,671,000 of the general fund--state appropriation, \$1,070,000 of the general fund--federal appropriation, and \$178,000 of the special fund salary and insurance contribution are provided solely to:

(a) Grant a 5.0 percent salary increase effective January 1, 1992, and an additional 7.5 percent salary increase effective January 1, 1993, to the registered nurse 2 job class and all job classes indexed to that benchmark job class; and

(b) Increase shift differential pay for the registered nurse 2 job class and all job classes indexed to that benchmark job class from \$1.00 per hour to \$1.50 per hour for evening shift and from \$1.50 per hour to \$2.50 per hour for night shift, beginning July 1, 1991.

The salary increases granted in this subsection shall be in addition to any increase granted under subsection (1) of this section. If the appropriation in this subsection is insufficient to provide the additional 7.5 percent salary increase effective January 1, 1993, the office of financial management shall reduce the percentage increase to a level commensurate with the remaining appropriation.

(3) The governor shall allocate to state agencies \$15,000,000 from the general fund--state appropriation, and \$15,000,000 from the special fund salary and insurance contribution increase revolving fund appropriation to fulfill the 1991-93 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(4) The salary increases granted in this section shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by the 1986 Senate Concurrent Resolution No. 126, where applicable.

(5)(a) The monthly contributions for insurance benefit premiums shall not exceed \$276.24 per eligible employee for fiscal year 1992, and \$302.98 for fiscal year 1993.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$6.96 per eligible employee for fiscal year 1992, and \$5.22 for fiscal year 1993.

(c) Any returns of funds to the health care authority resulting from favorable claims experienced during the 1991-93 biennium shall be held in reserve within the state employees insurance account until appropriated by the legislature.

(d) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the

effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(6) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management and in schedules provided by the legislative evaluation and accountability program in support of LEAP Document 99.

(7) In calculating individual agency allocations for this section, the office of financial management shall calculate the allocation of each subsection separately. The separate allocations for each agency may be combined under a single appropriation code for improved efficiency. The office of financial management shall transmit a list of agency allocations by subsection to the senate committee on ways and means and the house of representatives committee on appropriations.

(8) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the state personnel board.

(9) A maximum of \$6,101,000 of the special fund salary and insurance contribution increase revolving fund appropriation in this section may be expended for salary and benefit increases for ferry workers consistent with the 1991-93 transportation appropriations act.

(10) \$25,416,000 of the general fund--state appropriation, \$7,688,000 of the general fund--federal appropriation, and \$9,997,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided solely for salary increments for longevity for classified and exempt employees under the jurisdiction of the state personnel board, and employees of legislative, judicial, and other agencies identified in LEAP Document 99. The office of financial management shall allot to these agencies the amounts identified in LEAP Document 99. "LEAP Document 99" means the computerized tabulation establishing salary increment funding, as developed by the legislative evaluation and accountability program committee.

NEW SECTION. Sec. 713. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

	FY 1992	FY 1993
General Fund Appropriation	\$ 76,000,000	81,500,000
TOTAL APPROPRIATION	\$	157,500,000

(2) There is appropriated for contributions to the judicial retirement system:

	FY 1992	FY 1993
General Fund Appropriation	\$ 3,325,000	3,325,000
TOTAL APPROPRIATION	\$	6,650,000

(3) There is appropriated for contributions to the judges retirement system:

	FY 1992	FY 1993
General Fund Appropriation	\$ 505,000	505,000
TOTAL APPROPRIATION	\$	1,010,000

NEW SECTION. Sec. 714. FOR THE STATE TREASURER--LOANS

General Fund Appropriation--For transfer to the Convention and Trade Center		
Operating Account	\$	8,766,000
General Fund Appropriation--For transfer to the Community College Capital		
Projects Account	\$	4,500,000
TOTAL APPROPRIATION	\$	13,266,000

The appropriations in this section are intended as loans to the accounts indicated.

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

NEW SECTION. Sec. 801. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT

Fisheries Bond Redemption Fund 1977	
Appropriation	\$ 1,370,000
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation	\$ 1,844,000
State Building and Higher Education Construction Bond Redemption Fund 1967	
Appropriation	\$ 1,902,000
State Building (Expo 74) Bond Redemption Fund 1973A	
Appropriation	\$ 376,000
State Building Bond Redemption Fund 1973	
Appropriation	\$ 3,796,000
State Higher Education Bond Redemption Fund 1973	
Appropriation	\$ 4,387,000
State Building Authority Bond Redemption Fund	
Appropriation	\$ 9,408,000
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$ 7,528,000
State Higher Education Bond Redemption Fund 1974	
Appropriation	\$ 1,189,000
Waste Disposal Facilities Bond Redemption Fund	
Appropriation	\$ 57,907,000
Water Supply Facilities Bond Redemption Fund	
Appropriation	\$ 11,105,058
Recreation Improvements Bond Redemption Fund	
Appropriation	\$ 6,021,890
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$ 3,712,694
Outdoor Recreation Bond Redemption Fund 1967	
Appropriation	\$ 3,967,392
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation	\$ 124,027
Fisheries Bond Redemption Fund 1976	
Appropriation	\$ 761,536
Higher Education Bond Redemption Fund 1975	
Appropriation	\$ 2,164,887
State Building Bond Retirement Fund 1975	
Appropriation	\$ 426,060
Social and Health Services Bond Redemption Fund 1976 Appropriation	\$ 9,467,557
Emergency Water Projects Bond Retirement Fund 1977	
Appropriation	\$ 2,624,875
Higher Education Bond Redemption Fund 1977	
Appropriation	\$ 16,559,408
Salmon Enhancement Bond Redemption Fund 1977	
Appropriation	\$ 3,883,552

Fire Service Training Center Bond Retirement Fund		
1977 Appropriation	\$	739,795
State General Obligation Bond Retirement Bond 1979		
Appropriation	\$	491,009,053
TOTAL APPROPRIATION . . .	\$	642,277,149

NEW SECTION. Sec. 802. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution	\$	4,600,000
General Fund Appropriation for public utility district excise tax distribution	\$	24,314,000
General Fund Appropriation for prosecuting attorneys' salaries	\$	2,704,000
General Fund Appropriation for motor vehicle excise tax distribution	\$	83,075,000
General Fund Appropriation for local mass transit assistance		275,140,000
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	2,585,000
General Fund Appropriation for Boating Safety/ Education and Law Enforcement Distribution	\$	760,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$	90,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	22,000,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	359,745,000
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	45,645,850
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties	\$	83,100,000
Municipal Sales and Use Tax Equalization Account Appropriation	\$	44,690,000
County Sales and Use Tax Equalization Account Appropriation	\$	15,100,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$	750,000
County Criminal Justice Account Appropriation	\$	56,152,000
Municipal Criminal Justice Account Appropriation	\$	22,460,000
TOTAL APPROPRIATION . . .	\$	1,042,910,850

NEW SECTION. Sec. 803. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for federal forest reserve fund distribution	\$	70,000,000
General Fund Appropriation for federal flood control funds distribution	\$	78,000

General Fund Appropriation for federal grazing fees distribution	\$	53,000
General Fund Appropriation for distribution of federal funds to counties in conformance with Public Law 97-99	\$	820,000
TOTAL APPROPRIATION	\$	70,951,000

NEW SECTION. Sec. 804. FOR THE STATE TREASURER--TRANSFERS

General Government Special Revenue Fund--State Treasurer's Service Account: For transfer to the general fund on or before July 20, 1993, an amount up to \$10,500,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1994, for credit to the fiscal year in which earned . . . 10,500,000

General Fund--State: For transfer to the Natural Resources Fund--Water Quality Account \$ 20,392,000

Public Facilities Construction Loan and Grant Revolving Fund: For transfer to the General Fund \$ 631,400

Water Quality Account: For transfer to the water pollution revolving fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit \$ 14,500,000

Disability Accommodation Revolving Account: For transfer to the general fund \$ 190,000

NEW SECTION. Sec. 805. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS

General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund \$ 18,000

Motor Vehicle Fund--State Patrol Highway Account Appropriation: For transfer to the Department of Retirement Systems Expense Fund . \$ 118,000

**PART IX
MISCELLANEOUS**

NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS.

The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1991-93 biennium.

NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS.

Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with instructions from the office of financial management. In addition to these requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project.

The plan shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the office of financial management and appropriate legislative committees. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the office of financial management.

(4) A project status report shall be submitted to the office of financial management and appropriate legislative committees for each project prior to reaching key decision points identified in the project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, cost and benefits analysis, and other aspects critical to completion of a project.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the office of financial management.

(5) If a project review is requested in accordance with the policies of the office of financial management, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the appropriate legislative committees by the agency.

(6) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published instructions of the office of financial management. In addition to the information requested pursuant to the instructions, the post-implementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the post-implementation review report shall be provided to the office of financial management and appropriate legislative committees.

NEW SECTION. Sec. 903. VIDEO TELECOMMUNICATIONS. The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such

expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 904. OUT-OF-STATE TRAVEL EXPENDITURES.

No moneys appropriated in this act may be expended for costs incurred by employees or officials of the state in travel outside of the state of Washington except as provided in this section.

(1) No expenditures for travel out-of-state involving air transportation or total expenditures exceeding five hundred dollars for any one employee or official may be made unless the travel received the prior written approval of the agency head. The approval authority under this subsection shall not be delegated to any other official without the written approval of the director of financial management.

(2) No expenditures for travel out-of-state involving five or more state employees or officials on the same trip and total expenditures exceeding one thousand dollars for each employee or official may be made unless the travel received the prior written approval of: (a) The director of financial management, in the case of agencies of the executive branch; (b) the secretary of the senate and the chief clerk of the house of representatives, in the case of legislative agencies; and (c) the chief justice of the supreme court, in the case of judicial agencies. The approval authority under this subsection shall not be delegated to any other official.

(3) Within sixty days of the end of each fiscal quarter, each agency making an expenditure under subsection (1) or (2) of this section shall file the following information with the legislative budget committee: (a) The destination and duration of each trip; (b) the total expenditures for the trip, itemized by fund source; (c) the number of persons attending the trip for whom agency expenditures were made; and (d) the purpose of the trip and its relationship to the duties of the agency.

(4) In order to provide accountability of out-of-state travel costs, the office of financial management shall revise state accounting policies and procedures to ensure that one or more accounting objects or subobjects are devoted exclusively to out-of-state travel expenditures, and that such expenditures are not reported, in whole or in part, in any other accounting objects or subobjects.

NEW SECTION. Sec. 905. EXPENDITURES FOR PERSONAL SERVICE CONTRACTS. No moneys appropriated in this act may be expended for personal service contracts entered into after June 30, 1991, except in compliance with the requirements of this section.

(1) A copy of the contract shall be filed with the legislative budget committee within thirty days after its effective date.

(2) Sole source contracts exceeding ten thousand dollars and subject to the approval of the office of financial management under RCW 39.29.018(2) must be filed with the legislative budget committee and the legislative fiscal committees within ten days of the contract's approval by the office of financial management. A copy of the approval shall be included with the filing.

(3) No interest may be held in a contract by any person who is an employee of the state, or was such an employee at any time during the previous twelve months, unless written approval is granted by the director of financial management.

(4) Documented evidence of competitive selection of the contractor, pursuant to RCW 39.29.011, shall be transmitted to the legislative budget committee in conjunction with the filing under subsection (1) of this section.

(5) Any amendment or extension of an existing contract, if the value of the amendment or extension exceeds fifty percent of the value of the original contract, must be approved in writing by the office of financial management. The written approval shall be transmitted to the legislative fiscal committees.

(6) A state agency shall not enter into any contract or combination of contracts with a single firm or individual having a value exceeding one hundred thousand dollars without the written approval of the office of financial management, which approval shall be transmitted to the legislative budget committee and the legislative fiscal committees.

(7) The legislative budget committee shall perform a biennial performance audit of state contracting for personal services. The state auditor shall perform a biennial fiscal audit of state expenditures for personal service contracts.

(8) When preparing allotments for the 1991-93 biennium, the office of financial management shall ensure that the total state-wide expenditures for personal services, as defined in chapter 39.29 RCW, by agencies receiving appropriations in this act do not exceed the total expenditures for personal services incurred during the 1989-91 biennium. For the purposes of this section, "agencies" means any state office or activity of the executive and judicial branch of government, including state agencies, departments, offices, divisions, boards, commissions, and educational, correctional, and other types of institutions.

NEW SECTION. Sec. 906. EXPENDITURES UNDER LEASE/PURCHASE FINANCING AGREEMENTS. (1) No moneys appropriated in this act may be expended for the acquisition of equipment or other personal property under financing contracts pursuant to chapter 39.94 RCW or other installment purchase agreements unless:

(a) The purchase price of each individual item of equipment or other personal property exceeds \$5,000; and

(b) The term of the installment contract does not exceed the useful life of the items being purchased.

(2) The total principal value of new equipment acquired by the state, as defined in RCW 39.94.020(4), during the 1991-93 fiscal biennium and financed pursuant to chapter 39.94 RCW through payments from the general fund shall not exceed \$50,000,000. For purposes of this subsection, equipment financed with payments from sources in addition to the general fund shall be valued in proportion to the ratio of general fund payments to the total payments.

(3) The director of financial management shall adopt policies and procedures to ensure compliance with this section. This section applies only to contracts or agreements entered into after June 30, 1991.

(4) The office of financial management shall ensure that the state's accounting system provides for the reporting of financing contract payments by state agencies at the subobject level.

(5) The state treasurer shall report by September 1 of each year to the fiscal committees of the house of representatives and the senate on the outstanding principal amounts and annual payment obligations of state agencies acquiring equipment under chapter 39.94 RCW.

NEW SECTION. Sec. 907. EMPLOYMENT RECRUITING. A state agency seeking to fill a vacant position within the agency shall not use moneys appropriated in this act to contract with an individual or organization outside of state government

for assistance or advice in filling the vacancy. State agencies are encouraged to use the recruitment division of the department of personnel. This section does not apply to institutions of higher education, or to judicial or legislative branch agencies. A state agency may apply to the director of personnel for a waiver of the prohibition in this section. If a waiver is granted, the director shall file a report with the office of financial management, the senate ways and means committee, and the house of representatives appropriations committee, stating the reason the waiver was granted and the expected dollar amount of the contract.

NEW SECTION. Sec. 908. SAVINGS RECOVERY ACCOUNT. (1) The savings recovery account is hereby established in the state treasury.

(2) The director of financial management shall identify the expenditure savings realized by affected state agencies as a result of the implementation of the recommendations of the motor pool review team of the governor's commission on efficiency and accountability in government. Periodically during the 1991-93 fiscal biennium and by June 30, 1993, the director of financial management shall withhold from agency appropriations and deposit in the savings recovery account at least \$4,300,000 as a result of these savings recommendations.

(3) The director of financial management shall identify the expenditure savings realized by affected state agencies as a result of the implementation of furniture acquisition study by the governor's commission on efficiency and accountability in government. Periodically during the 1991-93 fiscal biennium and by June 30, 1993, the director of financial management shall withhold from agency appropriations and deposit in the savings recovery account at least \$1,100,000 as a result of these savings recommendations.

(4) In order to provide for the self-supporting operations of the state productivity board during the 1991-93 fiscal biennium, the director of financial management shall withhold from funds appropriated to state agencies in this act a portion of the savings that are realized as a result of the state employees' suggestion award and incentive pay program under chapter 41.60 RCW. The funds withheld under this subsection shall equal at least \$570,000 and shall be deposited in the savings recovery account.

(5) The director of financial management shall withhold from funds appropriated to state agencies at least \$2,759,000 to reflect reduced billings to state agencies for payments to the data processing revolving fund. These reductions are the result of reduced expenditures by the department of information services for the approval of feasibility study and other services formerly provided by the department's policy and planning division. The amount withheld under this subsection shall be deposited in the savings recovery account.

Sec. 909. RCW 43.19.1923 and 1987 c 504 s 17 are each amended to read as follows:

There is created within the department of general administration a revolving fund to be known as the (")central stores revolving fund("), which shall be used for the purchase of supplies and equipment handled or rented through central stores, and the payment of salaries, wages, and other costs incidental to the acquisition, operation, and maintenance of the central stores, and other activities connected therewith, which shall include utilities services. Disbursements from the fund for the purchasing and contract administration activities of the division of purchasing within the department are subject to appropriation and allotment procedures under chapter 43.88 RCW. Disbursements for all other activities within the central stores are not subject to appropriation. The fund shall be credited with all receipts from the rental, sale or distribution of supplies, equipment, and services rendered to the various state agencies. Central stores, utilities services, and other activities within the central stores revolving fund shall be treated as separate operating entities for financial and accounting control. Financial records involving the central stores revolving fund shall be designed to

provide data for achieving maximum effectiveness and economy of each individual activity within the fund.

Sec. 910. RCW 43.08.250 and 1985 c 57 s 27 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, winter recreation parking, and state game programs. All earnings of investments of balances in the public safety and education account shall be credited to the general fund. During the fiscal biennium ending June 30, 1993, the legislature may appropriate moneys from the public education and safety account for the purposes of local jail population data collection under RCW 10.98.130, the department of corrections' community partnership program under RCW 72.09.300, the treatment alternatives to street crimes program, the criminal litigation unit of the attorney general's office, contracts with county prosecuting attorneys to provide paternity establishment services, and grants to local law enforcement agencies under the crimestoppers program to increase public involvement in the prevention and solution of crimes.

Sec. 911. RCW 41.60.050 and 1987 c 387 s 4 are each amended to read as follows:

The legislature shall appropriate from the department of personnel service fund for the payment of administrative costs of the productivity board. However, during the 1991-93 fiscal biennium, the administrative costs of the productivity board shall be appropriated from the savings recovery account.

Sec. 912. RCW 43.09.270 and 1982 c 206 s 1 are each amended to read as follows:

The expense of maintaining and operating the division shall be paid out of the state general fund: PROVIDED, That those expenses directly related to the prescribing of accounting systems, training, maintenance of working capital including reserves for late and uncollectable accounts and necessary adjustments to billings, and field audit supervision, shall be considered as expenses of auditing public accounts within the meaning of RCW 43.09.280 and 43.09.282, and shall be prorated for that purpose equally among all entities directly affected by such service.

During the fiscal biennium ending June 30, 1993, the expense of maintaining and operating the division of municipal corporations shall be paid from the municipal revolving fund under RCW 43.09.282.

Sec. 913. RCW 43.23.035 and 1986 c 202 s 1 are each amended to read as follows:

The department of agriculture is hereby designated as the agency of state government for the administration and implementation of state agricultural market development programs and activities, both domestic and foreign, and shall, in addition to the powers and duties otherwise imposed by law, have the following powers and duties:

(1) To study the potential marketability of various agricultural commodities of this state in foreign and domestic trade;

(2) To collect, prepare, and analyze foreign and domestic market data;

(3) To establish a program to promote and assist in the marketing of Washington-bred horses: PROVIDED, That the department shall present a proposal to the legislature no later than December 1, 1986, that provides for the elimination of all state funding for the program after June 30, 1989;

(4) To encourage and promote the sale of Washington's agricultural commodities and products at the site of their production through the development and dissemination of referral maps and other means;

(5) To encourage and promote those agricultural industries, such as the wine industry, which attract visitors to rural areas in which other agricultural commodities and products are produced and are, or could be, made available for sale;

(6) To encourage and promote the establishment and use of public markets in this state for the sale of Washington's agricultural products;

(7) To maintain close contact with foreign firms and governmental agencies and to act as an effective intermediary between foreign nations and Washington traders;

(8) To publish and disseminate to interested citizens and others information which will aid in carrying out the purposes of chapters 43.23, 15.64, 15.65, and 15.66 RCW;

(9) To encourage and promote the movement of foreign and domestic agricultural goods through the ports of Washington;

(10) To conduct an active program by sending representatives to, or engaging representatives in, foreign countries to promote the state's agricultural commodities and products;

(11) To assist and to make Washington agricultural concerns more aware of the potentials of foreign trade and to encourage production of those commodities that will have high export potential and appeal;

(12) To coordinate the trade promotional activities of appropriate federal, state, and local public agencies, as well as civic organizations; and

(13) To develop a coordinated marketing program with the department of trade and economic development, utilizing existing trade offices and participating in mutual trade missions and activities.

The department of agriculture shall assess a fee for services provided under the agricultural market development program during the fiscal biennium ending June 30, 1993. The revenue derived from these fees shall be deposited in the agricultural local account.

As used in this section, "agricultural commodities" includes products of both terrestrial and aquatic farming.

Sec. 914. RCW 43.43.670 and 1980 c 69 s 2 are each amended to read as follows:

There is created in the Washington state patrol a crime laboratory system which is authorized to:

(1) Provide laboratory services for the purpose of analyzing and scientifically handling any physical evidence relating to any crime.

(2) Provide training assistance for local law enforcement personnel.

The crime laboratory system shall assign priority to a request for services with due regard to whether the case involves criminal activity against persons. The Washington state advisory council on criminal justice services shall assist the crime laboratory system in devising policies to promote the most efficient use of laboratory resources consistent with this section.

During the fiscal biennium ending June 30, 1993, the state patrol shall establish a schedule of fees to be collected from those federal and local governmental entities requesting crime laboratory services. The fees shall recover at least thirty percent of the total cost incurred in the crime laboratory operations. The fee revenue shall be deposited by the state patrol in the state general fund and appropriated exclusively for the operations of the laboratories.

Sec. 915. RCW 9.46.100 and 1985 c 405 s 505 are each amended to read as follows:

There is hereby created ~~((a fund to be known as))~~ the ~~(())~~gambling revolving fund~~(())~~ which shall consist of all moneys receivable for licensing, penalties, forfeitures, and all other moneys, income, or revenue received by the commission. The

state treasurer shall be custodian of the fund. All moneys received by the commission or any employee thereof, except for change funds and an amount of petty cash as fixed by rule or regulation of the commission, shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the gambling revolving fund. Disbursements from the revolving fund shall be on authorization of the commission or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the gambling revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund. All expenses relative to commission business, including but not limited to salaries and expenses of the director and other commission employees shall be paid from the gambling revolving fund.

The ~~((office of financial management may direct the))~~ state treasurer ~~((to loan))~~ shall transfer to the general fund ~~((an amount not to exceed \$1,400,000))~~ one million dollars from the gambling revolving fund for the ~~((1983-85))~~ 1991-93 fiscal biennium.

NEW SECTION. Sec. 916. EMERGENCY FUND ALLOCATIONS. Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 917. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

NEW SECTION. Sec. 918. BOND EXPENSES. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 919. LEGISLATIVE FACILITIES. Notwithstanding RCW 43.01.090, the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities used by the legislature for the biennium beginning July 1, 1991.

NEW SECTION. Sec. 920. AGENCY REIMBURSEMENTS. Amounts received by an agency as reimbursements pursuant to RCW 39.34.130 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation from the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of financial management, which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services, and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION. Sec. 921. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1991 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, and 1989 legislatures to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION. Sec. 922. BUDGET STABILIZATION ACCOUNT.

On July 1, 1991, the state treasurer shall transfer sixty-five million seven hundred thousand dollars from the state general fund to the budget stabilization account under RCW 43.88.525.

NEW SECTION. Sec. 923. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 924. EFFECTIVE DATE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

MOTION

On motion of Senator McDonald, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 47, after line 10 of the committee amendment, insert the following:
 "Energy Efficiency Services Account Appropriation.....\$ 1,008,000"
 Adjust the total appropriation accordingly.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Engrossed Substitute House Bill No. 1330.

The motion by Senator McDonald carried and the Committee on Ways and Means striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 3 of the title, after "1993;" strike the remainder of the title and insert "amending RCW 43.19.1923, 43.08.250, 41.60.050, 43.09.270, 43.23.035, 43.43.670, and 9.46.100; providing an effective date; and declaring an emergency."

On motion of Senator McDonald, the rules were suspended, Engrossed Substitute House Bill No. 1330 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1330, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1330, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, L. Smith, Thorsness, von Reichbauer, West

Voting nay: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognilid, Williams, Wojahn - 24.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1330, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Owen served notice that he would move to reconsider the vote by which Engrossed Substitute House Bill No. 1330 failed to pass the Senate.

MOTION FOR IMMEDIATE RECONSIDERATION

Having voted on the prevailing side, Senator Gaspard moved that the Senate immediately reconsider the vote by which Engrossed Substitute House Bill No. 1330, as amended by the Senate, failed to pass the Senate.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Gaspard that the Senate immediately reconsider the vote by which Engrossed Substitute House Bill No. 1330, as amended by the Senate, failed to pass.

The motion by Senator Gaspard carried and the Senate will reconsider the vote by which Engrossed Substitute House Bill No. 1330, as amended by the Senate, failed to pass the Senate.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1330, as amended by the Senate, on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1330, as amended by the Senate, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Roach, Saling, L. Smith, Thorsness, von Reichbauer, West - 26.

Voting nay: Senators Bauer, Conner, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognilid, Williams, Wojahn - 22.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1330, as amended by the Senate, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Hayner: "Madam President, a point of personal privilege. I would just like to say that there are times on this floor and in this body that I am proud to be a part of it. This is one of those times, because I think our compassion for our fellowman and our colleague and our consideration of the future of the state have been put above our political considerations. I think that is very commendable."

MOTION

At 11:53 a.m., on motion of Senator Newhouse, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:40 p.m. by Vice President Pro Tempore Bluechel.

There being no objection, the Vice President Pro Tempore reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

April 15, 1991

GA 9108 WILLIAM S. PINE, appointed February 28, 1990, for a term ending November 2, 1992, as a member of the Juvenile Disposition Standards Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, L. Kreidler, Madsen, Newhouse, A. Smith.

Passed to Committee on Rules.

April 15, 1991

GA 9114 MARILEE ROLOFF, appointed February 28, 1990, for a term ending November 2, 1992, as a member of the Juvenile Disposition Standards Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, L. Kreidler, Madsen, Newhouse.

Passed to Committee on Rules.

April 15, 1991

GA 9115 JAMES ROPER, reappointed February 28, 1990, for a term ending November 2, 1992, as a member of the Juvenile Disposition Standards Commission.

Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, L. Kreidler, Madsen, Newhouse.

Passed to Committee on Rules.

April 15, 1991

GA 9166 KEITH ANDERSON, appointed February 28, 1991, for a term ending November 2, 1993, as a member of the Juvenile Disposition Standards Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, L. Kreidler, Madsen, Newhouse, A. Smith.

Passed to Committee on Rules.

April 15, 1991

GA 9167 CONNIE CRAWLEY, reappointed February 28, 1991, for a term ending November 2, 1993, as a member of the Juvenile Disposition Standards Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, L. Kreidler, Madsen, Newhouse.

Passed to Committee on Rules.

April 15, 1991

GA 9169 CAROLYN PINKETT, appointed February 28, 1991, for a term ending November 2, 1993, as a member of the Juvenile Disposition Standards Commission.
Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, L. Kreidler, Madsen, Newhouse.

Passed to Committee on Rules.

April 15, 1991

GA 9171 IRENE HENINGER, appointed March 5, 1991, for a term ending December 31, 1995, as a member of the Public Disclosure Commission.

Reported by Committee on Law and Justice

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, L. Kreidler, Madsen.

Passed to Committee on Rules.

MOTION

On motion of Senator Newhouse, the rules were suspended, Gubernatorial Appointment No. 9108, Gubernatorial Appointment No. 9114, Gubernatorial Appointment No. 9115, Gubernatorial Appointment No. 9166, Gubernatorial Appointment No. 9167, Gubernatorial Appointment No. 9169 and Gubernatorial Appointment No. 9171 were advanced to second reading and placed on the second reading calendar.

There being no objection, the Vice President Pro Tempore advanced the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 15, 1991

MR. PRESIDENT:

The House has passed:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1250,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427, and the same are
 herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 5504,
 SENATE BILL NO. 5585.

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1250 by Committee on Fisheries and Wildlife (originally sponsored by Representatives Wilson, Haugen, Fuhrman, R. King, Padden, Orr, Winsley, Paris, Broback, May, Bowman, Miller, Horn, Wood, Wynne, Betrozoff and Spanel)

Funding the department of wildlife's nonconsumptive programs.

Referred to Committee on Ways and Means.

ESHB 1427 by Committee on Capital Facilities and Financing (originally sponsored by Representatives H. Sommers and Schmidt) (by request of Governor Gardner)

Adopting the capital budget.

Referred to Committee on Ways and Means.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1051, by House Committee on Higher Education (originally sponsored by Representatives Fraser, Forner, Prince, Jacobsen, Van Luven, Peery, Brough, Miller, Cantwell, Basich, Valle, Ogden, Dellwo, Wood, Ludwig, Sheldon, Morris, Tate, Ferguson, Silver, May, Ballard, Bowman, Haugen, Brumsickle, Jones, Broback, R. King, Mitchell, McLean and Winsley)

Requiring international student exchange visitor placement organizations to be registered.

The bill was read the second time.

MOTION

Senator Bailey moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature to:

- (1) Promote the health, safety, and welfare of international student exchange visitors in Washington in accordance with uniform national standards;
- (2) Promote quality education and living experiences for international student exchange visitors living in Washington;
- (3) Promote international awareness among Washington residents, by encouraging Washington residents to interact with international student exchange visitors;
- (4) Encourage public confidence in international student exchange visitor placement organizations operating in Washington;
- (5) Encourage and assist with compliance with United States information agency regulations and nationally established standards; and
- (6) Promote the existence and quality of international student visitor exchange programs operating in Washington.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Superintendent" means the Washington state superintendent of public instruction.

(2) "International student exchange visitor placement organization" or "organization" means a person, partnership, corporation, or other entity that regularly arranges the placement of international student exchange visitors for the purpose, in

whole or in part, of allowing the student an opportunity to attend school in the United States.

(3) "International student exchange visitor" or "student" means any person eighteen years of age or under, or up to age twenty-one if enrolled or to be enrolled in high school in this state, placed by an international student exchange visitor placement organization, who enters the United States with a nonimmigrant visa.

NEW SECTION. Sec. 3. (1) All international student exchange visitor placement organizations shall register with the secretary of state.

(2) Failure to register is a violation of this chapter.

(3) Information provided to the secretary of state under this chapter is a public record.

(4) Registration shall not be considered or be represented as an endorsement of the organization by the secretary of state or the state of Washington.

NEW SECTION. Sec. 4. The secretary of state shall adopt standards for international student exchange visitor placement organizations. In adopting the standards, the secretary of state shall strive to adopt standards established by the United States Information Agency and the counsel on standards for international education travel and strive to achieve uniformity with national standards.

NEW SECTION. Sec. 5. (1) An application for registration as an international student exchange visitor placement organization shall be submitted in the form prescribed by the secretary of state. The application shall include:

(a) Evidence that the organization meets the standards established by the secretary of state under section 4 of this act;

(b) The name, address, and telephone number of the organization, its chief executive officer, and the person within the organization who has primary responsibility for supervising placements within the state;

(c) The organization's unified business identification number, if any;

(d) The organization's United States Information Agency number, if any;

(e) Evidence of council on standards for international education travel listing, if any;

(f) Whether the organization is exempt from federal income tax; and

(g) A list of the organization's placements in Washington for the previous academic year including the number of students placed, their home countries, the school districts in which they were placed, and the length of their placements.

(2) The application shall be signed by the chief executive officer of the organization and the person within the organization who has primary responsibility for supervising placements within Washington. If the secretary of state determines that the application is complete, the secretary of state shall file the application and the applicant is registered.

(3) International student exchange visitor placement organizations that have registered shall inform the secretary of state of any changes in the information required under subsection (1) of this section within thirty days of the change.

(4) Registration under this chapter is valid for one year. The registration may be renewed annually.

NEW SECTION. Sec. 6. The secretary of state may adopt rules as necessary to carry out its duties under this chapter. The rules may include providing for a reasonable registration fee, not to exceed fifty dollars, to defray the costs of processing registrations.

NEW SECTION. Sec. 7. International student exchange organizations that have agreed to provide services to place students in the state shall provide an informational document, in English, to each student, host family, and superintendent of the school district in which the student is being placed. The document shall be provided before placement and shall include the following:

(1) An explanation of the services to be performed by the organization for the student, host family, and school district;

(2) A summary of this chapter prepared by the secretary of state;

(3) Telephone numbers that the student, host family, and school district may call for assistance. The telephone numbers shall include, at minimum, an in-state telephone number for the organization, and the telephone numbers of the organization's national headquarters, if any, the United States Information Agency, and the office of the secretary of state.

NEW SECTION. Sec. 8. The secretary of state may, upon receipt of a complaint regarding an international student exchange organization, report the matter to the organization involved, the United States Information Agency, or the council on standards for international education travel, as he or she deems appropriate.

NEW SECTION. Sec. 9. Any person who violates any provision of this chapter or who willfully and knowingly gives false or incorrect information to the secretary, attorney general, or county prosecuting attorney in filing statements required by this chapter, whether or not such statement or report is verified, is guilty of a misdemeanor punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. 10. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Violations of this chapter are not reasonable in relation to the development and preservation of business. A violation of this chapter is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 11. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction shall annually make available to school districts and approved private schools, from data supplied by the secretary of state, the names of international student exchange visitor placement organizations registered under chapter 19.--- RCW (sections 1 through 10 of this act) to place students in public schools in the state and a summary of the information the organizations have filed with the secretary of state under chapter 19.-- RCW (sections 1 through 10 of this act).

(2) The superintendent shall provide general information and assistance to school districts regarding international student exchange visitors, including, to the extent feasible with available resources, information on the type of visa required for enrollment, how to promote positive educational experiences for visiting exchange students, and how to integrate exchange students into the school environment to benefit the education of both the exchange students and students in the state.

NEW SECTION. Sec. 12. (1) The secretary of state shall create and chair a task force on international student exchange. The task force shall include representatives of the legislature, the office of the superintendent of public instruction, international student exchange visitor placement organizations operating in Washington, school districts, business, exchange students, and other representatives as the secretary deems appropriate. Members shall be selected by the secretary of state.

(2) The task force shall, within available resources:

(a) Estimate the number of foreign exchange students studying in Washington schools in a given year, and provide summary information about the countries they are from, the school districts in which they are placed, the type of organization placing them, and the students' average length of stay;

(b) Estimate the number of public school students from this state who are foreign exchange students in other nations in a given year, and provide summary information about the school districts they are from, the countries in which they are placed, the type of organization placing them, and the students' average length of stay;

(c) Investigate ways to promote student and teacher exchanges with K-12 schools in other nations, with an emphasis on sending more Washington students to other nations;

(d) Examine reported problems in the international student exchange visitor placement industry operating in the public schools of the state and the effect of sections 1 through 10 of this act on these problems; (e) Examine the adequacy of the fee structure established under section 6 of this act.

(3) The task force shall report findings and recommendations to the legislature by December 1, 1992.

(4) This section shall expire December 1, 1992.

Sec. 13. RCW 28A.300.200 and 1990 c 243 s 9 are each amended to read as follows:

To complement RCW 28A.630.230 and chapter 28B.107 RCW, the superintendent of public instruction shall ((encourage school districts to establish exchange programs for teachers with)), subject to available funding, coordinate and sponsor student and teacher exchanges between Washington schools and schools in Pacific Rim nations and other nations. The superintendent may solicit and accept grants and donations from public and private sources for the student and teacher exchange program.

Sec. 14. RCW 74.15.020 and 1988 c 176 s 912 are each amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Department" means the state department of social and health services;

(2) "Secretary" means the secretary of social and health services;

(3) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(c) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(d) "Day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036.

(4) "Agency" shall not include the following:

(a) Persons related by blood or marriage to the child, expectant mother, or persons with developmental disabilities in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, and/or first cousin;

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person does not engage in such activity on a regular basis, or where parents on a mutually cooperative basis exchange care of one another's children, or persons who have the care of an exchange student in their own home;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors;

(e) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

~~((e))~~ (f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

~~((f))~~ (g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

~~((g))~~ (h) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

~~((h))~~ (i) Licensed physicians or lawyers;

~~((i))~~ (j) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

~~((j))~~ (k) Facilities approved and certified under chapter 71A.22 RCW;

~~((k))~~ (l) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

~~((l))~~ (m) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

~~((m))~~ (n) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

~~((n))~~ (o) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(5) "Requirement" means any rule, regulation or standard of care to be maintained by an agency.

NEW SECTION. Sec. 15. Sections 1 through 10 of this act shall constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 17. Sections 1 through 11 and 13 through 16 of this act shall take effect January 1, 1992.

MOTIONS

On motion of Senator Bailey, the following amendments to the Committee on Education striking amendment were considered simultaneously and were adopted:

On page 1, beginning on line 26 of the Education Committee striking amendment, strike "(1) "Superintendent" means the Washington state superintendent of public instruction."

Renumber remaining subsections accordingly.

On page 2, line 12 of the Education Committee striking amendment, after "organizations" insert "that place students in public schools in the state"

On motion of Senator Bailey, the following amendment by Senators Bailey, A. Smith, Pelz, Oke, Metcalf, Craswell and Erwin to the Committee on Education striking amendment was adopted:

On page 2, line 25 of the Education Committee striking amendment, after "." insert "The secretary of state may incorporate standards established by the United States Information Agency or the council on standards for international educational travel by reference and may accept an organization's designation by the United States Information Agency or acceptance for listing by the council on standards for international educational travel as evidence of compliance with such standards."

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Education striking amendment, as amended, to Substitute House Bill No. 1051.

The motion by Senator Bailey carried and the Committee on Education striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Bailey, the following title amendment was adopted:

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 28A.300.200 and 74.15.020; adding a new section to chapter 28A.300 RCW; adding a new chapter to Title 19 RCW; creating a new section; prescribing penalties; and providing an effective date."

On motion of Senator Bailey, the rules were suspended, Substitute House Bill No. 1051, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Murray, Senator Williams was excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1051, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1051, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 2; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A.

Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, West, Wojahn - 44.

Voting nay: Senator von Reichbauer - 1.

Absent: Senators Barr, Patterson - 2.

Excused: Senators Sellar, Williams - 2.

SUBSTITUTE HOUSE BILL NO. 1051, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1224, by Representatives H. Sommers, Brough, G. Fisher and Phillips

Changing provisions relating to school district indebtedness.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, House Bill No. 1224 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1224.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1224 and the bill failed to pass the Senate by the following vote: Yeas, 24; Nays, 23; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Bauer, Bluechel, Conner, Craswell, Gaspard, Hayner, Madsen, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Skratek, L. Smith, Stratton, Thorsness, West - 24.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Erwin, Hansen, Jesernig, Johnson, L. Kreidler, Matson, McCaslin, McDonald, Nelson, Rasmussen, Roach, Saling, A. Smith, Snyder, Sutherland, Talmadge, Vognild, von Reichbauer, Wojahn - 23.

Excused: Senators Sellar, Williams - 2.

HOUSE BILL NO. 1224, having failed to receive the constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Saling served notice that he would move to reconsider the vote by which House Bill No. 1224 failed to pass the Senate.

MOTION

At 2:03 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 3:05 p.m. by Vice President Pro Tempore Bluechel.

MOTION

On motion of Senator Murray, Senator Sutherland was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1287, by House Committee on Human Services (originally sponsored by Representatives Heavey, Moyer, Franklin, Rayburn, Jones, May, Leonard, Tate, Hine, Ballard, Broback, Winsley, Wineberry, Anderson, Brekke, Miller, Riley, Kremen, Forner and Paris)

Revising provisions for adoption.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 5, line 16, after "father," strike the remainder of the subsection and insert: "The consent document shall contain a statement identifying the name and address of the witness. In addition, the consent document shall state the relationship of the witness to the parent or alleged father."

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 5, line 16, to Engrossed Substitute House Bill No. 1287.

The motion by Senator Talmadge carried and the amendment was adopted.

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Substitute House Bill No. 1287, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate

to be the roll call on the final passage of Engrossed Substitute House Bill No. 1287, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1287, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senator McCaslin - 1.

Absent: Senator Patterson - 1.

Excused: Senators Sellar, Sutherland - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1287, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1853, by Representatives Wang and Holland (by request of Office of Financial Management and Secretary of State)

Increasing fees for nonprofit corporation filings.

The bill was read the second time.

MOTIONS

On motion of Senator McDonald, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 24.03.405 and 1987 c 117 s 5 are each amended to read as follows:

The secretary of state shall charge and collect for:

(1) Filing articles of incorporation (~~and issuing a certificate of incorporation, twenty~~) or an application for reinstatement under RCW 24.03.386, thirty dollars.

(2) Filing articles of amendment or restatement (~~and issuing a certificate of amendment or a restated certificate of incorporation, ten~~) or an amendment or supplement to an application for reinstatement, twenty dollars.

(3) Filing articles of merger or consolidation (~~and issuing a certificate of merger or consolidation, ten~~), twenty dollars.

(4) Filing a statement of change of address of registered office or change of registered agent, or revocation, resignation, (~~affidavit of nonappointment,~~) or any combination of these, (~~five~~) ten dollars. A separate fee for filing such statement shall not be charged if the statement appears in an amendment to articles of incorporation or in conjunction with the filing of the annual report.

(5) Filing articles of dissolution, no fee.

(6) Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state (~~((and issuing a certificate of authority, twenty))~~), thirty dollars.

(7) Filing an application of a foreign corporation for an amended certificate of authority to conduct affairs in this state (~~((and issuing an amended certificate of authority, ten))~~), twenty dollars.

(8) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, no fee.

(9) Filing a certificate by a foreign corporation of the appointment of a registered agent, (~~((five))~~) ten dollars. A separate fee for filing such certificate shall not be charged if the statement appears in conjunction with the filing of the annual report.

(10) Filing a certificate of election adopting the provisions of chapter 24.03 RCW, twenty dollars.

(11) Filing an application to reserve a corporate name, (~~((ten))~~) twenty dollars.

(12) Filing a notice of transfer of a reserved corporate name, (~~((five))~~) twenty dollars.

(13) Filing a name registration, twenty dollars per year, or part thereof.

(14) Filing an annual report of a domestic or foreign corporation, (~~((five))~~) ten dollars.

(15) Filing any other statement or report authorized for filing under this chapter, ten dollars.

Sec. 2. RCW 24.06.450 and 1982 c 35 s 154 are each amended to read as follows:

The secretary of state shall charge and collect for:

(1) Filing articles of incorporation (~~((and issuing a certificate of incorporation, twenty))~~), thirty dollars.

(2) Filing articles of amendment or restatement (~~((and issuing a certificate of amendment or a restated certificate of authority, ten))~~), twenty dollars.

(3) Filing articles of merger or consolidation (~~((and issuing a certificate of merger or consolidation, ten))~~), twenty dollars.

(4) Filing a statement of change of address of registered office or change of registered agent, or revocation, resignation, (~~((affidavit of nonappointment,))~~) or any combination of these, (~~((five))~~) ten dollars. A separate fee for filing such statement shall not be charged if the statement appears in an amendment to the articles of incorporation or in conjunction with the annual report.

(5) Filing articles of dissolution, no fee.

(6) Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state (~~((and issuing a certificate of authority, twenty))~~), thirty dollars.

(7) Filing an application of a foreign corporation for an amended certificate of authority to conduct affairs in this state (~~((and issuing an amended certificate of authority, ten))~~), twenty dollars.

(8) Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to conduct affairs in this state, (~~((ten))~~) twenty dollars.

(9) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to conduct affairs in this state, (~~((ten))~~) twenty dollars.

(10) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, no fee.

(11) Filing a certificate by a foreign corporation of the appointment of a registered agent, (~~((five))~~) ten dollars. A separate fee for filing such certificate shall not be charged if the statement appears in an amendment to the articles of incorporation or in conjunction with the annual report.

(12) Filing a certificate by a foreign corporation of the revocation of the appointment of a registered agent, ~~((five))~~ ten dollars. A separate fee for filing such certificate shall not be charged if the statement appears in an amendment to the articles of incorporation or in conjunction with the annual report.

(13) Filing an application to reserve a corporate name, ~~((ten))~~ twenty dollars.

(14) Filing a notice of transfer of a reserved corporate name, ~~((five))~~ twenty dollars.

(15) Filing any other statement or report, including an annual report, of a domestic or foreign corporation, ~~((five))~~ ten dollars.

Sec. 3. RCW 24.03.388 and 1987 c 117 s 2 are each amended to read as follows:

(1) An application processing fee ~~((of twenty five dollars))~~ as provided in RCW 24.03.405 shall be charged for an application for reinstatement under RCW 24.03.386.

(2) An application processing fee ~~((of ten dollars))~~ as provided in RCW 24.03.405 shall be charged for each amendment or supplement to an application for reinstatement.

(3) The corporation seeking reinstatement shall file all annual reports and pay the full amount of all annual corporation fees which would have been assessed for the years of the period of administrative revocation, had the corporation been in active status, including the reinstatement year.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect on July 1, 1991.

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 24.03.405, 24.06.450, and 24.03.388; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator McDonald, the rules were suspended, House Bill No. 1853, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1853, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1853, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 47.

Voting nay: Senator Vognild - 1.

Excused: Senator Sellar - 1.

HOUSE BILL NO. 1853, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1608, by House Committee on Human Services (originally sponsored by Representatives Leonard, Winsley, Rasmussen, Beck, Anderson, Hargrove, Brekke, Bowman, Dorn, Hine, Rust, Riley, Spanel, H. Myers, Dellwo, Phillips, Haugen, Jacobsen, Jones, R. King, Pruitt, Basich, R. Johnson, Van Luven, Holland, Valle, Paris, Belcher, Sheldon and O'Brien)

Improving services for children.

The bill was read the second time.

MOTION

Senator Roach moved that the following Children and Family Services amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** The department of social and health services shall conduct an assessment of the children in its care to determine the appropriate level of residential and treatment services required by these children. Prior to performing the assessment, the department shall, in conjunction with the private sector, develop a comprehensive, multidisciplinary diagnostic/assessment tool to be used in conducting the assessment. Any such assessment shall be based on a statistically valid sample of all children in the department's care. The department shall report the results of the assessment to the appropriate standing committees of the legislature by September 15, 1992. The department shall submit recommendations to the appropriate standing committees of the legislature on reallocating funds for children's services by December 1, 1992.

NEW SECTION. **Sec. 2.** A new section is added to chapter 74.13 RCW to read as follows:

The department of social and health services may implement a therapeutic family home program for up to fifteen youth in the custody of the department under chapter 13.34 RCW. The program shall strive to develop and maintain a mutually reinforcing relationship between the youth and the therapeutic staff associated with the program.

NEW SECTION. **Sec. 3.** The legislature finds that a destructive lifestyle of drug and street gang activity is rapidly becoming prevalent among some of the state's youths. A significant portion of these gang and drug-involved youths are African American youths as well as the youths of other ethnic and cultural minority groups. Gang and drug-involved youths are more likely to become addicted to drugs or alcohol, live in poverty, experience high unemployment, be incarcerated, and die of violence than other youths.

NEW SECTION. **Sec. 4.** A new section is added to chapter 13.40 RCW to read as follows:

(1) The department of social and health services may contract with a community-based nonprofit organization to establish a three-step transitional treatment program for gang and drug-involved juvenile offenders committed to the custody of the department under chapter 13.40 RCW. Any such program shall provide six to twenty-four months

of treatment. The program shall emphasize the principles of self-determination, unity, collective work and responsibility, cooperative economics, and creativity. The program shall be culturally relevant and appropriate and shall include:

(a) A culturally relevant and appropriate institution-based program that provides comprehensive drug and alcohol services, individual and family counseling, and a wilderness experience of constructive group living, rigorous physical exercise, and academic studies;

(b) A culturally relevant and appropriate community-based structured group living program that focuses on individual goals, positive community involvement, coordinated drug and alcohol treatment, coordinated individual and family counseling, academic and vocational training, and employment in apprenticeship, internship, and entrepreneurial programs; and

(c) A culturally relevant and appropriate transitional group living program that provides support services, academic services, and coordinated individual and family counseling.

(2) Participation in any such program shall be on a voluntary basis.

(3) The department shall adopt rules as necessary to implement any such program.

NEW SECTION. Sec. 5. (1) The department of social and health services may contract with an independent research organization to conduct an evaluation of any program that is established under section 4 of this act. The evaluation shall include an analysis of the race and ethnicity of juvenile offenders served, the offenses for which the youths were committed, the services provided, the effects of the program on educational and vocational achievement, and the rate of recidivism for these youth.

(2) Any organization selected shall provide a preliminary report on the program to appropriate standing committees of the senate and house of representatives by September 15, 1992. Any final report shall be submitted to appropriate standing committees of the senate and house of representatives by January 15, 1993.

Sec. 6. RCW 13.34.030 and 1988 c 176 s 901 are each amended to read as follows:

For purposes of this chapter:

(1) "Child" and "juvenile" means any individual under the age of eighteen years;

(2) "Dependent child" means any child:

(a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has evidenced either by statement or conduct, a settled intent to forego, for an extended period, all parental rights or all parental responsibilities despite an ability to do so;

(b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Who has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Who has a developmental disability, as defined in RCW 71A.10.020 and whose parent, guardian, or legal custodian together with the department determines that services appropriate to the child's needs can not be provided in the home. However, (a), (b), and (c) of this subsection may still be applied if other reasons for removal of the child from the home exist.

(3) "Permanency planning" means the process by which a child is diagnostically assessed and provided treatment services based on his or her unique individual and developmental needs to facilitate the attainment of successful maturity as an adult. Permanency planning should occur in the least restrictive setting appropriate and available and with minimum placement disruption.

(4) "Transitional living programs" means programs that provide shelter and services designed to promote transition to self-sufficient living, development of

independent living skills, and to minimize the incidence of long-term dependency on social services.

NEW SECTION. Sec. 7. Out-of-home placement services become necessary whenever voluntary or court-ordered out-of-home placement of a child is imminent or has already occurred. In striving to meet the objective of permanency for every child, a continuum of services must encompass the full range of possible alternatives. A variety of services are available to prevent out-of-home placement or address the needs of the child and family when out-of-home placement becomes necessary, however, the continuum of care is severely lacking in providing transitional living services for older youth.

NEW SECTION. Sec. 8. A new section is added to chapter 13.34 RCW to read as follows:

The department of social and health services shall contract, using the request for proposal process, with independent qualified agencies to provide transitional living services to minors.

Persons sixteen to eighteen years old or sixteen years old until emancipation are eligible for transitional living services. The population eligible for transitional living services are those for whom returning to their parents' or guardians' home is not possible and for whom foster care or adoption is not likely or appropriate. An assessment shall be done of each minor, including the minor's family situation, before receiving transitional living services. The assessment shall include input from the agency that would be providing the transitional living services to the minor, the agency currently providing services to the minor, and the caseworker for the minor. The assessment shall seek to determine whether the most appropriate plan for the minor is preparation for emancipation. The assessment shall also determine whether the minor is motivated to participate in a transitional living program that requires significant commitment from the minor. A primary goal of transitional living services shall be the acquisition by the youth of basic educational and/or vocational skills that are compatible with the individual's treatment plan. If a youth demonstrates a consistent unwillingness to participate in the acquisition of such skills, a reassessment shall be done of the youth's appropriateness for the program.

NEW SECTION. Sec. 9. A new section is added to chapter 13.34 RCW to read as follows:

Transitional living services should be tailored to meet the needs of the particular minor. A transitional living program should include, but is not limited to, the following:

(1) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(2) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(3) Health services including pre and post-natal care;

(4) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(5) Individual and group counseling with emphasis on issues of avoiding abuse, sexual abuse, prostitution, drug and alcohol abuse, depression, motivation, self-esteem, and interpersonal and social skills training and development;

(6) Recognizing and facilitating long-term relationships with significant adults; and

(7) Establishing networks with federal agencies and state and local organizations such as the department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

NEW SECTION. Sec. 10. If specific funding for the purposes of sections 6 through 9 of this act, referencing this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 6 through 9 of this act shall be null and void.

MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 1608 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1911, by House Committee on Local Government (originally sponsored by Representatives Haugen, Wynne, Anderson, Ferguson, Basich, Cooper, Belcher, Fraser, Zellinsky, Prince and Nelson)

Defining city and county licensing procedures for state licensed massage practitioners.

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 1911 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1911.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1911 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 1911, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1534, by House Committee on Judiciary (originally sponsored by Representatives H. Meyers, Beck, Riley, R. King, Tate, Anderson, Vance, Cooper, Ludwig, Hargrove, Padden, Bray, Rasmussen, Sheldon, Leonard, Forner, Brekke, Peery, Belcher, G. Fisher, Morris, Grant, Jones, O'Brien, Orr, Wang, Heavey, Roland Paris and Winsley)

Providing training for investigating and prosecuting sexual assault cases.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Law and Justice amendment was adopted:

On page 3, line 5, after "training." strike all material through "training." on line 7

On motion of Senator Madsen, the following amendment was adopted:

On page 2, line 19, after "integrated" strike ", week-long"

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 1534, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1534, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1534, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1534, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1997, by House Committee on Judiciary (originally sponsored by Representatives Tate, Riley, Padden, Hargrove, Mielke, Ludwig, Bowman, Dorn, Ferguson, Paris, D. Sommers, Vance, Forner, Scott, Winsley, Kremen, Broback, Brough, Roland, Jacobsen, Holland, Horn, Wynne, Morton, R. Johnson, Van Luven, Chandler, P. Johnson, Brumsickle, Silver and Rasmussen)

Clarifying provisions relating to registration of sex offenders.

The bill was read the second time.

MOTIONS

On motion of Senator McDonald, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that sex offender registration has assisted law enforcement agencies in protecting their communities. This act is intended to clarify and amend the deadlines for sex offenders to register. This act's clarification or amendment of RCW 9A.44.130 does not relieve the obligation of sex offenders to comply with the registration requirements of RCW 9A.44.130 as that statute exists before the effective date of this act.

Sec. 2. RCW 9A.44.130 and 1990 c 3 s 402 are each amended to read as follows:

(1) Any adult or juvenile residing in this state who has been found to have committed or has been convicted of any sex offense shall register with the county sheriff for the county of the person's residence.

(2) The person shall ~~((, within forty five days of establishing residence in Washington, or if a current resident within thirty days of release from confinement, if any,))~~ provide the county sheriff with the following information when registering: (a) Name; (b) address; (c) date and place of birth; (d) place of employment; ~~((d))~~ (e) crime for which convicted; ~~((e))~~ (f) date and place of conviction; ~~((f))~~ (g) aliases used; and ~~((g))~~ (h) social security number.

(3) (a) Sex offenders shall register within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses:

(i) SEX OFFENDERS IN CUSTODY. Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after the effective date of this act, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The agency that has jurisdiction over the offender shall provide notice to the sex offender of the duty to register. Failure to register within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (7) of this section.

(ii) SEX OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders, who, on the effective date of this act, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the active supervision of the state department of corrections, the state department

of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of the effective date of this act.

(iii) SEX OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders who are convicted of a sex offense on or after the effective date of this act for a sex offense that was committed on or after February 28, 1990, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(iv) SEX OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS. Sex offenders who move to Washington state from another state that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within thirty days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state, federal statutes, or Washington state for offenses committed on or after February 28, 1990. Sex offenders from other states who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (7) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to the effective date of this act.

(4) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff within ten days of establishing the new residence. If any person required to register pursuant to this section moves to a new county, the person must register with the county sheriff in the new county within ten days of establishing the new residence. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered.

((4)) (5) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

((5)) (6) "Sex offense" for the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330 means any offense defined as a sex offense by RCW 9.94A.030(;

(a) Committed on or after February 28, 1990; or

~~(b) Committed prior to February 28, 1990, if the person, as a result of the offense, is under the custody or active supervision of the department of corrections or the department of social and health services on or after February 28, 1990).~~

((6)) (7) A person who knowingly fails to register as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a class A felony or a federal or out-of-state conviction for an offense that under the laws of this state would be a class A felony. If the crime was other than a class A felony or a federal or out-of-state conviction for an offense that under the laws of this state would be a class A felony, violation of this section is a gross misdemeanor.

Sec. 3. RCW 9A.44.140 and 1990 c 3 s 408 are each amended to read as follows:

(1) The duty to register under RCW 9A.44.130 shall end:

(a) For a person convicted of a class A felony: Such person may only be relieved of the duty to register under subsection (2) or (3) of this section.

(b) For a person convicted of a class B felony: Fifteen years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent fifteen consecutive years in the community without being convicted of any new offenses.

(c) For a person convicted of a class C felony: Ten years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent ten consecutive years in the community without being convicted of any new offenses.

(2) Any person having a duty to register under RCW 9A.44.130 may petition the superior court to be relieved of that duty. The petition shall be made to the court in which the petitioner was convicted of the offense that subjects him or her to the duty to register, or, in the case of convictions in other states, to the court in Thurston county. The prosecuting attorney of the county shall be named and served as the respondent in any such petition. The court shall consider the nature of the registrable offense committed, and the criminal and relevant noncriminal behavior of the petitioner both before and after conviction, and may consider other factors. Except as provided in subsection (3) of this section, the court may relieve the petitioner of the duty to register only if the petitioner shows, with clear and convincing evidence, that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

(3) An offender having a duty to register under RCW 9A.44.130 for a sex offense committed when the offender was a juvenile may petition the superior court to be relieved of that duty. The court shall consider the nature of the registrable offense committed, and the criminal and relevant noncriminal behavior of the petitioner both before and after adjudication, and may consider other factors. The court may relieve the petitioner of the duty to register for a sex offense that was committed while the petitioner was fifteen years of age or older only if the petitioner shows, with clear and convincing evidence, that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330. The court may relieve the petitioner of the duty to register for a sex offense that was committed while the petitioner was under the age of fifteen if the petitioner (a) has not been adjudicated of any additional sex offenses during the twenty-four months following the adjudication for the sex offense giving rise to the duty to register, and (b) the petitioner proves by a preponderance of the evidence that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

(4) Unless relieved of the duty to register pursuant to this section, a violation of RCW 9A.44.130 is an ongoing offense for purposes of the statute of limitations under RCW 9A.04.080.

((4)) (5) Nothing in RCW 9.94A.220 relating to discharge of an offender shall be construed as operating to relieve the offender of his or her duty to register pursuant to RCW 9A.44.130.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "registration;" strike the remainder of the title and insert "amending RCW 9A.44.130 and 9A.44.140; creating a new section; and prescribing penalties."

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1997, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1997, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1997, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 1997, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1454, by House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Horn, Betzoff and Nealey) (by request of Department of Ecology)

Pertaining to the applicability of the uniform fire code to underground storage tank laws.

The bill was read the second time.

MOTIONS

On motion of Senator Metcalf, the following Committee on Environment and Natural Resources amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 90.76.110 and 1989 c 346 s 12 are each amended to read as follows:

(1) Except as provided in RCW 90.76.040 and subsections (2), (3), ~~((and))~~ (4), and (5) of this section, the rules adopted under this chapter supersede and preempt any state or local underground storage tank law, ordinance, or resolution governing any aspect of regulation covered by the rules adopted under this chapter.

(2) Provisions of the uniform fire code adopted under chapter 19.27 RCW that are not more stringent than and do not directly conflict with rules adopted under this chapter are not superseded or preempted.

(3) Local laws, ordinances, and resolutions pertaining to local authority to take immediate action in response to a release of a regulated substance are not superseded or preempted.

~~((3))~~ (4) City, town, or county underground storage tank ordinances that are more stringent than the federal regulations and the uniform codes adopted under chapter 19.27 RCW and that are in effect on November 1, 1988, are not superseded or preempted. A city, town, or county with an ordinance that meets these criteria shall notify the department of the existence of that ordinance by July 1, 1989.

~~((4))~~ (5) Local laws, ordinances, and resolutions pertaining to permits and fees for the use of underground storage tanks in street right of ways that were in existence prior to July 1, 1990, are not superseded or preempted.

Sec. 2. RCW 90.76.040 and 1989 c 346 s 5 are each amended to read as follows:

(1) A city, town, or county may apply to the department to have an area within its jurisdictional boundaries designated an environmentally sensitive area. A city, town, or county may submit a joint application with any other city, town, or county for joint administration under chapter 39.34 RCW of a single environmentally sensitive area located in both jurisdictions.

(2) A city, town, or county may adopt proposed ordinances or resolutions establishing requirements for underground storage tanks located within an environmentally sensitive area that are more stringent than the state-wide standards established under RCW 90.76.020. ~~((If application for the designation of an environmentally sensitive area is made later than five years after the date of final adoption of the rules required under this chapter, proposed local ordinances and resolutions shall only apply to new underground storage tank installations.))~~ Except as provided in RCW 90.76.110(3), and for any other environmentally sensitive areas adopted prior to January 1, 1991, proposed local ordinances and resolutions for the regulation of underground storage tank installations and upgrades, established under this section, shall not apply to underground storage tanks that have been installed or upgraded prior to the effective date of such local ordinances or resolutions, if the tank system meets the underground storage tank upgrading and installation standards adopted under this chapter, federal regulations, and the uniform fire code as provided under RCW 90.76.110(2).

For the purposes of this subsection, "installed or upgraded" means physical improvements to, or replacement of, underground storage tank systems that at a minimum causes the tank to be replaced or upgraded to meet the state and federal underground storage tank requirements applicable on December 23, 1998. The local government adopting the ordinances and resolutions shall submit them to the department for approval. Disapproved ordinances and resolutions may be modified and resubmitted

to the department for approval. Proposed local ordinances and resolutions become effective when approved by the department.

(3) The department shall approve or disapprove each proposed local ordinance or resolution based on the following criteria:

(a) The area to be regulated is found to be an environmentally sensitive area based on rules adopted by the department; and

(b) The proposed local regulations are reasonably consistent with previously approved local regulations for similar environmentally sensitive areas.

(4) A city, town, or county for which a proposed local ordinance or resolution establishing more stringent requirements is approved by the department may establish local tank fees that meet the requirements of RCW 90.76.090, if such fees are necessary for enhanced program administration or enforcement.

(5) The purpose of the designation of the environmentally sensitive area shall be to protect ground or surface waters used for drinking water purposes or reasonably anticipated as needed for future drinking water purposes.

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, line 1 of the title, after "preemption;" strike the remainder of the title and insert "and amending RCW 90.76.110 and 90.76.040."

MOTION

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 1454, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1454, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1454, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorshness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Voting nay: Senator Skratek - 1.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 1454, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2132, by House Committee on Revenue (originally sponsored by Representatives Wang, Holland, Morris, Silver, Appelwick, McLean, May, Zellinsky and Bowman)

Modifying the definition of employee to include certain insurance salespersons for the purposes of the business and occupation tax exemption under RCW 82.04.360.

The bill was read the second time.

MOTION

On motion of Senator von Reichbauer, the rules were suspended, Substitute House Bill No. 2132 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2132.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2132 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senators Niemi, Skratek, Talmadge - 3.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 2132, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1586, by House Committee on Health Care (originally sponsored by Representatives D. Sommers, Prentice, Moyer, Paris, Braddock and Franklin)

Providing criteria for exempting continuing care retirement communities.

The bill was read the second time.

MOTIONS

On motion of Senator West, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 70.38.025 and 1989 1st ex.s. c 9 s 602 are each amended to read as follows:

When used in this chapter, the terms defined in this section shall have the meanings indicated.

(1) "Board of health" means the state board of health created pursuant to chapter 43.20 RCW.

(2) "Capital expenditure" is an expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by a nursing home facility as its own contractor) which, under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance. Where a person makes an acquisition under lease or comparable arrangement, or through donation, which would have required review if the acquisition had been made by purchase, such expenditure shall be deemed a capital expenditure. Capital expenditures include donations of equipment or facilities to a nursing home facility which if acquired directly by such facility would be subject to certificate of need review under the provisions of this chapter and transfer of equipment or facilities for less than fair market value if a transfer of the equipment or facilities at fair market value would be subject to such review. The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which such expenditure is made shall be included in determining the amount of the expenditure.

(3) "Continuing care retirement community" means an entity which provides shelter and services under continuing care contracts with its members and which sponsors or includes a health care facility or a health service. A "continuing care contract" means a contract to provide a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services, which is conditioned upon the transfer of property, the payment of an entrance fee to the provider of such services, or the payment of periodic charges for the care and services involved. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

(4) "Department" means the department of health.

(5) "Expenditure minimum" means, for the purposes of the certificate of need program, one million dollars adjusted by the department by rule to reflect changes in the United States department of commerce composite construction cost index; or a lesser amount required by federal law and established by the department by rule.

(6) "Health care facility" means hospices, hospitals, psychiatric hospitals, nursing homes, kidney disease treatment centers, ambulatory surgical facilities, (~~continuing care retirement communities,~~) and home health agencies, and includes such facilities when owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include Christian Science sanatoriums operated, listed, or certified by the First Church of Christ Scientist, Boston, Massachusetts. In addition, the term does not include any nonprofit hospital: (a) Which is operated exclusively to provide health care services for children; (b) which does not charge fees for such services; and (c) if not contrary to federal law as necessary to the receipt of federal funds by the state. (~~In addition, the term does not include a continuing care retirement community which: (i) Offers services only to contractual members; and (ii) provides its members a~~

~~contractually guaranteed range of services from independent living through skilled nursing, including some form of assistance with activities of daily living; and (iii) contractually assumes responsibility for costs of services exceeding the member's financial responsibility as stated in contract, so that, with the exception of insurance purchased by the retirement community or its members, no third party, including the medicaid program, is liable for costs of care even if the member depletes his or her personal resources; and (iv) has offered continuing care contracts and operated a nursing home continuously since January 1, 1988, or has obtained a certificate of need to establish a nursing home; and (v) maintains a binding agreement with the department of social and health services assuring that financial liability for services to members, including nursing home services, shall not fall upon the department of social and health services; and (vi) does not operate, and has not undertaken, a project which would result in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and (vii) has undertaken no increase in the total number of nursing home beds after January 1, 1988, unless a professional review of pricing and long term solvency was obtained by the retirement community within the prior five years and fully disclosed to members.))~~

(7) "Health maintenance organization" means a public or private organization, organized under the laws of the state, which:

(a) Is a qualified health maintenance organization under Title XIII, section 1310(d) of the Public Health Services Act; or

(b)(i) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, x-ray, emergency, and preventive services, and out-of-area coverage; (ii) is compensated (except for copayments) for the provision of the basic health care services listed in (b)(i) to enrolled participants by a payment which is paid on a periodic basis without regard to the date the health care services are provided and which is fixed without regard to the frequency, extent, or kind of health service actually provided; and (iii) provides physicians' services primarily (A) directly through physicians who are either employees or partners of such organization, or (B) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

(8) "Health services" means clinically related (i.e., preventive, diagnostic, curative, rehabilitative, or palliative) services and includes alcoholism, drug abuse, and mental health services and as defined in federal law.

(9) "Health service area" means a geographic region appropriate for effective health planning which includes a broad range of health services.

(10) "Person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies), the state, or a political subdivision or instrumentality of the state, including a municipal corporation or a hospital district.

(11) "Provider" generally means a health care professional or an organization, institution, or other entity providing health care but the precise definition for this term shall be established by rule of the department, consistent with federal law.

(12) "Public health" means the level of well-being of the general population; those actions in a community necessary to preserve, protect, and promote the health of the people for which government is responsible; and the governmental system developed to guarantee the preservation of the health of the people.

(13) "Secretary" means the secretary of health or the secretary's designee.

(14) "Tertiary health service" means a specialized service that meets complicated medical needs of people and requires sufficient patient volume to optimize provider effectiveness, quality of service, and improved outcomes of care.

(15) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW.

Sec. 2. RCW 70.38.111 and 1989 1st ex.s. c 9 s 604 are each amended to read as follows:

(1) The department shall not require a certificate of need for the offering of an inpatient tertiary health service by:

(a) A health maintenance organization or a combination of health maintenance organizations if (i) the organization or combination of organizations has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (ii) the facility in which the service will be provided is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination;

(b) A health care facility if (i) the facility primarily provides or will provide inpatient health services, (ii) the facility is or will be controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations which has, in the service area of the organization or service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (iii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iv) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination; or

(c) A health care facility (or portion thereof) if (i) the facility is or will be leased by a health maintenance organization or combination of health maintenance organizations which has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals and, on the date the application is submitted under subsection (2) of this section, at least fifteen years remain in the term of the lease, (ii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization;

if, with respect to such offering or obligation by a nursing home, the department has, upon application under subsection (2) of this section, granted an exemption from such requirement to the organization, combination of organizations, or facility.

(2) A health maintenance organization, combination of health maintenance organizations, or health care facility shall not be exempt under subsection (1) of this section from obtaining a certificate of need before offering a tertiary health service unless:

(a) It has submitted at least thirty days prior to the offering of services reviewable under RCW 70.38.105(4)(d) an application for such exemption; and

(b) The application contains such information respecting the organization, combination, or facility and the proposed offering or obligation by a nursing home as the department may require to determine if the organization or combination meets the requirements of subsection (1) of this section or the facility meets or will meet such requirements; and

(c) The department approves such application. The department shall approve or disapprove an application for exemption within thirty days of receipt of a completed application. In the case of a proposed health care facility (or portion thereof) which has not begun to provide tertiary health services on the date an application is submitted under this subsection with respect to such facility (or portion), the facility (or portion)

shall meet the applicable requirements of subsection (1) of this section when the facility first provides such services. The department shall approve an application submitted under this subsection if it determines that the applicable requirements of subsection (1) of this section are met.

(3) A health care facility (or any part thereof) with respect to which an exemption was granted under subsection (1) of this section may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired and a health care facility described in (1)(c) which was granted an exemption under subsection (1) of this section may not be used by any person other than the lessee described in (1)(c) unless:

(a) The department issues a certificate of need approving the sale, lease, acquisition, or use; or

(b) The department determines, upon application, that (i) the entity to which the facility is proposed to be sold or leased, which intends to acquire the controlling interest, or which intends to use the facility is a health maintenance organization or a combination of health maintenance organizations which meets the requirements of (1)(a)(i), and (ii) with respect to such facility, meets the requirements of (1)(a) (ii) or (iii) or the requirements of (1)(b) (i) and (ii).

(4) In the case of a health maintenance organization, an ambulatory care facility, or a health care facility, which ambulatory or health care facility is controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations, the department may under the program apply its certificate of need requirements only to the offering of inpatient tertiary health services and then only to the extent that such offering is not exempt under the provisions of this section.

(5)(a) The department shall not require a certificate of need for the construction, development, or other establishment of a nursing home, or the addition of beds to an existing nursing home, that is owned and operated by a continuing care retirement community that:

(i) Offers services only to contractual members;

(ii) Provides its members a contractually guaranteed range of services from independent living through skilled nursing, including some assistance with daily living activities;

(iii) Contractually assumes responsibility for the cost of services exceeding the member's financial responsibility under the contract, so that no third party, with the exception of insurance purchased by the retirement community or its members, but including the medicaid program, is liable for costs of care even if the member depletes his or her personal resources;

(iv) Has offered continuing care contracts and operated a nursing home continuously since January 1, 1988, or has obtained a certificate of need to establish a nursing home;

(v) Maintains a binding agreement with the state assuring that financial liability for services to members, including nursing home services, will not fall upon the state;

(vi) Does not operate, and has not undertaken a project that would result in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and

(vii) Has obtained a professional review of pricing and long-term solvency within the prior five years which was fully disclosed to members.

(b) A continuing care retirement community shall not be exempt under this subsection from obtaining a certificate of need unless:

(i) It has submitted an application for exemption at least thirty days prior to commencing construction of, is submitting an application for the licensure of, or is commencing operation of a nursing home, whichever comes first; and

(ii) The application documents to the department that the continuing care retirement community qualifies for exemption.

(c) The sale, lease, acquisition, or use of part or all of a continuing care retirement community nursing home that qualifies for exemption under this subsection shall require prior certificate of need approval to qualify for licensure as a nursing home unless the department determines such sale, lease, acquisition, or use is by a continuing care retirement community that meets the conditions of (a) of this subsection.

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "communities;" strike the remainder of the title and insert "and amending RCW 70.38.025 and 70.38.111."

MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 1586, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1586, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1586, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Thorsness, Vognild, von Reichbauer, West - 39.

Voting nay: Senators Moore, Murray, Niemi, Rinehart, Skratek, Talmadge, Williams, Wojahn - 8.

Absent: Senator Sutherland - 1.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 1586, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1127, by House Committee on Judiciary (originally sponsored by Representatives Sheldon, Hargrove, Appelwick, Forner, Paris, Vance, Scott, Wineberry, Jacobsen, Chandler, Wood, P. Johnson, Roland, R. Johnson, Haugen, Cantwell, Jones, May, Zellinsky, Brough, Basich, Lisk, Mitchell, Wynne, Miller, Moyer, Brekke and Sprengle)

Adding superior court judge positions.

The bill was read the second time.

MOTIONS

Senator Nelson moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 2.08.061 and 1989 c 328 s 2 are each amended to read as follows:

There shall be in the county of King no more than (~~forty-six~~) fifty-eight judges of the superior court; in the county of Spokane ten judges of the superior court; and in the county of Pierce nineteen judges of the superior court. The King county legislative authority may phase in the additional twelve judges, as authorized by the 1991 amendments to this section, over a period of time not to extend beyond July 1, 1995.

Sec. 2. RCW 2.08.062 and 1990 c 186 s 1 are each amended to read as follows:

There shall be in the counties of Chelan and Douglas jointly, three judges of the superior court; in the county of Clark six judges of the superior court; in the county of Grays Harbor (~~two~~) three judges of the superior court; in the county of Kitsap seven judges of the superior court; in the county of Kittitas one judge of the superior court; in the county of Lewis two judges of the superior court.

Sec. 3. RCW 2.08.063 and 1988 c 66 s 1 are each amended to read as follows:

There shall be in the county of Lincoln one judge of the superior court; in the county of Skagit, (~~two~~) three judges of the superior court; in the county of Walla Walla, two judges of the superior court; in the county of Whitman, one judge of the superior court; in the county of Yakima six judges of the superior court; in the county of Adams, one judge of the superior court; in the county of Whatcom, three judges of the superior court.

Sec. 4. RCW 2.08.064 and 1989 c 328 s 3 are each amended to read as follows:

There shall be in the counties of Benton and Franklin jointly, five judges of the superior court; in the county of Clallam, two judges of the superior court; in the county of Jefferson, one judge of the superior court; in the county of Snohomish, (~~eleven~~) thirteen judges of the superior court; in the counties of Asotin, Columbia and Garfield jointly, one judge of the superior court; in the county of Cowlitz, three judges of the superior court; in the counties of Klickitat and Skamania jointly, one judge of the superior court.

Sec. 5. RCW 2.08.065 and 1990 c 186 s 2 are each amended to read as follows:

There shall be in the county of Grant, two judges of the superior court; in the county of Okanogan, one judge of the superior court; in the county of Mason, (~~one~~) two judges of the superior court; in the county of Thurston, six judges of the superior court; in the counties of Pacific and Wahkiakum jointly, one judge of the superior court; in the counties of Ferry, Pend Oreille, and Stevens jointly, two judges of the superior court; and in the counties of San Juan and Island jointly, two judges of the superior court.

Sec. 6. RCW 2.32.180 and 1990 c 186 s 3 are each amended to read as follows:

It shall be and is the duty of each and every superior court judge in counties or judicial districts in the state of Washington having a population of over thirty-five thousand inhabitants to appoint, or said judge may, in any county or judicial district having a population of over twenty-five thousand and less than thirty-five thousand, appoint a stenographic reporter to be attached to the court holden by him who shall have had at least three years' experience as a skilled, practical reporter, or who upon examination shall be able to report and transcribe accurately one hundred and seventy-

five words per minute of the judge's charge or two hundred words per minute of testimony each for five consecutive minutes; said test of proficiency, in event of inability to meet qualifications as to length of time of experience, to be given by an examining committee composed of one judge of the superior court and two official reporters of the superior court of the state of Washington, appointed by the president judge of the superior court judges association of the state of Washington: PROVIDED, That a stenographic reporter shall not be required to be appointed for the seven additional judges of the superior court authorized for appointment by section 1, chapter 323, Laws of 1987, the additional superior court judge authorized by section 1, chapter 66, Laws of 1988, the additional superior court judges authorized by sections 2 and 3, chapter 328, Laws of 1989, ((or)) the additional superior court judges authorized by sections 1 and 2, chapter 186, Laws of 1990, or the additional superior court judges authorized by sections 1 through 5 of this 1991 act. Appointment of a stenographic reporter is not required for any additional superior court judge authorized after July 1, 1991. The initial judicial appointee shall serve for a period of six years; the two initial reporter appointees shall serve for a period of four years and two years, respectively, from September 1, 1957; thereafter on expiration of the first terms of service, each newly appointed member of said examining committee to serve for a period of six years. In the event of death or inability of a member to serve, the president judge shall appoint a reporter or judge, as the case may be, to serve for the balance of the unexpired term of the member whose inability to serve caused such vacancy. The examining committee shall grant certificates to qualified applicants. Administrative and procedural rules and regulations shall be promulgated by said examining committee, subject to approval by the said president judge.

The stenographic reporter upon appointment shall thereupon become an officer of the court and shall be designated and known as the official reporter for the court or judicial district for which he is appointed: PROVIDED, That in no event shall there be appointed more official reporters in any one county or judicial district than there are superior court judges in such county or judicial district; the appointments in each class AA county shall be made by the majority vote of the judges in said county acting en banc; the appointments in class A counties and counties of the first class may be made by each individual judge therein or by the judges in said county acting en banc. Each official reporter so appointed shall hold office during the term of office of the judge or judges appointing him, but may be removed for incompetency, misconduct or neglect of duty, and before entering upon the discharge of his duties shall take an oath to perform faithfully the duties of his office, and file a bond in the sum of two thousand dollars for the faithful discharge of his duties. Such reporter in each court is hereby declared to be a necessary part of the judicial system of the state of Washington.

NEW SECTION. Sec. 7. Section 2 of this act shall take effect January 1, 1992. Section 4 of this act shall take effect July 1, 1992. Sections 1, 3, and 5 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

NEW SECTION. Sec. 8. The additional judicial positions created by sections 1, 2, 3, 4, and 5 of this act shall be effective only if each county through its duly constituted legislative authority documents its approval of any additional positions and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial positions as provided by statute.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

On motion of Senator Niemi, the following amendment to the Committee on Ways and Means striking amendment was adopted:

On page 3, line 8, after "holden by" strike "him" and insert "~~(him)~~ such judge"

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Engrossed Substitute House Bill No. 1127.

Debate ensued.

The Committee on Ways and Means striking amendment, as amended, was adopted by voice vote.

MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "courts;" strike the remainder of the title and insert "amending RCW 2.08.061, 2.08.062, 2.08.063, 2.08.064, 2.08.065, and 2.32.180; creating new sections; providing effective dates; and declaring an emergency."

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 1127, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Linda Smith, Senator Patterson was excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1127, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1127, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Patterson, Sellar - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1127, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1143, by Representatives Wood, Jacobsen, Schmidt, May, Miller, Paris, Jones, Beck, Spanel, Fuhrman, Haugen, Heavey, Winsley, Forner, Mitchell, Betrozoff and Wynne

Authorizing honorary degrees.

The bill was read the second time.

MOTION

Senator Saling moved that the following amendment by Senators Saling, Bauer, Jesernig and Stratton be adopted:

On page 7, after line 14, insert the following:

NEW SECTION. Sec. 4. A new section is added to chapter 28B.10 RCW to read as follows:

(1) The boards of regents or trustees of each state college, university, and community college shall establish sick leave regulations for all officers, administrative personnel, librarians, counselors, and academic personnel, including teaching and research faculty, who are exempted from the provisions of chapters 41.06 and 28B.16 RCW.

(2) Each state college, university, and community college shall maintain complete and accurate sick leave records for all officers, administrative personnel, librarians, counselors, and academic personnel, including teaching and research faculty.

(3) For all officers, administrative personnel, librarians, counselors, and academic personnel, including teaching and research faculty, originally hired after June 30, 1991, the provisions of the sick leave regulations adopted under subsection (1) of this section regarding the amount of sick leave that may be allowed to and accrued by such employees shall be consistent with provisions for employees in the state personnel system and higher education personnel system established under chapters 41.06 and 28B.16 RCW.

Sec. 5. RCW 41.04.340 and 1990 c 162 s 1 are each amended to read as follows:

As used in this section the term "eligible employee" means any employee of the state, other than teaching and research faculty originally hired before July 1, 1991, at the state and regional universities and The Evergreen State College, entitled to accumulate sick leave and for whom accurate sick leave records have been maintained. No employee may receive compensation under this section for any portion of sick leave accumulated at a rate in excess of one day per month. The state and regional universities and The Evergreen State College shall maintain complete and accurate sick leave records for all teaching and research faculty.

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

At the time of separation from state service due to retirement or death, an eligible employee or the employee's estate shall receive remuneration at a rate equal to one

day's current monetary compensation of the employee for each four full days of accrued sick leave: PROVIDED, That community college districts may delay until July 1, 1981, payment due any eligible employee or employee's estate: PROVIDED FURTHER, That there shall be added to any such delayed payment interest at the rate of eight percent per year.

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

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

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

NEW SECTION. Sec. 6. Sections 4 and 5 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

Debate ensued.

POINT OF ORDER

Senator Skratek: "Mr. President, I rise to a point of order. I question the scope and object appropriateness of this particular amendment. The amendment is dealing with a sick leave provision and yet the bill itself is talking about authorizing honorary degrees. Somehow, the little bit I've been listening here over the last several weeks, I've gotten the impression that when we propose amendments, they are supposed to be in line with the title of the bill that is before us. Therefore, I raise that objection."

Further debate ensued.

There being no objection, the Vice President Pro Tempore deferred further consideration of the amendment by Senators Saling, Bauer, Jesernig and Stratton on page 7, after line 14, to House Bill No. 1143.

MOTION

Senator Saling moved that the following amendment by Senators Saling, Jesernig, Skratek, Bauer, Patterson and Stratton be adopted:

On page 7, after line 14, insert the following:

NEW SECTION. Sec. 4. The legislature finds that the large number of international graduate students has highlighted the need for state institutions of higher education to give careful attention to the issues of language proficiency, sensitivity to cultural differences, and pedagogical skills when making graduate service appointments. The legislature also finds that the quality of the undergraduate learning experience at many state institutions of higher education is directly affected by graduate teaching assistants who are responsible for a significant percentage of class sections taught in lower-division courses. The legislature recognizes that over the years it has received reports about the problems some students experience in understanding the English language as spoken by some of the graduate teaching assistants employed as instructors at our state institutions. It is the intent of the legislature to assure students and parents

that graduate teaching assistants at our state institutions of higher education are proficient in writing and speaking the English language.

NEW SECTION. Sec. 5. A new section is added to chapter 28B.10 RCW to read as follows:

(1) A person who has received a graduate assistant appointment in which that person will be providing classroom instruction, or will work with students in participatory and activity courses such as clinics, studios, seminars, and laboratories, shall be fluent in both written and spoken English language.

(2) A person who has received a graduate assistant appointment in which the classroom instruction to be provided is specifically designed to be taught primarily in a foreign language is exempt from subsection (1) of this section.

NEW SECTION. Sec. 6. A new section is added to chapter 28B.10 RCW to read as follows:

(1) Each state institution of higher education shall provide for all international teaching assistants orientation programs that include at least twenty hours of instruction emphasizing pedagogical skills appropriate to a Washington institution of higher education; intercultural competency; and English language proficiency for instructional purposes.

(2) Each state institution of higher education shall evaluate its graduate assistants for fluency in English as such fluency pertains to the classroom, laboratory, studio, and seminar setting. Fluency shall be evaluated using varied and appropriate criteria including, but not limited to, personal interviews; student observations and evaluations; and tests.

(3) A committee composed of faculty and at least two students shall review procedures affecting teaching assistants and act as a resource for any student who is concerned about the proficiency of teaching assistants. Graduate assistants whose assignments include instruction specifically designed to be provided primarily in a foreign language are exempt from this subsection.

(4) By August 1, 1991, each state institution of higher education shall submit to the higher education coordinating board a plan for certifying the instructional proficiencies of international teaching assistants. The certification process shall provide for student participation. The certification shall state that the graduate teaching assistants hired either after the effective date of this section or hired subsequent to the last annual certification are fluent in the English language as provided in section 5 of this act.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

POINT OF ORDER

Senator Niemi: "Mr. President, a point of order. I would challenge this amendment on the basis of scope and object. The bill is about honorary degrees; the amendment, as was explained by Senator Saling, is about assistance with English language proficiency. I can understand the frustrations of those who are taught by an assistant who cannot speak English, but I would suggest that possibly the institutions have gotten the message from the passage of this bill through the Senate once and they should have an opportunity to do something themselves without impeding whatever value there is for those who would not be able to pass an exam."

There being no objection, the Vice President deferred further consideration of House Bill No. 1143.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Saling moved to now reconsider the vote by which House Bill No. 1224 failed to pass the Senate earlier today.

POINT OF ORDER

Senator Vognild: "A point of order, Mr. President. What order of business is the Senate on?"

REPLY BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Bluechel: "Sixth order."

Senator Vognild: "I don't believe the motion is in order under the sixth order of business. This is not an immediate reconsideration; this is a motion to reconsider. I believe it would only be in order under the ninth order of business."

MOTION

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Saling moved to now reconsider the vote by which House Bill No. 1224 failed to pass the Senate earlier today.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Saling to reconsider the vote by which House Bill No. 1224 failed to pass the Senate.

The motion by Senator Saling for reconsideration of the vote on House Bill No. 1224 carried.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1224, on reconsideration.

Debate ensued.

POINT OF INQUIRY

Senator Roach: "Senator Rinehart, the question is, is this limited just to the purchasing of school buses?"

Senator Rinehart: "The additional language is for school buses. Currently, under this debt limit, they can use it for portables or for other things, but the additional language in this bill is for school buses only."

Senator Roach: "To clarify then, they would not be able to use the money for personal property purchases like athletic equipment?"

Senator Rinehart: "My understanding, Senator Roach, is the proceeds of the nonvoter approved bonds, authorized in the legislation, may be used for school buses. The proceeds may also be used for any legal purpose for which the school district incurs debt and is within the debt limit. The proceeds are deposited in the school district's capital fund, general fund or transportation fund."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1224, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bailey, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McMullen, Murray, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Saling, Skratek, A. Smith, Snyder, Stratton, Vognild, West - 29.

Voting nay: Senators Anderson, Barr, Cantu, Hansen, Matson, McCaslin, McDonald, Metcalf, Moore, Nelson, Rasmussen, Roach, L. Smith, Sutherland, Talmadge, Thorsness, von Reichbauer, Williams, Wojahn - 19.

Excused: Senator Sellar - 1.

HOUSE BILL NO. 1224, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator von Reichbauer moved to now reconsider the vote by which Engrossed House Bill No. 1500 failed to pass the Senate April 10, 1991.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator von Reichbauer to reconsider the vote by which Engrossed House Bill No. 1500 failed to pass the Senate.

The motion by Senator von Reichbauer for reconsideration of the vote on Engrossed House Bill No. 1500 carried.

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed House Bill No. 1500, on reconsideration, was returned to second reading and read the second time.

MOTION

Senator Snyder moved that the following amendments by Senators Sutherland, Snyder, McCaslin, Oke and von Reichbauer be considered simultaneously and be adopted:

On page 1, line 14, after "~~((thirty-five))~~" strike ") sixty dollars" and insert "~~dollars~~) an amount established by the county legislative authority"

On page 2, line 1, after "~~((thirty-five))~~" strike ") forty-two dollars" and insert "~~dollars~~) a lesser amount established by the county legislative authority"

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Sutherland, Snyder, McCaslin, Oke and von Reichbauer on page 1, line 14, and page 2, line 1, to Engrossed House Bill No. 1500, on reconsideration.

The motion by Senator Snyder carried and the amendments were adopted.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed House Bill No. 1500, as amended by the Senate, on reconsideration, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1500, as amended by the Senate, on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1500, as amended by the Senate, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, von Reichbauer, West - 38.

Voting nay: Senators Anderson, Madsen, Moore, Rasmussen, Rinehart, Talmadge, Thorsness, Vognild, Williams, Wojahn - 10.

Excused: Senator Sellar - 1.

ENGROSSED HOUSE BILL NO. 1500, as amended by the Senate, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:36 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m. Tuesday, April 16, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

NINETY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 16, 1991

The Senate was called to order at 9:00 a.m. by President Pro Tempore Craswell. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators McCaslin, Sellar and Linda Smith. On motion of Senator Anderson, Senator Sellar was excused.

The Sergeant at Arms Color Guard, consisting of Pages Jeremy Johnston and John Schmeil, presented the Colors. Reverend Larry Neufeld, pastor of the Timberline Baptist Church of Lacey, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 15, 1991

SB 5245 Prime Sponsor, Senator Thorsness: Directing the development of a state energy strategy and authorizing the implementation of conservation savings and sales by state agencies. Reported by Committee on Ways and Means

MAJORITY recommendation: Do substitute as recommended by Committee on Energy and Utilities and do pass as amended. Signed by Senators McDonald, Chairman; Bailey, Bluechel, Cantu, Hayner, Johnson, Matson, Newhouse, Owen, Saling, West, and Williams.

Passed to Committee on Rules for second reading.

April 15, 1991

SB 5827 Prime Sponsor, Senator West: Revising provisions for the regulation of nursing homes. Reported by Committee on Health and Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, and Johnson.

MINORITY recommendation: Do not pass. Signed by Senators L. Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

April 15, 1991

SB 5859 Prime Sponsor, Senator McDonald: Restricting eligibility for general assistance unemployable. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Hayner, Johnson, Matson, Metcalf, Newhouse, Saling, and West.

Passed to Committee on Rules for second reading.

April 15, 1991

ESHB 1058 Prime Sponsor, House Committee on Revenue: Reorganizing treasurer-managed funds and accounts. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Hayner, Johnson, Matson, Metcalf, Newhouse, Saling, and West.

Passed to Committee on Rules for second reading.

April 15, 1991

HB 1889 Prime Sponsor, Representative Locke: Increasing the maximum deductible an indigent person pays under the limited casualty program. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Hayner, Johnson, Matson, Metcalf, Newhouse, Saling, and West.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 5960 by Senator McDonald

AN ACT Relating to the capital budget.

Referred to Committee on Ways and Means.

SB 5961 by Senator McDonald

AN ACT Relating to fiscal matters.

Referred to Committee on Ways and Means.

SB 5962 by Senator McDonald

AN ACT Relating to state government.

Referred to Committee on Ways and Means.

SB 5963 by Senator McDonald

AN ACT Relating to fiscal matters.

Referred to Committee on Ways and Means.

SB 5964 by Senator McDonald

AN ACT Relating to human services.

Referred to Committee on Ways and Means.

SB 5965 by Senator McDonald

AN ACT Relating to natural resources.

Referred to Committee on Ways and Means.

SB 5966 by Senator McDonald

AN ACT Relating to local government.

Referred to Committee on Ways and Means.

SB 5967 by Senator McDonald

AN ACT Relating to higher education.

Referred to Committee on Ways and Means.

SB 5968 by Senator McDonald

AN ACT Relating to revenue.

Referred to Committee on Ways and Means.

SB 5969 by Senator McDonald

AN ACT Relating to revenue.

Referred to Committee on Ways and Means.

SJR 8228 by Senator McDonald

Amending the state Constitution.

Referred to Committee on Ways and Means.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9114, Marilee Roloff, as a member of the Juvenile Disposition Standards Commission, was confirmed.

APPOINTMENT OF MARILEE ROLOFF

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Absent: Senators McCaslin, L. Smith - 2.

Excused: Senator Sellar - 1.

MOTION

On motion of Senator Anderson, Senators McCaslin and Linda Smith were excused.

MOTION

On motion of Senator Newhouse, Gubernatorial Appointment No. 9108, William S. Pine, as a member of the Juvenile Disposition Standards Commission, was confirmed.

APPOINTMENT OF WILLIAM S. PINE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators McCaslin, Sellar, L. Smith - 3.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1243, by House Committee on Education (originally sponsored by Representatives Fuhrman, G. Fisher, Wood, Brekke, Neher, Cole, Silver, Jones, Holland, Peery, Fraser, Brumsickle, Bowman, Moyer, May, Dorn, Pruitt, Belcher, Valle, Heavey, McLean, Chandler, Ferguson, Hochstatter, Padden, Brough, Paris, Winsley, Morton, Mielke, Rayburn, Vance, Forner, P. Johnson, Wynne, Betrozoff, Hargrove, Van Luven, D. Sommers, Edmondson, Miller, Bray, Basich, Mitchell and Tate)

Requiring teaching experience for teacher educators.

The bill was read the second time.

MOTIONS

On motion of Senator Bailey, the following Committee on Education amendments were considered simultaneously and were adopted:

On page 2, line 7, strike "educational professional" and insert "teacher"

On page 2, line 24, strike "profession" and insert "teacher"

On motion of Senator Bailey, the following Committee on Education amendment was adopted:

On page 3, after line 2, insert the following:

Sec. 4. RCW 28A.410.040 and 1990 c 33 s 406 are each amended to read as follows:

(1) The state board of education shall adopt rules providing that, except as provided in this section, all individuals qualifying for an initial-level teaching certificate after August 31, 1992, shall possess a baccalaureate degree in the arts, sciences, and/or humanities and have fulfilled the requirements for teacher certification pursuant to RCW 28A.305.130 (1) and (2). ~~((The state board of education shall develop and adopt rules establishing baccalaureate degree equivalency standards for certification of vocational instructors performing instructional duties and acquiring initial level certification after August 31, 1992.))~~ However, candidates for grades preschool through eight certificates shall have fulfilled the requirements for a major as part of their baccalaureate degree. If the major is in early childhood education, elementary education, or special education, the candidate must have at least thirty quarter hours or twenty semester hours in one academic field.

~~(2) ((The state board of education shall study the impact of eliminating the major in education under subsection (1) of this section and submit a report to the legislature by January 15, 1990. The report shall include a recommendation on whether the major in education under subsection (1) of this section should be eliminated.~~

~~(3))~~ The initial certificate shall be valid for ~~((two years.~~

~~(4) Certificate holders may renew the certificate for a three year period by providing proof of acceptance and enrollment in an approved masters degree program. A second renewal, for a period of two years, may be granted upon recommendation of the degree granting institution and if the certificate holder can demonstrate substantial progress toward the completion of the masters degree and that the degree will be completed within the two year extension period. Under no circumstances may an initial certificate be valid for))~~ a period of no more than seven years. The initial certificate may be reinstated pursuant to state board of education rules.

Sec. 5. RCW 28A.410.050 and 1989 c 29 s 2 are each amended to read as follows:

~~((1) The state board of education shall implement rules providing that all teachers performing instructional duties and acquiring professional level certificate status after August 31, 1992, shall possess, as a requirement of professional status, a masters degree in teaching, or a masters degree in the arts, sciences, and/or humanities.~~

(2)) The state board of education shall develop and adopt rules establishing baccalaureate and masters degree equivalency standards for vocational instructors performing instructional duties and acquiring ((~~professional level~~)) certification after August 31, 1992.

MOTIONS

On motion of Senator Bailey, the following title amendment was adopted:

On page 1, line 1 of the title, after "programs;" insert "amending RCW 28A.410.040 and 28A.410.050;"

On motion of Senator Bailey, the rules were suspended, Substitute House Bill No. 1243, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1243, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1243, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators McCaslin, Sellar, L. Smith - 3.

SUBSTITUTE HOUSE BILL NO. 1243, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Bluechel assumed the Chair.

There being no objection, the Senate resumed consideration of House Bill No. 1143 and the pending amendment by Senators Saling, Bauer, Jesernig and Stratton on page 7, after line 14, and the pending amendment by Senators Saling, Jesernig, Skratek, Bauer, Patterson and Stratton deferred April 15, 1991.

RULING BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Bluechel: "In ruling upon the point of order raised by Senator Skratek, the President finds that House Bill No. 1143 is a measure which authorizes the state's community colleges and four-year colleges and universities to confer honorary degrees.

"The amendment proposed by Senators Saling, Bauer, Jesernig and Stratton establishes sick leave provisions for the state colleges, community colleges and universities consistent with state employment and higher education employee leave provisions.

"The President, therefore, finds the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Saling, Bauer, Jesernig and Stratton on page 7, after line 14, to House Bill No. 1143 was ruled out of order.

RULING BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Bluechel: "In ruling upon the point of order raised by Senator Niemi, the President finds that House Bill No. 1143 is a measure which authorizes the state's community colleges and four-year colleges and universities to confer honorary degrees.

"The amendment proposed by Senators Saling, Jesernig, Skratek, Bauer, Patterson and Stratton would require graduate assistants to be certified in English fluency.

"The President, therefore, finds the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Saling, Jesernig, Skratek, Bauer, Patterson and Stratton on page 7, after line 14, to House Bill No. 1143 was ruled out of order.

MOTION

On motion of Senator Saling, the rules were suspended, House Bill No. 1143 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1143.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1143 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators McCaslin, Sellar, L. Smith - 3.

HOUSE BILL NO. 1143, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Craswell assumed the Chair.

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

MESSAGE FROM THE HOUSE

April 15, 1991

MR. PRESIDENT:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1330 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees. Representatives Locke, Ebersole and Silver.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator McDonald, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 1330.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as member of the Conference Committee on Engrossed Substitute House Bill No. 1330 and the Senate amendments thereto: Senators McDonald, Niemi and West.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MOTION

At 9:38 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:24 a.m. by President Pro Tempore Craswell.

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

MOTION

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

SENATE RESOLUTION 1991-8663

By Senator Roach

WHEREAS, Flooding of homes has occurred around Horseshoe Lake in King County; and

WHEREAS, The cause of the rising lake level has not been determined; and

WHEREAS, Horseshoe Lake has been the subject of numerous studies regarding this mysterious problem; and

WHEREAS, Flooding conditions are continuing to worsen, thus damaging homes, threatening public roads, and destroying septic tank systems with accompanying health risks from raw sewage; and

WHEREAS, Numerous proposals have been offered for solutions, but governmental agencies with the resources to help have been slow to respond;

NOW, THEREFORE, BE IT RESOLVED, That the Senate respectfully requests Governor Booth Gardner to immediately offer all possible state assistance to the King County Executive and to King County Fire Protection District 44 in an effort to help the flood victims of the Horseshoe Lake area to combat the emergency associated with the rising lake level. Such assistance is encouraged to include, but not be limited to, offers of (1) technical advice from state experts as to how best to quickly lower the lake level, thus responding to the immediate threat; (2) technical advice with respect to determining the root cause of the problem and how best to achieve a long-term permanent solution; (3) a loan of equipment needed to effect a lowering of the lake level, such as a high-capacity pump capable of delivering 6000 gallons per minute and the attendant piping; and (4) coordination with other key emergency care providers such as the National Guard, and Army Corps of Engineers, and the Emergency Management Division of the Washington State Department of Community Development; and

BE IT FURTHER RESOLVED, That copies of this resolution shall be presented to Governor Booth Gardner, King County Executive Tim Hill, and King County Fire Protection District 44.

Senator Roach spoke to Senate Resolution 1991-8663.

MOTION

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

SENATE RESOLUTION 1991-8643

By Senators Thorsness, Nelson, Rasmussen and Oke

WHEREAS, The American military men and women of Operation Desert Storm have bravely and successfully served the cause of peace and freedom by risking their lives in the Allied Coalition to enforce the resolutions of the United Nations; and

WHEREAS, Washington State sent over 9,800 of its people to serve in the Persian Gulf, including twelve units of the Washington State National Guard; and

WHEREAS, The citizens of Washington State are grateful, proud, and appreciative of the noble sacrifices made, and the courageous acts displayed by the veterans of Operation Desert Storm; and

WHEREAS, The President of the United States and Commander in Chief of the Allied Forces has called on communities across our great nation to especially recognize our victorious armed forces as they return home to a proud nation;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington declares Thursday, July 4, 1991, as "Desert Storm Recognition Day" throughout Washington State; and

BE IT FURTHER RESOLVED, That the Senate of the state of Washington encourages and calls upon all local communities in our state to share in this sentiment by passing similar resolutions and proclamations; and by sponsoring parades, fireworks displays, and patriotic gatherings to thank the Washington residents who took part in Operation Desert Storm.

Senator Thorsness spoke to Senate Resolution 1991-8643.

MOTION

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

SENATE RESOLUTION 1991-8644

By Senators Thorsness, Nelson, Rasmussen and Oke

WHEREAS, H.R. 3603, introduced in the United States House of Representatives last year, would have required that United States government agencies disclose information concerning United States prisoners of war and United States military personnel missing in action from World War II, the Korean Conflict, and the Vietnam Conflict; and

WHEREAS, Although H.R. 3603 was not passed by the United States Congress last year, similar praiseworthy legislation has been introduced this year in the United States House of Representatives (H.R. 1147); and

WHEREAS, During the last state legislative session, with Senate Joint Memorial 8020, the Legislature of the state of Washington was the first state Legislature to urge congressional passage of H.R. 3603; thus our state initiated the building trend of over a dozen states that have now officially supported a POW/MIA disclosure law; and

WHEREAS, Now that the United States and Coalition forces have prosecuted the War to Liberate Kuwait to a highly successful finish; and now that the President of the United States with the constitutional authority of

Congress conducted the war effort with the highest clarity of goals, and, as such, with the overwhelming support of the American people; and

WHEREAS, Among the President's goals included a post-war goal of stated primacy: Achieving the earliest possible release of United States prisoners of war; and

WHEREAS, While the public reflects upon its recently held concern for war prisoners and its joy upon their return, the time is now to require disclosure of information concerning POW's and MIA's of prior wars, who fought for ideals no less high than those fought for in the Persian Gulf;

NOW, THEREFORE, BE IT RESOLVED, That with increased urgency, the Senate of the state of Washington hereby renews its support for legislation requiring the disclosure of information held by United States government agencies concerning United States prisoners of war and military personnel missing in action from World War II, the Korean Conflict, and the Vietnam Conflict; and

BE IT FURTHER RESOLVED, That copies of this resolution and Senate Joint Memorial 8020 (1990) be immediately transmitted to the Honorable George Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the state of Washington.

Senator Thorsness spoke to Senate Resolution 1991-8644.

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

MESSAGE FROM THE HOUSE

April 15, 1991

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5004,

SENATE BILL NO. 5041,

SENATE BILL NO. 5077,

SUBSTITUTE SENATE BILL NO. 5288,

SENATE BILL NO. 5767,

SUBSTITUTE SENATE BILL NO. 5928, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5004,

SENATE BILL NO. 5041,

SENATE BILL NO. 5077,

SUBSTITUTE SENATE BILL NO. 5288,

SENATE BILL NO. 5767,

SUBSTITUTE SENATE BILL NO. 5928.

CHANGE IN MEMBERSHIP OF COMMITTEE ON RULES

The President Pro Tempore appointed Senator Jim Matson as a member of the Committee on Rules, replacing Senator George Sellar.

MOTION

On motion of Senator Newhouse, the appointment was confirmed.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1031, by House Committee on Local Government (originally sponsored by Representatives Wood, Haugen, Ferguson, Nelson, Horn, Roland, Paris and Nealey)

Making various changes in sewer and water district law.

The bill was read the second time.

MOTION

Senator Thorsness moved that the following Committee on Energy and Utilities amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 56.08.100 and 1981 c 190 s 5 are each amended to read as follows:

A sewer district, by a majority vote of its board of commissioners, may enter into contracts to provide health care services and/or group insurance and/or term life insurance and/or social security insurance for the benefit of its employees and may pay all or any part of the cost thereof. Any two or more sewer districts or one or more sewer districts and one or more water districts, by a majority vote of their respective boards of commissioners, may, if deemed expedient, join in the procuring of such health care services and/or group insurance and/or term life insurance, and the board of commissioners of each participating sewer and/or water district may by appropriate resolution authorize their respective district to pay all or any portion of the cost thereof.

A sewer district with five thousand or more customers providing health, group, or life insurance to its employees may provide its commissioners with the same coverage: PROVIDED, That the per person amounts for such insurance paid by the district shall not exceed the per person amounts paid by the district for its employees.

Sec. 2. RCW 56.08.140 and 1967 c 178 s 3 are each amended to read as follows:

No such lease shall be made unless secured by a bond conditioned on the performance of the terms of the lease, with surety satisfactory to the commissioners, in a penalty of not less than one-sixth of the term of the lease or for one year's rental, whichever is greater; and no such lease shall be made for a term longer than twenty-

five years. However, the board of commissioners may require a reasonable security deposit in lieu of a bond on leased real property owned by the water or sewer district.

Sec. 3. RCW 57.08.010 and 1989 c 389 s 9 and 1989 c 308 s 2 are each reenacted and amended to read as follows:

(1) (a) A water district may acquire by purchase or condemnation, or both, all property and property rights and all water and water rights, both within and without the district, necessary for its purposes.

(b) A water district may lease real or personal property necessary for its purposes for a term of years for which such leased property may reasonably be needed where in the opinion of the board of water commissioners such property may not be needed permanently or substantial savings to the district can be effected thereby.

(c) The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities of the third class, insofar as consistent with the provisions of this title, except that all assessment rolls to be prepared and filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the water district, and the duties devolving upon the city treasurer are hereby imposed upon the county treasurer.

(d) A water district may construct, condemn and purchase, purchase, add to, maintain, and supply waterworks to furnish the district and inhabitants thereof, and any city or town therein and any other persons, both within and without the district, with an ample supply of water for all uses and purposes public and private with full authority to regulate and control the use, content, distribution, and price thereof in such a manner as is not in conflict with general law and may construct, acquire, or own buildings and other necessary district facilities.

(e) A water district contiguous to Canada may contract with a Canadian corporation for the purchase of water and for the construction, purchase, maintenance, and supply of waterworks to furnish the district and inhabitants thereof and residents of Canada with an ample supply of water under terms approved by the board of commissioners. Such waterworks may include facilities which result in combined water supply and electric generation, provided that the electricity generated thereby is a byproduct of the water supply system.

(f) Such electricity may be used by the water district or sold to any entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of water supply.

(g) For such purposes, a water district may take, condemn and purchase, purchase, acquire, and retain water from any public or navigable lake, river, or watercourse, or any underflowing water and, by means of aqueducts or pipe line conduct the same throughout such water district and any city or town therein and carry it along and upon public highways, roads, and streets, within and without such district.

(h) For the purpose of constructing or laying aqueducts or pipe lines, dams, or waterworks or other necessary structures in storing and retaining water or for any other lawful purpose such water district may occupy the beds and shores up to the high water mark of any such lake, river, or other watercourse, and may acquire by purchase or condemnation such property or property rights or privileges as may be necessary to protect its water supply from pollution.

(i) For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a water district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner.

(2) A water district may purchase and take water from any municipal corporation.

(3) A water district may fix rates and charges for water supplied and may charge property owners seeking to connect to the district's water supply system, as a condition to granting the right to so connect, in addition to the cost of such connection, such

reasonable connection charge as the board of commissioners shall determine to be proper in order that such property owners shall bear their equitable share of the cost of such system.

(a) For purposes of calculating a connection charge, the board of commissioners shall determine the pro rata share of the cost of existing facilities and facilities planned for construction within the next ten years and contained in an adopted comprehensive plan and other costs borne by the district which are directly attributable to the improvements required by property owners seeking to connect to the system. The cost of existing facilities shall not include those portions of the system which have been donated or which have been paid for by grants.

(b) The connection charge may include interest charges applied from the date of construction of the water system until the connection, or for a period not to exceed ten years, whichever is shorter, at a rate commensurate with the rate of interest applicable to the district at the time of construction or major rehabilitation of the water system, or at the time of installation of the water lines to which the property owner is seeking to connect.

(4) (a) A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars for each year for the treasurer's services. Such fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense fund by the county treasurer.

(b) Revenues from connection charges excluding permit fees are to be considered payments in aid of construction as defined by department of revenue rule.

(5) A district may operate and maintain a park or recreational facilities on real property that it owns or in which it has an interest that is not immediately necessary for its purposes.

Sec. 4. RCW 57.08.100 and 1981 c 190 s 6 are each amended to read as follows:

A water district, by a majority vote of its board of commissioners, may enter into contracts to provide health care services and/or group insurance and/or term life insurance and/or social security insurance for the benefit of its employees and may pay all or any part of the cost thereof. Any two or more water districts or any one or more water districts and one or more sewer districts, by a majority vote of their respective boards of commissioners, may, if deemed expedient, join in the procuring of such health care services and/or group insurance and/or term life insurance, and the board of commissioners of each participating sewer and/or water district may by appropriate resolution authorize their respective district to pay all or any portion of the cost thereof.

A water district with five thousand or more customers providing health, group, or life insurance to its employees may provide its commissioners with the same coverage: PROVIDED, That the per person amounts for such insurance paid by the district shall not exceed the per person amounts paid by the district for its employees.

Sec. 5. RCW 57.08.120 and 1967 ex.s. c 135 s 1 are each amended to read as follows:

A water district may lease out real property which it owns or in which it has an interest and which is not immediately necessary for its purposes upon such terms as the board of water commissioners deems proper: PROVIDED, That no such lease shall be made until the water district has first caused notice thereof to be published twice in a newspaper in general circulation in the water district, the first publication to be at least fifteen days and the second at least seven days prior to the making of such lease, which notice shall describe the property proposed to be leased out, to whom, for what purpose, and the rental to be charged therefor. A hearing shall be

held pursuant to the terms of the said notice, at which time any and all persons who may be interested shall have the right to appear and to be heard.

No such lease shall be for a period longer than twenty-five years, and each lease of real property shall be secured by a bond conditioned to perform the terms of such lease with surety satisfactory to the commissioners, in a penalty not less than the rental for one-sixth of the term: PROVIDED, That the penalty shall not be less than the rental for one year where the term is one year or more. In a lease, the term of which exceeds five years, and when at the option of the commissioners, it is so stipulated in the lease, the commission shall accept, with surety satisfactory to it, a bond conditioned to perform the terms of the lease for some part of the term, in no event less than five years (unless the remainder of the unexpired term is less than five years, in which case for the full remainder) and in every such case the commissioners shall require of the lessee, another or other like bond to be delivered within two years, and not less than one year prior to the expiration of the period covered by the existing bond, covering an additional part of the term in accordance with the foregoing provisions in respect to the original bond, and so on until the end of the term so that there will always be in force a bond securing the performance of the lease, and the penalty in each bond shall be not less than the rental for one-half the period covered thereby, but no bond shall be construed to secure the furnishing of any other bond. However, the board of commissioners may require a reasonable security deposit in lieu of a bond on leased real property owned by a water district.

The commissioners may accept as surety on any bond required by this section, either an approved surety company or one or more persons satisfactory to the commissioners, or in lieu of such bond may accept a deposit as security of such property or collateral or the giving of such other form of security as may be satisfactory to the commissioners.

NEW SECTION. Sec. 6. A new section is added to chapter 57.08 RCW to read as follows: A water district may adopt a water conservation plan and emergency water use restrictions. The district may enforce a water conservation plan and emergency water use restrictions by imposing a fine as provided by resolution for failure to comply with any such plan or restrictions. The commissioners may provide by resolution that if a fine for failure to comply with the water conservation plan or emergency water use restrictions is delinquent for a specified period of time, the district shall certify the delinquency to the treasurer of the county in which the real property is located and serve notice of the delinquency on the subscribing water customer who fails to comply, and the fine is then a separate item for inclusion on the bill of the party failing to comply with the water conservation plan or emergency water use restrictions.

On motion of Senator Madsen, the following amendment by Senator Madsen and Thorsness to the Committee on Energy and Utilities striking amendment was adopted:

On page 2, after line 8, add a new section to read as follows:

NEW SECTION. Sec. 3. There is added to chapter 56.08 RCW a new section to read as follows:

A district may operate and maintain a park or recreational facilities on real property that it owns or in which it has an interest that is not immediately necessary for its purposes.

If such park or recreational facilities are operated by a person other than the district, including a corporation, partnership, or other business enterprise, the person shall indemnify and hold harmless the district for any injury or damage caused by the action of the person.

MOTION

Senator Anderson moved that the following amendment to the Committee on Energy and Utilities striking amendment be adopted:

On page 3, line 6, after "facilities." insert "A district's authority to regulate and control the use, content, distribution, and price thereof includes the authority to charge a flat rate for water supplied to a customer connected to the district's system, regardless of the amount of water used by the customer, where individually metering the water is not economically feasible, and where the flat rate does not encourage waste."

POINT OF INQUIRY

Senator Madsen: "Senator Anderson, as I read this, if you have three people on a water district--or five people on a water district--and given the average which is eight hundred gallons a day per residential area, if four of those people use from five to eight hundred gallons and one person uses six thousand gallons a day, that they would all be charged the same rate. Is that what this amendment does?"

Senator Anderson: "Senator Madsen, that was certainly not the intent of the situation that we are trying to correct here. What we are trying to correct is people that have the available use of water and are using it and not paying for it. What we are trying to correct here is that the smaller ones that do not have the capability of metering, then could charge a flat rate."

Senator Madsen: "I guess one other question. Where in the law does it say that a water district cannot charge a flat rate?"

Senator Anderson: "I don't know the answer to that one."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 1031 was deferred.

SECOND READING

HOUSE BILL NO. 1040, by Representatives Rayburn, Lisk, Haugen and Bray

Authorizing municipal utilities to reimburse the city or town for management services.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Bill No. 1040 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1040.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1040 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senators Barr, Conner - 2.

Absent: Senator McDonald - 1.

Excused: Senator Sellar - 1.

HOUSE BILL NO. 1040, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1629, by House Committee on Health Care (originally sponsored by Representatives Prentice, Wood, R. Meyers, Franklin, Day, Miller, Ludwig, Morris, Pruitt, Brough, Braddock, Anderson, Betzoff, Cooper, Fuhrman, R. King, McLean, Cantwell, Leonard, Kremen, Nealey, Phillips, P. Johnson, Wynne and Dorn)

Redefining the practice of chiropractic.

The bill was read the second time.

MOTIONS

Senator West moved that the following Committee on Health and Long-Term Care amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 2 through 7 of this act.

(1) "Accepted standards" means those standards of practice, skill, and treatment that are recognized by a reasonably prudent chiropractor as being acceptable under similar conditions and circumstances.

(2) "Appropriate chiropractic treatment" means treatment and other services performed or ordered, in connection with a substantiated and properly documented condition, which would appear to a reasonably prudent chiropractor to be consistent with the diagnosis or analysis presented.

(3) "Excessive" fees or costs means charges above the usual and customary charges in that service area as paid by public and private third-party payors.

(4) "Patient" means an individual who receives chiropractic evaluation or treatment, or both.

(5) "Peer review committee" means the committee established under section 2 of this act.

(6) "Peer review proceeding" or "peer review" means an evaluation, based on accepted standards, by the peer review committee, of the appropriateness, quality, utilization, and cost of health services provided to a patient. Peer review does not include matters related to the licensing, discipline, or scope of practice of any health care profession.

(7) "Properly utilized services" means appropriate services rendered or ordered, including the frequency and duration of such services, which are documented as being necessary and reasonable by clinical records and reports or by other facts, presentations, or evidence reviewed by the peer review committee.

(8) "Services rendered" means all services provided to a patient.

NEW SECTION. Sec. 2. (1) The board shall appoint the peer review committee, which shall be constituted as follows: The chair of the peer review committee shall be a member of the board and shall not vote except to break a tie; one chiropractor from each congressional district; one independent member representative of the health insurance industry; and one representative from the department of labor and industries. The term of appointment of peer review committee members shall be one year, and no member shall serve more than two consecutive terms. The board may appoint additional pro tem members as necessary. Chiropractor members shall have at least five years of active practice in this state. The board shall adopt rules establishing other qualifications for appointment of the chiropractic members to the peer review committee, including rules to avoid conflict of interest or the appearance of conflict of interest.

(2) The peer review committee may be compensated in accordance with RCW 43.03.240 and may be paid travel expenses while engaged in the business of the committee in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 3. (1) A patient, a patient's representative, an insurer, an agency of the state of Washington, or a chiropractor may request a peer review proceeding by submitting an inquiry about services rendered to a patient by a chiropractor. The board shall, in its discretion, determine whether the inquiry should be reviewed as a peer review proceeding, as a matter for possible voluntary mediation, or as a disciplinary proceeding. Peer review shall not be used to replace the independent medical/chiropractic examination.

(2) Request for peer review constitutes consent to submission by the requesting party of all necessary records and other information concerning the chiropractic services rendered. Chiropractors licensed under this chapter who are a party to the peer review are required to submit all necessary records and other information concerning services rendered by the chiropractor.

(3) All costs associated with conducting peer review under this chapter shall be borne by the chiropractic profession as part of the licensing fees. Notwithstanding, the board shall assess a fee to cover the costs of the review when the requesting party is a chiropractor or a third-party payor.

NEW SECTION. Sec. 4. (1) The peer review committee may review matters regarding the appropriateness, quality, utilization, or cost of chiropractic services rendered. The peer review committee on each review shall include in its findings a determination whether appropriate chiropractic treatment was rendered, whether the services rendered were properly utilized services, whether treatment or services rendered or ordered were appropriate in accordance with accepted standards, and whether the fees charged were excessive or not.

(2) The committee may appoint subcommittees to assist it in conducting peer review. All activities of the subcommittees shall be reviewed and approved or disapproved by the committee.

(3) The peer review committee shall submit to all parties and to the board a decision setting forth the committee's findings and recommendations.

(4) Any party may appeal the decision to the board. The board, on the record of the peer review committee, may return the proceeding with recommendations to the committee for reconsideration, may initiate disciplinary proceedings, or may approve the decision of the peer review committee, or may take any combination of the above actions.

NEW SECTION. Sec. 5. The peer review committee shall file with the board a complaint against a chiropractor if the committee determines that reasonable cause exists to believe the chiropractor has committed unprofessional conduct. The peer review committee shall transmit all information pertinent to the complaint to the board. Such information shall be confidential and shall be used solely for disciplinary purposes.

NEW SECTION. Sec. 6. The board shall prepare a biennial report summarizing its peer review decisions and shall include such report as part of the board's report requirements under RCW 18.130.310. The published summary of peer review decisions shall not be used and shall not serve as the basis for establishing appropriate fee schedules or treatment regimes for the profession.

NEW SECTION. Sec. 7. No findings or decisions of the peer review committee shall have any effect on or be admissible in any court proceeding or administrative proceedings conducted under another chapter of the Revised Code of Washington.

NEW SECTION. Sec. 8. The senate ways and means committee and the house of representatives appropriations committee shall contract for a study to be conducted on chiropractic care. The study shall examine at least the following: (1) The extent to which chiropractic care services are provided for the treatment of acute care conditions versus maintenance care conditions, and (2) the extent to which possible expansion of the scope of practice of the chiropractic profession to include manipulations or mobilization of extremities will increase utilization of chiropractic services and the anticipated resulting effect on the costs of chiropractic services to payors of such services. The study shall be presented to the legislature by January 1, 1992.

Sec. 9. RCW 18.25.040 and 1991 c 3 s 39 are each amended to read as follows: Persons licensed to practice chiropractic under the laws of any other state, territory of the United States, the District of Columbia, Puerto Rico, or province of Canada, having ~~((equal requirements of))~~ qualifications substantially equivalent to those required by this chapter, may, in the discretion of the board of chiropractic examiners, and after such examination ~~((by the board in principles of chiropractic, x ray, and adjusting, as taught by chiropractic schools and colleges))~~ as may be required by rule of the board, be issued a license to practice in this state without further examination, upon payment of a fee determined by the secretary as provided in RCW 43.70.250.

Sec. 10. RCW 18.25.090 and 1989 c 258 s 6 are each amended to read as follows:

On all cards, books, papers, signs or other written or printed means of giving information to the public, used by those licensed by this chapter to practice chiropractic, the practitioner shall use after or below his or her name the term chiropractor, chiropractic physician, D.C., or D.C.Ph.C., designating his or her line of drugless practice, and shall not use the letters M.D. or D.O.: PROVIDED, That the word doctor or "Dr." or physician may be used only in conjunction with the word "chiropractic" or "chiropractor". Nothing in this chapter shall be held to apply to or to regulate any kind of treatment by prayer.

NEW SECTION. Sec. 11. A new section is added to chapter 18.25 RCW to read as follows:

Nothing in this chapter shall be construed to prohibit:

(1) The temporary practice in this state of chiropractic by any chiropractor licensed by another state, territory, or country in which he or she resides. However, the chiropractor shall not establish a practice open to the general public and shall not engage in temporary practice under this section for a period longer than thirty days. The chiropractor shall register his or her intention to engage in the temporary practice of chiropractic in this state with the board of chiropractic examiners before engaging in the practice of chiropractic, and shall agree to be bound by such conditions as may be prescribed by rule by the board.

(2) The practice of chiropractic, except the administration of a chiropractic adjustment, by a person who is a regular senior student in an accredited school of chiropractic approved by the board if the practice is part of a regular course of instruction offered by the school and the student is under the direct supervision and control of a chiropractor duly licensed pursuant to this chapter and approved by the board.

(3) The practice of chiropractic by a person serving a period of postgraduate chiropractic training in a program of clinical chiropractic training sponsored by a school of chiropractic accredited in this state if the practice is part of his or her duties as a clinical postgraduate trainee and the trainee is under the direct supervision and control of a chiropractor duly licensed pursuant to this chapter and approved by the board.

(4) The practice of chiropractic by a person who is eligible and has applied to take the next available examination for licensing offered by the board of chiropractic examiners, except that the unlicensed chiropractor must provide all services under the direct control and supervision of a licensed chiropractor approved by the board. The unlicensed chiropractor may continue to practice as provided by this subsection until the results of the next available examination are published, but in no case for a period longer than six months. The board shall adopt rules necessary to effectuate the intent of this subsection.

Any provision of chiropractic services by any individual under subsection (1), (2), (3), or (4) of this section shall be subject to the jurisdiction of the chiropractic disciplinary board as provided in chapters 18.26 and 18.130 RCW.

NEW SECTION. Sec. 12. The board may adopt rules necessary and appropriate to implement sections 1 through 7 of this act.

NEW SECTION. Sec. 13. Sections 1 through 7 of this act are each added to chapter 18.26 RCW.

NEW SECTION. Sec. 14. The sum of thirty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the general fund to the senate ways and means committee for the purposes of conducting the study authorized in section 8 of this act.

On motion of Senator Linda Smith, the following amendment to the Committee on Health and Long-Term Care amendment was adopted:

On page 2, line 16, after "than" delete "two" and insert "four".

MOTION

On motion of Senator Anderson, Senator McDonald was excused.

MOTION

On motion of Senator Linda Smith, the following amendments by Senators Linda Smith, West and Lela Kreidler to the Committee on Health and Long-Term Care amendment were considered simultaneously and were adopted:

On page 5, line 1, delete NEW SECTION. Sec. 8. and renumber the remaining sections consecutively.

On page 7, beginning on line 26, delete all of Section 14.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Health and Long-Term Care striking amendment, as amended, to Substitute House Bill No. 1629.

The motion by Senator West carried and the Committee on Health and Long-Term Care striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator West, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "chiropractic;" strike the remainder of the title and insert "amending RCW 18.25.040 and 18.25.090; adding a new section to chapter 18.25 RCW; adding new sections to chapter 18.26 RCW; creating new sections; and making an appropriation."

On page 8, line 10 of the title amendment, after "18.26 RCW;" insert "and" and after "sections", delete "; providing an appropriation"

On motion of Senator West, the rules were suspended, Substitute House Bill No. 1629, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1629, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1629, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, Williams, Wojahn - 43.

Voting nay: Senators Hayner, McCaslin, West - 3.

Absent: Senator Patterson - 1.

Excused: Senators McDonald, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 1629, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:57 a.m., on motion of Senator Newhouse, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by President Pro Tempore Craswell.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1199, by House Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson, Cooper, Nealey, Appelwick, Wang, Horn, Prince and Scott)

Authorizing local law and justice councils.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1199 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 1199 was deferred.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440, by House Committee on Housing (originally sponsored by Representatives Winsley, Franklin, Ballard, Nelson, Leonard, Ogden, Wineberry and Miller)

Regulating mobile homes.

The bill was read the second time.

MOTION

Senator Madsen moved that the following amendment by Senators McCaslin and Madsen be adopted:

On page 6, after line 20, insert the following:

"(3) The office shall administer the mobile home relocation assistance program established in chapter 59.21 RCW, including verifying the eligibility of tenants for relocation assistance."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators McCaslin and Madsen on page 6, after line 20, to Engrossed Substitute House Bill No. 1440.

The motion by Senator Madsen carried and the amendment was adopted.

MOTION

Senator Moore moved that the following amendment by Senators Moore, Matson, Craswell, Bauer, Barr and Hansen be adopted:

On page 8, beginning on line 25, strike all of section 6

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

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Moore, Matson, Craswell, Bauer, Barr and Hansen on page 8, beginning on line 25, to Engrossed Substitute House Bill No. 1440.

The motion by Senator Moore carried and the amendment was adopted.

MOTIONS

On motion of Senator Anderson, the following title amendment was adopted:

On page 1, line 3 of the title, strike "adding a new section to chapter 59.22 RCW;"

On motion of Senator Anderson, the rules were suspended, Engrossed Substitute House Bill No. 1440, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1440, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1440, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senators Amondson, Metcalf, Thorsness - 3.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

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

SENATE RESOLUTION 1991-8666

By Senators Owen, Amondson, L. Kreidler and Conner

WHEREAS, The Governor has proclaimed April 14 to 20, 1991, as "Drug-Free Washington Week"; and

WHEREAS, The only effective solution to the problems created by alcohol and drug abuse is to involve all elements of communities, including law enforcement, education, treatment providers, parents, youth, and other members of the public, in a long-term effort; and

WHEREAS, Washington State has extensive networks of grassroots efforts, such as: The Community Mobilization Against Substance Abuse process; the "FACE IT! Drug-Free Communities Are Up to You" public involvement campaign; the DWI Community Task Force efforts; the network of county-level drug prevention/early intervention specialists; Drug Abuse Resistance Education in school systems; and many other efforts being organized by citizens throughout the state, including those led by the Washington Substance Abuse Coalition; and

WHEREAS, The contributions of youth to drug and alcohol abuse prevention and intervention efforts such as TOGETHER! Communities for Drug-Free Youth, school-based drug abuse prevention efforts, Stop Auto Fatalities Through Youth Efforts (SAFTYE), and other peer helper groups have been invaluable; and

WHEREAS, Youth drug and alcohol abuse prevention and intervention efforts have involved a broad range of activities, including drug-free dances and recreational activities at schools, drug education, Students Against Drunk Driving, SAFTYE campaigns, and other community activities;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and commend the many valuable contributions that youth have made to drug and alcohol abuse prevention and intervention efforts in Washington State and its communities.

Senator Owen spoke to Senate Resolution 1991-8666.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore introduced members of Stop Auto Fatalities Through Youth Efforts (SAFTYE) who were seated in the gallery.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1885, by House Committee on Education (originally sponsored by Representatives Roland, Forner, Peery, Orr, G. Fisher, Cole, Scott, Haugen, Vance, Riley, Pruitt, Jacobsen, Nelson, Ebersole, Winsley, and Rasmussen)

Creating the teachers recruiting future teachers program.

The bill was read the second time.

MOTIONS

On motion of Senator Bailey, the following Committee on Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The teachers recruiting future teachers program is created within the office of the superintendent of public instruction to help enlarge the pool of qualified high school students who are motivated to become teachers.

(2) Subject to funds being appropriated, the superintendent of public instruction shall:

(a) Promote and replicate the teachers recruiting future teachers model program; and

(b) Promote and expand the annual education week program on the campus of Central Washington University or on the campuses of other interested state institutions of higher education.

(3) The superintendent of public instruction, working with the executive director of the teachers recruiting future teachers program and the director of the education week program at Central Washington University, shall adopt rules as necessary under chapter 34.05 RCW to implement the provisions of this section.

NEW SECTION. Sec. 2. The sum of forty-nine thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, to the superintendent of public instruction for the purposes of section 1(2)(a) of this act.

On motion of Senator Bailey, the following title amendment was adopted:

On page 1, line 1 of the title, after "teachers;" strike the remainder of the title and insert "adding a new section to chapter 28A.300 RCW; and making an appropriation."

MOTION

On motion of Senator Bailey, the rules were suspended, Substitute House Bill No. 1885, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1885, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1885, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senators L. Kreidler, Murray, Niemi, Skratek - 4.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 1885, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Metcalf: "Madam President, a point of personal privilege. I just wanted to report to the Senate that we had a contest today on the capital steps--a recycling contest. The students actually were the ones that were the contestants, but the House competed with the Governor and the Senate in this contest. It was the Senate Separators and I just wanted to announce that the Senate Separators won. The coaches were Senator Amondson, Senator Thorsness and myself; I am wearing the tee shirt. It was sponsored by McDonalds. This has nothing to do with the budget or Senator McDonald, but I just wanted to tell you that the Senate did uphold the tradition of the Senate and we won. I just wanted to let you know."

SECOND READING

HOUSE BILL NO. 2147, by Representatives Heavey and Wang

Restricting certain lottery activities.

The bill was read the second time.

MOTION

On motion of Senator Hayner, the rules were suspended, House Bill No. 2147 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2147.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2147 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 42.

Voting nay: Senators Bauer, Conner, Hansen, Moore, Sutherland, Vognild - 6.
Excused: Senator Sellar - 1.

HOUSE BILL NO. 2147, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1389, by House Committee on Environmental Affairs (originally sponsored by Representatives Fraser, Winsley, Rust and Belcher)

Regulating aquatic plants.

The bill was read the second time.

MOTIONS

On motion of Senator Barr, the following Committee on Agriculture and Water Resources amendment was adopted:

On page 2, line 23, after "boat" strike "access" and insert "launching ramp"

On motion of Senator Barr, the following amendment was adopted:

On page 3, beginning on line 5, strike all of sections 5 and 6 and insert the following:

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991, except section 3 of this act shall be effective for vehicle registrations that expire August 31, 1992, and thereafter.

MOTIONS

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 2 of the title, after "46.16 RCW;" strike the remainder of the title and insert "creating new sections; providing an effective date; and declaring an emergency."

On motion of Senator Barr, the rules were suspended, Engrossed Substitute House Bill No. 1389, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Barr, did I hear you say that this would put a three dollar fee on all trailers--an extra three dollar tax?"

Senator Barr: "Yes. Now, I am not sure whether it is all trailers. I would have to check that out--all boat trailers--but it does put a three dollar tax on boat trailers for that purpose."

Senator Rasmussen: "There are a number of trucking firms that haul boats on trailers; there are a number of boat hauling firms that haul large and small boats. That applies to all of them?"

Senator Barr: "Boat trailers."

Senator Rasmussen: "Boat trailers--anything that carries a boat?"

Senator Barr: "That is my understanding of the bill."

Senator Rasmussen: "That is a pretty broad bill."

Senator Barr: "I could stand corrected, but that is my understanding that it is."

Further debate ensued.

MOTION

On motion of Senator Anderson, Senator Roach was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1389, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1389, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Bailey, Barr, Bluechel, Cantu, Conner, Erwin, Hansen, Hayner, Johnson, L. Kreidler, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Saling, Skratek, A. Smith, L. Smith, Talmadge, Thorsness, West, Williams, Wojahn - 33.

Voting nay: Senators Anderson, Bauer, Craswell, Gaspard, Jesernig, Madsen, McCaslin, Nelson, Rasmussen, Snyder, Stratton, Sutherland, Vognild, von Reichbauer - 14.

Excused: Senators Roach, Sellar - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1389, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Bluechel assumed the Chair.

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

MESSAGES FROM THE HOUSE

April 16, 1991

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1231, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 16, 1991

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1244,
SUBSTITUTE HOUSE BILL NO. 1270,
HOUSE BILL NO. 1364,
SUBSTITUTE HOUSE BILL NO. 1460,
HOUSE BILL NO. 1607,
HOUSE BILL NO. 1625,
HOUSE BILL NO. 1716,
SUBSTITUTE HOUSE BILL NO. 1789,
SUBSTITUTE HOUSE BILL NO. 1800,
HOUSE BILL NO. 1812,
SUBSTITUTE HOUSE BILL NO. 1824,
SUBSTITUTE HOUSE BILL NO. 1915,
HOUSE BILL NO. 2073, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1244,
SUBSTITUTE HOUSE BILL NO. 1270,
HOUSE BILL NO. 1364,
SUBSTITUTE HOUSE BILL NO. 1460,
HOUSE BILL NO. 1607,
HOUSE BILL NO. 1625,
HOUSE BILL NO. 1716,
SUBSTITUTE HOUSE BILL NO. 1789,

SUBSTITUTE HOUSE BILL NO. 1800,
HOUSE BILL NO. 1812,
SUBSTITUTE HOUSE BILL NO. 1824,
SUBSTITUTE HOUSE BILL NO. 1915,
HOUSE BILL NO. 2073.

There being no objection, the Vice President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1317, by House Committee on Revenue (originally sponsored by Representatives Silver, Morris, Holland, Fraser, Mielke, Spanel, Edmondson, Lisk, Morton, Paris, Hochstatter, Nealey, Wynne, Cooper, Bowman, D. Sommers, Miller, Ballard and Mitchell)

Clarifying the tax exemption for medically prescribed oxygen.

The bill was read the second time.

MOTION

Senator West moved that the following amendment by Senators West and Wojahn be adopted:

On page 2, after line 26, insert the following:

NEW SECTION. Sec. 4. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales to free hospitals of items reasonably necessary for the operation of, and provision of health care by, free hospitals.

(2) As used in this section, "free hospital" means a hospital that does not charge any patient for health care provided by the hospital.

NEW SECTION. Sec. 5. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter shall not apply in respect to the use by free hospitals of items reasonably necessary for the operation of, and provision of health care by, free hospitals.

(2) As used in this section, "free hospital" means a hospital that does not charge any patient for health care provided by the hospital.

NEW SECTION. Sec. 6. Sections 4 and 5 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators West and Wojahn on page 3, after line 26, to Substitute House Bill No. 1317.

The motion by Senator West carried and the amendment was adopted.

MOTIONS

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 2 of the title, after "82.12.0277;" strike "and creating a new section" and insert "adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and declaring an emergency."

On motion of Senator McDonald, the rules were suspended, Substitute House Bill No. 1317, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 1317, as amended by the Senate, was returned to second reading and read the second time.

On motion of Senator Newhouse, the following title amendment was adopted:

On page 1, line 1 of the title, after "exemptions" strike "for oxygen"

MOTION

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 1317, as amended by the Senate, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1317, as amended by the Senate, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1317, as amended by the Senate, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senators Moore, Vognild - 2.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 1317, as amended by the Senate, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1031 and the pending amendment by Senator Anderson on page 3, line 6, to the Committee on Energy and Utilities striking amendment, deferred earlier today.

MOTION

On motion of Senator Anderson, the amendment on page 3, line 6, to the Committee on Energy and Utilities striking amendment to Engrossed Substitute House Bill No. 1031 was withdrawn.

MOTIONS

On motion of Senator Madsen, the following amendment by Senators Anderson and Madsen to the Committee on Energy and Utilities striking amendment was adopted:

On page 3, line 6, after "facilities." insert "Where a customer connected to the district's system uses the water on an intermittent or transient basis, a district may charge for providing water service to such a customer, regardless of the amount of water, if any, used by the customer."

On motion of Senator Madsen, the following amendment by Senators Madsen and Thorsness to the Committee on Energy and Utilities striking amendment was adopted:

On page 5, after line 16, insert a new subsection to read as follows:

"(6) If such park or recreational facilities are operated by a person other than the district, including a corporation, partnership, or other business enterprise, the person shall indemnify and hold harmless the district for any injury or damage caused by the action of the person."

Correct internal cross references accordingly.

MOTIONS

On motion of Senator Thorsness, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 56.08.100, 56.08.140, 57.08.100, and 57.08.120; reenacting and amending RCW 57.08.010; and adding a new section to chapter 57.08 RCW."

On page 8, line 14, after "010;" add "adding a new section to chapter 56.08 RCW;"

On motion of Senator Thorsness, the rules were suspended, Engrossed Substitute House Bill No. 1031, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1031, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1031, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Voting nay: Senator Matson - 1.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1031, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:56 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 3:41 p.m. by Vice President Pro Tempore Bluechel.

CHANGE IN MEMBERSHIP OF COMMITTEE ON TRANSPORTATION

The Vice President Pro Tempore appointed Senator Neil Amondson as a member of the Committee on Transportation, replacing Senator George Sellar.

MOTION

On motion of Senator Newhouse, the confirmation was confirmed.

There being no objection, the Vice President Pro Tempore returned the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5970 by Senators Gaspard, Snyder and Niemi

AN ACT Relating to the budget stabilization account; amending RCW 43.88.535; and declaring an emergency.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 1231 by House Committee on Transportation (originally sponsored by Representatives R. Fisher, R. Meyers, Betrozoff and Paris) (by request of Office of Financial Management)

Adopting the 1991-93 transportation budget.

Referred to Committee on Transportation.

There being no objection, the Vice President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 5245, by Senators Thorsness, Sutherland, Williams, Jesernig, Stratton, Bauer and Conner (by request of Governor Gardner)

Directing the development of a state energy strategy and authorizing the implementation of conservation savings and sales by state agencies.

MOTIONS

On motion of Senator Thorsness, Substitute Senate Bill No. 5245 was substituted for Senate Bill No. 5245 and the substitute bill was placed on second reading and read the second time.

Senator Thorsness moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 43.21F RCW to read as follows:

DEVELOPMENT OF STATE ENERGY STRATEGY. (1) The state energy office shall develop a state energy strategy under the guidance of an advisory committee. The advisory committee shall include twenty members and represent different regions of the state, including fifteen citizens appointed by the governor from the following groups: One person recommended by the investor-owned electric utilities, one person recommended by the investor-owned natural gas utilities, one person employed by or recommended by a natural gas pipeline serving the state, one person recommended by the suppliers of petroleum products, one person recommended by municipally owned electric utilities, one person recommended by the public utility districts, one person recommended by industrial energy users, one person recommended by commercial energy users, one person recommended by agricultural energy users, one person recommended by the association of Washington cities, one person recommended by the Washington association of counties, two persons recommended by civic organizations, and two persons recommended by environmental organizations. In addition, the advisory committee shall include one of the representatives of the state of Washington to the Pacific Northwest electric power and conservation planning council selected by the governor; the chair of the energy facility site evaluation council; one member of the utilities and transportation commission selected by the chair of the commission; one member of the house of representatives selected by the speaker of the

house of representatives; and one member of the senate selected by the majority leader of the senate. The chair of the advisory committee will be appointed by the governor from citizen members. The director may establish technical advisory groups as necessary to assist in the development of the strategy. The director shall provide for extensive public involvement throughout the development of the strategy.

(2) The state energy strategy shall consider all forms of energy and each major sector of energy consumption and shall:

(a) Assess future needs of the state and future resources available for use in the state for each form of energy;

(b) Identify measures to assist in maintaining adequate, reliable, secure, economic, and environmentally acceptable supplies;

(c) Identify and, to the extent possible, quantify the costs and benefits of energy alternatives including direct economic costs and benefits, environmental costs and benefits, and the costs of inadequate or unreliable energy supplies;

(d) Develop a framework in which public decisions and actions affecting energy supply and use can be evaluated including the impact of decisions in other areas of public policy on energy supply and cost and on the use of energy and the establishment of goals to guide energy-related decisions;

(e) Evaluate the future role of the state energy office and means of financing those activities determined essential to that role; and

(f) Recommend energy goals and policies to the governor and the legislature.

(3) In developing the state energy strategy, the state energy office shall:

(a) Ensure that the information developed is objective and impartial and facilitates the effective and efficient operation of such energy markets as may exist and recognizes and conforms to the pattern of regulation governing public service companies but shall not mandate the use of one energy source over another;

(b) Draw upon existing public and private sector information and expertise in energy matters to the fullest extent possible through consultation and cooperation;

(c) Recognize the planning horizons required for each segment of the energy industry and the need for state actions and decisions to take those planning horizons into consideration; and

(d) Ensure that the strategy is coordinated with the energy planning activities of federal, state, and private entities and does not duplicate what is already available.

(4) The energy office shall provide a progress report to the house of representatives and senate committees on energy and utilities in January 1992. A final report shall be provided to the governor and the legislature by December 1, 1992.

NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Cogeneration" means the sequential generation of two or more forms of energy from a common fuel or energy source. If these forms are electricity and thermal energy, then the operating and efficiency standards established by 18 C.F.R. Sec. 292.205 and the definitions established by 18 C.F.R. Sec. 292.202 (c) through (m) apply.

(2) "Conservation" means reduced energy consumption or energy cost, or increased efficiency in the use of energy, and activities, measures, or equipment designed to achieve such results, but does not include thermal or electric energy production from cogeneration.

(3) "Cost-effective" means that the present value to a state agency or school district of the energy reasonably expected to be saved or produced by a facility, activity, measure, or piece of equipment over its useful life, including any compensation received from a utility or the bonneville power administration, is greater than the net present value of the costs of implementing, maintaining, and operating such facility, activity, measure, or piece of equipment over its useful life, when discounted at the cost of public borrowing.

(4) "Energy" means energy as defined in RCW 43.21F.025(1).

(5) "Energy efficiency project" means a conservation or cogeneration project.

(6) "Energy efficiency services" means assistance furnished by the energy office to state agencies and school districts in identifying, evaluating, and implementing energy efficiency projects.

(7) "Energy office" means the Washington state energy office.

(8) "Performance-based contracting" means contracts for which payment is conditional on achieving contractually specified energy savings.

(9) "Public facility" means a building or structure, or a group of buildings or structures at a single site, owned by a state agency or school district.

(10) "State agency" means every state office or department, whether elective or appointive, state institutions of higher education, and all boards, commissions, or divisions of state government, however designated.

(11) "State facility" means a building or structure, or a group of buildings or structures at a single site, owned by a state agency.

(12) "Utility" means privately or publicly owned electric and gas utilities, electric cooperatives and mutuals, whether located within or without Washington state.

(13) "Local utility" means the utility or utilities in whose service territory a public facility is located.

NEW SECTION. Sec. 3. CONSERVATION PROJECTS: ROLES AND RESPONSIBILITIES. (1) Each state agency and school district shall implement cost-effective conservation improvements and maintain efficient operation of its facilities in order to minimize energy consumption and related environmental impacts and reduce operating costs.

(2) The energy office shall assist state agencies and school districts in identifying, evaluating, and implementing cost-effective conservation projects at their facilities. The assistance shall include the following:

(a) Notifying state agencies and school districts of their responsibilities under this chapter;

(b) Apprising state agencies and school districts of opportunities to develop and finance such projects;

(c) Providing technical and analytical support, including procurement of performance-based contracting services;

(d) Reviewing verification procedures for energy savings; and

(e) Assisting in the structuring and arranging of financing for cost-effective conservation projects.

(3) Conservation projects implemented under this chapter shall have appropriate levels of monitoring to verify the performance and measure the energy savings over the life of the project. The energy office shall solicit involvement in program planning and implementation from utilities and other energy conservation suppliers, especially those that have demonstrated experience in performance-based energy programs.

(4) The energy office shall comply with the requirements of chapter 39.80 RCW when contracting for architectural or engineering services.

(5) The energy office shall recover any costs and expenses it incurs in providing assistance pursuant to this section, including reimbursement from third parties participating in conservation projects. The energy office shall enter into a written agreement with the state agency or school district for the recovery of costs.

NEW SECTION. Sec. 4. COORDINATION OF CONSERVATION DEVELOPMENT WITH UTILITIES. (1) The energy office shall consult with the local utilities to develop priorities for energy conservation projects pursuant to this chapter, cooperate where possible with existing utility programs, and consult with the local utilities prior to implementing projects in their service territory.

(2) A local utility shall be offered the initial opportunity to participate in the development of conservation projects in the following manner:

(a) Before initiating projects in a local utility service territory, the energy office shall notify the local utility in writing, on an annual basis, of public facilities in the local utility's service territory at which the energy office anticipates cost-effective conservation projects will be developed.

(b) Within sixty days of receipt of this notification, the local utility may express interest in these projects by submitting to the energy office a written description of the role the local utility is willing to perform in developing and acquiring the conservation at these facilities. This role may include any local utility conservation programs which would be available to the public facility, any competitive bidding or solicitation process which the local utility will be undertaking in accordance with the rules of the utilities and transportation commission or the public utility district, municipal utility, cooperative, or mutual governing body for which the public facility would be eligible, or any other role the local utility may be willing to perform.

(c) Upon receipt of the written description from the local utility, the energy office shall, through discussions with the local utility, and with involvement from state agencies and school districts responsible for the public facilities, develop a plan for coordinated delivery of conservation services and financing or make a determination of whether to participate in the local utility's competitive bidding or solicitation process. The plan shall identify the local utility in roles that the local utility is willing to perform and that are consistent with the provisions of section 5(2) (d) and (e) of this act.

NEW SECTION. Sec. 5. SALE OF CONSERVED ENERGY. (1) It is the intent of this chapter that the state, state agencies, and school districts are compensated fairly for the energy savings provided to utilities and be allowed to participate on an equal basis in any utility conservation program, bidding, or solicitation process. State agencies and school districts shall not receive preferential treatment. For the purposes of this section, any type of compensation from a utility or the bonneville power administration intended to achieve reductions or efficiencies in energy use which are cost-effective to the utility or the bonneville power administration shall be regarded as a sale of energy savings. Such compensation may include credits to the energy bill, low or no interest loans, rebates, or payment per unit of energy saved. The energy office shall, in coordination with utilities, the bonneville power administration, state agencies, and school districts, facilitate the sale of energy savings at public facilities including participation in any competitive bidding or solicitation which has been agreed to by the state agency or school district. Energy savings may only be sold to local utilities or, under conditions specified in this section, to the bonneville power administration. The energy office shall not attempt to sell energy savings occurring in one utility service territory to a different utility. Nothing in this chapter mandates that utilities purchase the energy savings.

(2) To ensure an equitable allocation of benefits to the state, state agencies, and school districts, the following conditions shall apply to transactions between utilities or the bonneville power administration and state agencies or school districts for sales of energy savings:

(a) A transaction shall be approved by both the energy office and the state agency or school district.

(b) The energy office and the state agency or school district shall work together throughout the planning and negotiation process for such transactions unless the energy office determines that its participation will not further the purposes of this section.

(c) Before making a decision under (d) of this subsection, the energy office shall review the proposed transaction for its technical and economic feasibility, the adequacy and reasonableness of procedures proposed for verification of project or program performance, the degree of certainty of benefits to the state, state agency, or school district, the degree of risk assumed by the state or school district, the benefits offered

to the state, state agency, or school district and such other factors as the energy office determines to be prudent.

(d) The energy office shall approve a transaction unless it finds, pursuant to the review in (c) of this subsection, that the transaction would not result in an equitable allocation of costs and benefits to the state, state agency, or school district, in which case the transaction shall be disapproved.

(e) In addition to the requirements of (c) and (d) of this subsection, in areas in which the bonneville power administration has a program for the purchase of energy savings at public facilities, the energy office shall approve the transaction unless the local utility cannot offer a benefit substantially equivalent to that offered by the bonneville power administration, in which case the transaction shall be disapproved. In determining whether the local utility can offer a substantially equivalent benefit, the energy office shall consider the net present value of the payment for energy savings; any goods, services, or financial assistance provided by the local utility; and any risks borne by the local utility. Any direct negative financial impact on a nongrowing, local utility shall be considered.

(3) Any party to a potential transaction may, within thirty days of any decision to disapprove a transaction made pursuant to subsection (2) (c), (d), or (e) of this section, request an independent reviewer who is mutually agreeable to all parties to the transaction to review the decision. The parties shall within thirty days of selection submit to the independent reviewer documentation supporting their positions. The independent reviewer shall render advice regarding the validity of the disapproval within an additional thirty days.

NEW SECTION. Sec. 6. AUTHORITIES OF STATE AGENCIES AND SCHOOL DISTRICTS TO IMPLEMENT CONSERVATION. In addition to any other authorities conferred by law:

(1) The energy office, with the consent of the state agency or school district responsible for a facility, a state or regional university acting independently, and any other state agency acting through the department of general administration or as otherwise authorized by law, may:

(a) Develop and finance conservation at public facilities in accordance with express provisions of this chapter;

(b) Contract for energy services, including performance-based contracts; and

(c) Contract to sell energy savings from a conservation project at public facilities to local utilities or the bonneville power administration.

(2) A state or regional university acting independently, and any other state agency acting through the department of general administration or as otherwise authorized by law, may undertake procurements for third-party development of conservation at its facilities.

(3) A school district may:

(a) Develop and finance conservation at school district facilities;

(b) Contract for energy services, including performance-based contracts at school district facilities; and

(c) Contract to sell energy savings from energy conservation projects at school district facilities to local utilities or the bonneville power administration directly or to local utilities or the bonneville power administration through third parties.

(4) In exercising the authority granted by subsections (1), (2), and (3) of this section, a school district or state agency must comply with the provisions of section 5 of this act.

NEW SECTION. Sec. 7. AUTHORITY TO FINANCE CONSERVATION IN SCHOOL DISTRICTS AND STATE AGENCIES. (1) The energy office, in accordance with RCW 43.21F.060(2) may use appropriated moneys to make loans to school districts to provide all or part of the financing for conservation projects. The energy office shall determine the eligibility of such projects for conservation loans and the

terms of such loans. If loans are from moneys appropriated from bond proceeds, the repayments of the loans shall be sufficient to pay, when due, the principal and interest on the bonds and shall be paid to the energy efficiency construction account established in section 11 of this act. To the extent that a school district applies the proceeds of such loans to a modernization or new construction project, such proceeds shall be considered a portion of the school district's share of the costs of such project.

(2) State agencies may use financing contracts under chapter 39.94 RCW to provide all or part of the funding for conservation projects. The energy office shall determine the eligibility of such projects for financing contracts. The repayments of the financing contracts shall be sufficient to pay, when due, the principal and interest on the contracts.

NEW SECTION. Sec. 8. ROLES AND RESPONSIBILITIES OF COGENERATION PROJECTS WITH UTILITIES AND PRIVATE DEVELOPERS.

(1) Consistent with the region's need to develop cost-effective, high efficiency electric energy resources, the state shall investigate and, if appropriate, pursue development of cost-effective opportunities for cogeneration in existing or new state facilities.

(2) To assist state agencies in identifying, evaluating, and developing potential cogeneration projects at their facilities, the energy office shall notify state agencies of their responsibilities under this chapter; apprise them of opportunities to develop and finance such projects; and provide technical and analytical support. The energy office shall recover costs for such assistance through written agreements, including reimbursement from third parties participating in such projects, for any costs and expenses incurred in providing such assistance.

(3)(a) The energy office shall identify priorities for cogeneration projects at state facilities, and, where such projects are initially deemed desirable by the energy office and the appropriate state agency, the energy office shall notify the local utility serving the state facility of its intent to conduct a feasibility study at such facility. The energy office shall consult with the local utility and provide the local utility an opportunity to participate in the development of the feasibility study for the state facility it serves.

(b) If the local utility has an interest in participating in the feasibility study, it shall notify the energy office and the state agency whose facility or facilities it serves within sixty days of receipt of notification pursuant to (a) of this subsection as to the nature and scope of its desired participation. The energy office, state agency, and local utility shall negotiate the responsibilities, if any, of each in conducting the feasibility study, and these responsibilities shall be specified in a written agreement.

(c) If a local utility identifies a potential cogeneration project at a state facility for which it intends to conduct a feasibility study, it shall notify the energy office and the appropriate state agency. The energy office, state agency, and local utility shall negotiate the responsibilities, if any, of each in conducting the feasibility study, and these responsibilities shall be specified in a written agreement. Nothing in this section shall preclude a local utility from conducting an independent assessment of a potential cogeneration project at a state facility.

(d) Agreements written pursuant to (a) and (b) of this subsection shall include a provision for the recovery of costs incurred by a local utility in performing a feasibility study in the event such utility does not participate in the development of the cogeneration project. If the local utility does participate in the cogeneration project through energy purchase, project development or ownership, recovery of the utility's costs may be deferred or provided for through negotiation on agreements for energy purchase, project development or ownership.

(e) If the local utility declines participation in the feasibility study, the energy office and the state agency may receive and solicit proposals to conduct the feasibility study from other parties. Participation of these other parties shall also be secured and

defined by a written agreement which may include the provision for reimbursement of costs incurred in the formulation of the feasibility study.

(4) The feasibility study shall include consideration of regional and local utility needs for power, the consistency of the proposed cogeneration project with the state energy strategy, the cost and certainty of fuel supplies, the value of electricity produced, the capability of the state agency to own and/or operate such facilities, the capability of utilities or third parties to own and/or operate such facilities, requirements for and costs of standby sources of power, costs associated with interconnection with the local electric utility's transmission system, the capability of the local electric utility to wheel electricity generated by the facility, costs associated with obtaining wheeling services, potential financial risks and losses to the state and/or state agency, measures to mitigate the financial risk to the state and/or state agency, and benefits to the state and to the state agency from a range of design configurations, ownership, and operation options.

(5) Based upon the findings of the feasibility study, the energy office and the state agency shall determine whether a cogeneration project will be cost-effective and whether development of a cogeneration project should be pursued. This determination shall be made in consultation with the local utility or, if the local utility had not participated in the development of the feasibility study, with any third party that may have participated in the development of the feasibility study.

(a) Recognizing the local utility's expertise, knowledge, and ownership and operation of the local utility systems, the energy office and the state agency shall have the authority to negotiate directly with the local utility for the purpose of entering into a sole source contract to develop, own, and/or operate the cogeneration facility. The contract may also include provisions for the purchase of electricity or thermal energy from the cogeneration facility, the acquisition of a fuel source, and any financial considerations which may accrue to the state from ownership and/or operation of the cogeneration facility by the local utility.

(b) The energy office may enter into contracts through competitive negotiation under this subsection for the development, ownership, and/or operation of a cogeneration facility. In determining an acceptable bid, the energy office and the state agency may consider such factors as technical knowledge, experience, management, staff, or schedule, as may be necessary to achieve economical construction or operation of the project. The selection of a developer or operator of a cogeneration facility shall be made in accordance with procedures for competitive bidding under chapter 43.19 RCW.

(c) The energy office shall comply with the requirements of chapter 39.80 RCW when contracting for architectural or engineering services.

(6)(a) The state may own and/or operate a cogeneration project at a state facility. However, unless the cogeneration project is determined to be cost-effective, based on the findings of the feasibility study, the energy office and state agency shall not pursue development of the project as a state-owned facility. If the project is found to be cost-effective, and the energy office and the state agency agree development of the cogeneration project should be pursued as a state-owned and/or operated facility, the energy office shall assist the state agency in the preparation of a finance and development plan for the cogeneration project. Any such plan shall fully account for and specify all costs to the state for developing and/or operating the cogeneration facility.

(b) It is the general intent of this chapter that cogeneration projects developed and owned by the state will be sized to the projected thermal energy load of the state facility over the useful life of the project. The principal purpose and use of such projects is to supply thermal energy to a state facility and not primarily to develop generating capacity for the sale of electricity. For state-owned projects with electricity production in excess of projected thermal requirements, the energy office shall seek and

obtain legislative appropriation and approval for development. Nothing in this act shall be construed to authorize any state agency to sell electricity or thermal energy on a retail basis.

(7) When a cogeneration facility will be developed, owned, and/or operated by a state agency or third party other than the local serving utility, the energy office and the state agency shall negotiate a written agreement with the local utility. Elements of such an agreement shall include provisions to ensure system safety, provisions to ensure reliability of any interconnected operations equipment necessary for parallel operation and switching equipment capable of isolating the generation facility, the provision of and reimbursement for standby services, if required, and the provision of and reimbursement for wheeling electricity, if the provision of such has been agreed to by the local utility.

(8) The state may develop and own a thermal energy distribution system associated with a cogeneration project for the principal purpose of distributing thermal energy at the state facility. If thermal energy is to be sold outside the state facility, the state may only sell the thermal energy to a utility.

NEW SECTION. Sec. 9. SALE OF COGENERATED ELECTRICITY AND STEAM. It is the intention of this act that the state and its agencies are compensated fairly for the energy provided to utilities from cogeneration at state facilities. Such compensation may include revenues from sales of electricity or thermal energy to utilities, lease of state properties, and value of thermal energy provided to the facility. It is also the intent of this act that the state and its agencies be accorded the opportunity to compete on a fair and reasonable basis to fulfill a utility's new resource acquisition needs when selling the energy produced from cogeneration projects at state facilities through energy purchase agreements.

(1)(a) The energy office and state agencies may participate in any utility request for resource proposal process, as either established under the rules and regulations of the utilities and transportation commission, or by the governing board of a public utility district, municipal utility, cooperative, or mutual.

(b) If a local utility does not have a request for resource proposal pending, the energy office or a state agency may negotiate an equitable and mutually beneficial energy purchase agreement with that utility.

(2) To ensure an equitable allocation of benefits to the state and its agencies, the following conditions shall apply to energy purchase agreements negotiated between utilities and state agencies:

(a) An energy purchase agreement shall be approved by both the energy office and the affected state agency.

(b) The energy office and the state agency shall work together throughout the planning and negotiation process for energy purchase agreements, unless the energy office determines that its participation will not further the purposes of this section.

(c) Before approving an energy purchase agreement, the energy office shall review the proposed agreement for its technical and economic feasibility, the degree of certainty of benefits, the degree of financial risk assumed by the state and/or the state agency, the benefits offered to the state and/or state agency, and other such factors as the energy office deems prudent. The energy office shall approve an energy purchase agreement unless it finds that such an agreement would not result in an equitable allocation of costs and benefits, in which case the transaction shall be disapproved.

(3)(a) The state or state agency shall comply with and shall be bound by applicable avoided cost schedules, electric power wheeling charges, interconnection requirements, utility tariffs, and regulatory provisions to the same extent it would be required to comply and would be bound if it were a private citizen. The state shall neither seek regulatory advantage, nor change regulations, regulatory policy, process, or decisions to its advantage as a seller of cogenerated energy. Nothing contained in

this act shall be construed to mandate or require public or private utilities to wheel electric energy resources within or beyond their service territories. Nothing in this act authorizes any state agency or school district to make any sale of energy or waste heat as defined by RCW 80.62.020(9) beyond the explicit provisions of this act. Nothing contained in this act requires a utility to purchase energy from the state or a state agency or enter into any agreement in connection with a cogeneration facility.

(b) The state shall neither construct, nor be party to an agreement for developing a cogeneration project at a state facility for the purpose of supplying its own electrical needs, unless it can show that such an arrangement would be in the economic interest of the state taking into account the cost of (i) interconnection requirements, as specified by the local electric utility, (ii) standby charges, as may be required by the local electric utility, and (iii) the current price of electricity offered by the local electric utility. If the local electric utility can demonstrate that the cogeneration project may place an undue burden on the electric utility, the energy office or the state agency shall attempt to negotiate a mutually beneficial agreement that would minimize the burden upon the ratepayers of the local electric utility.

(4) Any party to an energy purchase agreement may, within thirty days of any decision made pursuant to subsection (2)(c) of this section to disapprove the agreement made pursuant to this section, request an independent reviewer who is mutually agreeable to all parties to review the decision. The parties shall within thirty days of selection submit to the independent reviewer documentation supporting their positions. The independent reviewer shall render advice regarding the validity of the disapproval within an additional thirty days.

NEW SECTION. Sec. 10. AUTHORITIES RELATED TO COGENERATION AT STATE AGENCIES. In addition to any other authorities conferred by law:

(1) The energy office, with the consent of the state agency responsible for a facility, a state or regional university acting independently, and any other state agency acting through the department of general administration or as otherwise authorized by law, may:

(a) Contract to sell electric energy generated at state facilities to a utility; and

(b) Contract to sell thermal energy produced at state facilities to a utility.

(2) A state or regional university acting independently, and any other state agency acting through the department of general administration or as otherwise authorized by law, may:

(a) Acquire, install, permit, construct, own, operate, and maintain cogeneration and facility heating and cooling measures or equipment, or both, at its facilities;

(b) Lease state property for the installation and operation of cogeneration and facility heating and cooling equipment at its facilities;

(c) Contract to purchase all or part of the electric or thermal output of cogeneration plants at its facilities;

(d) Contract to purchase or otherwise acquire fuel or other energy sources needed to operate cogeneration plants at its facilities; and

(e) Undertake procurements for third-party development of cogeneration projects at its facilities, with successful bidders to be selected based on the responsible bid, including nonprice elements listed in RCW 43.19.1911, that offers the greatest net achievable benefits to the state and its agencies.

(3) After the effective date of this section, a state agency shall consult with the energy office prior to exercising any authority granted by this section.

(4) In exercising the authority granted by subsections (1) and (2) of this section, a state agency must comply with the provisions of section 9 of this act.

NEW SECTION. Sec. 11. ENERGY EFFICIENCY CONSTRUCTION ACCOUNT. (1) The energy efficiency construction account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation and only for the following purposes:

(a) Construction of energy efficiency projects, including project evaluation and verification of benefits, project design, project development, project construction, and project administration.

(b) Payment of principal and interest and other costs required under bond covenant on bonds issued for the purpose of (a) of this subsection.

(2) Sources for this account may include:

(a) General obligation and revenue bond proceeds appropriated by the legislature;

(b) Loan repayments under section 7 of this act sufficient to pay principal and interest obligations; and

(c) Funding from federal, state, and local agencies.

(3) The energy office shall establish criteria for approving energy efficiency projects to be financed from moneys disbursed from this account. The criteria shall include cost-effectiveness, reliability of energy systems, and environmental costs or benefits. The energy office shall ensure that the criteria are applied with professional standards for engineering and review.

NEW SECTION. Sec. 12. ENERGY EFFICIENCY SERVICES ACCOUNT. (1) The energy efficiency services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only (a) for the energy office to provide energy efficiency services to state agencies and school districts including review of life-cycle cost analyses and (b) for transfer by the legislature to the state general fund.

(2) All receipts from the following sources shall be deposited into the account:

(a) Project fees charged under this section and sections 3, 8, and 16 of this act;

(b) After payment of any principal and interest obligations, moneys from repayments of loans under section 7 of this act;

(c) Revenue from sales of energy generated or saved at public facilities under this chapter, except those retained by state agencies and school districts under section 13 of this act; and

(d) Payments by utilities and federal power marketing agencies under this chapter, except those retained by state agencies and school districts under section 13 of this act.

(3) The energy office may accept moneys and make deposits to the account from federal, state, or local government agencies.

(4) Within one hundred eighty days after the effective date of this act, the energy office shall adopt rules establishing criteria and procedures for setting a fee schedule, establishing working capital requirements, and receiving deposits for this account.

NEW SECTION. Sec. 13. PROJECT BENEFITS. (1) Potential benefits from energy efficiency projects at public facilities include savings in the form of reduced energy costs; revenues from lease payments, sales of energy or energy savings, or other sources; avoided capital costs; site enhancements; and additional operating and maintenance resources.

(2) To encourage these projects at state facilities, and notwithstanding any other provision of law, the following benefits from energy efficiency projects completed after the effective date of this chapter shall be apportioned as specified:

(a) As to conservation, state agencies may retain all net savings in the form of reduced energy costs, and one-half of all net revenues from any transaction with a utility, the bonneville power administration, or other entity. The net savings shall be retained by the local administrative body responsible for the public facility;

(b) As to cogeneration projects, state agencies may retain one-half of all net savings in the form of reduced energy costs and twenty percent of all net revenues generated by the project from any source except that state institutions of higher education may retain one-half of all net revenues generated by the project; and

(c) The remaining net revenues from conservation projects, and remaining net savings and revenues from cogeneration projects, shall be remitted to the state for the disposition and uses specified in subsection (4) of this section.

(3) Each state agency's share of net savings from cogeneration projects and of all net revenues shall be credited to a special local account created under section 18 of this act, the use of which shall be limited, in priority order, to ongoing operation, maintenance, and improvements of energy systems and energy efficiency measures, to other ongoing and deferred maintenance, and to other infrastructure improvements at the facility that was the site of the energy efficiency project.

(4) The state's share of net savings from cogeneration projects and of all net revenues, and any portion of the state agency's share which exceeds its needs for the purposes specified in subsection (3) of this section, shall be deposited in the energy efficiency services account established by section 12 of this act.

(5) The use by state agencies of net savings and net revenues from energy efficiency projects shall be in addition to, and shall not supplant or replace, funding from traditional sources for their normal operations and maintenance or capital budgets. It is the intent of this subsection to ensure that such institutions receive the full benefit intended by this section, and that such effect will not be diminished by budget adjustments inconsistent with this intent.

(6) Energy efficiency projects in school districts, funded in whole or in part with state assistance provided under chapter 28A.525 RCW, or with the financing mechanisms authorized by this chapter, shall be subject to the provisions of this section governing the apportionment and use of savings and revenues from energy efficiency projects.

(7) For purposes of this section, "net" savings and revenues shall mean savings and revenues remaining after payment of project capital costs, including debt service, and other payments and reserves as required by a bond resolution or loan agreement under this chapter, and payment of project operating and maintenance expenses. The energy office shall develop guidelines and procedures for determining net savings and net revenues for energy efficiency projects at public facilities by April 1, 1992.

(8) The energy office shall report annually until the year 2006 to the director of the office of financial management and the chairs of the senate ways and means committee and the appropriate house of representatives fiscal committees a full and complete financial accounting for energy efficiency projects undertaken pursuant to this act, including but not limited to a description of the project, its location and sponsoring agency or school district, date of completion or, if not completed, status of construction, the amount of investment in and expenditures on the project, the amount of revenues received from the project and estimated savings, if any, during the past year, estimated revenues, expenditures, and investments for the ensuing five years, the useful life originally estimated for the project, and the useful life of the project estimated to remain as of the date of the report, and the amount of savings and revenues from energy conservation and cogeneration retained by individual state agencies.

Sec. 14. RCW 39.35.030 and 1982 c 159 s 3 are each amended to read as follows:

For the purposes of this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Public agency" means every state office, officer, board, commission, committee, bureau, department, and all political subdivisions of the state.

(2) "Office" means the Washington state energy office.

(3) "Major facility" means any publicly owned or leased building having twenty-five thousand square feet or more of usable floor space.

(4) "Initial cost" means the moneys required for the capital construction or renovation of a major facility.

(5) "Renovation" means additions, alterations, or repairs within any twelve-month period which exceed fifty percent of the value of a major facility and which will affect any energy system.

(6) "Economic life" means the projected or anticipated useful life of a major facility as expressed by a term of years.

(7) "Life-cycle cost" means the initial cost and cost of operation of a major facility over its economic life. This shall be calculated as the initial cost plus the operation, maintenance, and energy costs over its economic life, reflecting anticipated increases in these costs discounted to present value at the current rate for borrowing public funds, as determined by the ~~((state finance committee))~~ office of financial management. The energy cost~~((s))~~ projections used shall be those ~~((projected))~~ provided by the state energy office. The office shall update ~~((the))~~ these projections ~~((of energy costs))~~ at least every two years.

(8) "Life-cycle cost analysis" includes, but is not limited to, the following elements:

- (a) The coordination and positioning of a major facility on its physical site;
- (b) The amount and type of fenestration employed in a major facility;
- (c) The amount of insulation incorporated into the design of a major facility;
- (d) The variable occupancy and operating conditions of a major facility; and
- (e) An energy-consumption analysis of a major facility.

(9) "Energy systems" means all utilities, including, but not limited to, heating, air-conditioning, ventilating, lighting, and the supplying of domestic hot water.

(10) "Energy-consumption analysis" means the evaluation of all energy systems and components by demand and type of energy including the internal energy load imposed on a major facility by its occupants, equipment, and components, and the external energy load imposed on a major facility by the climatic conditions of its location. An energy-consumption analysis of the operation of energy systems of a major facility shall include, but not be limited to, the following elements:

- (a) The comparison of three or more system alternatives, at least one of which shall include renewable energy systems;
- (b) The simulation of each system over the entire range of operation of such facility for a year's operating period; and
- (c) The evaluation of the energy consumption of component equipment in each system considering the operation of such components at other than full or rated outputs.

The energy-consumption analysis shall be prepared by a professional engineer or licensed architect who may use computers or such other methods as are capable of producing predictable results.

(11) "Renewable energy systems" means methods of facility design and construction and types of equipment for the utilization of renewable energy sources including, but not limited to, active or passive solar space heating or cooling, domestic solar water heating, windmills, waste heat, biomass and/or refuse-derived fuels, ~~((cogenerated energy,))~~ photovoltaic devices, and geothermal energy.

(12) "Cogeneration" means the sequential generation of two or more forms of energy from a common fuel or energy source. Where these forms are electricity and thermal energy, then the operating and efficiency standards established by 18 C.F.R. Sec. 292.205 and the definitions established by 18 C.F.R. 292.202 (c) through (m) as of the effective date of this act shall apply.

NEW SECTION. Sec. 15. A new section is added to chapter 39.35 RCW to read as follows:

GUIDELINES FOR LIFE-CYCLE COST ANALYSIS. The office, in consultation with affected public agencies, shall develop and issue guidelines for administering this chapter. The purpose of the guidelines is to define a procedure and method for performance of life-cycle cost analysis to promote the selection of low-life-cycle cost alternatives. At a minimum, the guidelines must contain provisions that:

- (1) Address energy considerations during the planning phase of the project;

(2) Identify energy components and system alternatives including renewable energy systems and cogeneration applications prior to commencing the energy consumption analysis;

(3) Establish times during the design process for preparation, review, and approval or disapproval of the life-cycle cost analysis;

(4) Specify the assumptions to be used for escalation and inflation rates, equipment service lives, economic building lives, and maintenance costs;

(5) Determine life-cycle cost analysis format and submittal requirements to meet the provisions of this act;

(6) Provide for review and approval of life-cycle cost analysis.

NEW SECTION. Sec. 16. A new section is added to chapter 39.35 RCW to read as follows:

LIFE-CYCLE COST ANALYSIS REVIEW FEES. The energy office may impose fees upon affected public agencies for the review of life-cycle cost analyses. The fees shall be deposited in the energy efficiency services account established in section 12 of this act. The purpose of the fees is to recover the costs by the office for review of the analyses. The office shall set fees at a level necessary to recover all of its costs related to increasing the energy efficiency of state-supported new construction. The fees shall not exceed one-tenth of one percent of the total cost of any project or exceed two thousand dollars for any project unless mutually agreed to. The office shall provide detailed calculation ensuring that the energy savings resulting from its review of life-cycle cost analysis justify the costs of performing that review.

NEW SECTION. Sec. 17. **ADOPTION OF RULES.** The energy office may adopt rules to implement sections 3 through 5, 8, 9, 13, and 15 of this act.

NEW SECTION. Sec. 18. A new section is added to Title 28A RCW to read as follows:

The office of the superintendent of public instruction shall report annually to the energy and utilities committees of the house of representatives and the senate regarding the effects of this act on school districts throughout the state.

Sec. 19. RCW 43.88.195 and 1979 c 151 s 140 are each amended to read as follows:

After August 11, 1969, no state agency, state institution, state institution of higher education, which shall include all state universities, regional universities, The Evergreen State College, and community colleges, shall establish any new accounts or funds which are to be located outside of the state treasury: PROVIDED, That the office of financial management shall be authorized to grant permission for the establishment of such an account or fund outside of the state treasury only when the requesting agency presents compelling reasons of economy and efficiency which could not be achieved by placing such funds in the state treasury. When the director of financial management authorizes the creation of such fund or account, ~~((he))~~ the director shall forthwith give written notice of the fact to the standing committees on ways and means of the house and senate: PROVIDED FURTHER, That the office of financial management may grant permission for the establishment of accounts outside of the state treasury for the purposes of section 13 of this act.

Sec. 20. 1989 1st ex.s. c 12 s 301 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ENERGY OFFICE

Energy conservation projects (90-4-001)

The appropriation in this section is subject to the following conditions and limitations: The department shall contract with the following agencies for the amounts specified to undertake energy conservation projects. Each contract shall require the agencies listed below to deposit into the energy ~~((conservation account, hereby created in the state treasury))~~ efficiency services account, created in section 12 of this act, an amount equal to the contract amount. The payback period for the contracted amount shall be determined by the department, but shall not exceed six years.

(1) No more than \$1,033,000 shall be expended for energy conservation projects for Military Department facilities;

(2) No more than \$361,600 shall be expended for energy conservation projects for the department of social and health services;

(3) No more than \$552,000 shall be expended for energy conservation projects for The Evergreen State College.

St Bldg Constr Acct	Reappropriation		Appropriation
	Prior Biennia	Future Biennia	Total
		2,199,000	1,946,600
			4,145,600

NEW SECTION. **Sec. 21.** CODIFICATION INSTRUCTIONS. Sections 2 through 13 and 17 of this act shall constitute a new chapter in Title 39 RCW.

NEW SECTION. **Sec. 22.** CAPTIONS NOT LAW. Captions as used in this act constitute no part of the law.

NEW SECTION. **Sec. 23.** REPEALER. 1982 c 159 s 6 (uncodified) is repealed.

NEW SECTION. **Sec. 24.** SEVERABILITY CLAUSE. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment to Substitute Senate Bill No. 5245.

The motion by Senator Thorsness carried and the Committee on Ways and Means striking amendment was adopted.

MOTIONS

On motion of Senator Thorsness, the following title amendment was adopted:

On page 1, line 1 of the title, after "policy;" strike the remainder of the title and insert "amending RCW 39.35.030 and 43.88.195; amending 1989 1st ex.s. c 12 s 301 (uncodified); adding a new section to chapter 43.21F RCW; adding new sections to chapter 39.35 RCW; adding a new chapter to Title 39 RCW; adding a new section to Title 28A RCW; creating a new section; and repealing 1982 c 159 s 6 (uncodified)."

On motion of Senator Thorsness, the rules were suspended, Engrossed Substitute Senate Bill No. 5245 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5245.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5245 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Conner, Erwin, Gaspard, Hansen, Jesernig, Johnson, L. Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 40.

Voting nay: Senators Bluechel, Cantu, Craswell, Hayner, Matson, McDonald, Patterson, Rasmussen - 8.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5245, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1487, by Representatives Dellwo, Zellinsky, R. Johnson, R. Meyers, Mielke, Broback, Winsley, Inslee, Anderson, Scott, Dorn, Silver, Jacobsen and Paris

Regulating check cashers and sellers.

The bill was read the second time.

MOTION

Senator von Reichbauer moved that the following Committee on Financial Institutions and Insurance amendments be considered simultaneously and be adopted:

On page 2, line 15, strike "five" and insert "three"

On page 14, line 4, strike all of "Sec. 21."

On page 15, line 4, after "address" strike "or telephone number of the applicant" and insert ", telephone number of the applicant, or financial statement"

MOTION

On motion of Senator Pelz, the question was divided.

MOTIONS

On motion of Senator von Reichbauer, the Committee on Financial Institutions and Insurance amendment on page 2, line 15, was adopted.

On motion of Senator von Reichbauer, the Committee on Financial Institutions and Insurance amendment on page 15, line 4, was adopted.

MOTION

Senator Moore moved than the Committee on Financial Institutions and Insurance amendment on page 14, line 4, be adopted.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Financial Institutions and Insurance amendment on page 14, line 4, to House Bill No. 1487.

The Committee on Financial Institutions and Insurance amendment on page 14, line 4, to House Bill No. 1487 was not adopted by voice vote.

MOTION

On motion of Senator von Reichbauer, the rules were suspended, House Bill No. 1487, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1487, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1487, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voiting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Sellar - 1.

HOUSE BILL NO. 1487, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1608 and the pending Committee on Children and Family Services striking amendment, deferred April 15, 1991.

MOTION

Senator Lela Kreidler moved that the following amendment to the Committee on Children and Family Services amendment be adopted:

On page 2, line 3, after "youths." strike all material through "groups." on line 3 and insert "Gang and drug activity may be a culturally influenced phenomenon which the legislature intends public and private agencies to consider and address in prevention and treatment programs."

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Lela Kreidler on page 2, line 3, to the Committee on Children and Family Services striking amendment to Engrossed Substitute House Bill No. 1608.

The motion by Senator Lela Kreidler carried and the amendment to the Committee on Children and Family Services striking amendment was adopted.

MOTION

Senator Talmadge moved that the following amendment to the Committee on Children and Family Services striking amendment be adopted:

On page 7, after line 5, insert the following:

NEW SECTION. Sec. 8. It is the intent of the legislature to provide timely, thorough, and fair procedures for resolution of grievances of clients, foster parents, and the community resulting from decisions made by the department of social and health services. Grievances should be resolved at the lowest level possible, however, all levels of the department should be held accountable and responsible to individuals who are experiencing difficulties with their services or decisions.

NEW SECTION. Sec. 9. A new section is added to chapter 74.13 RCW to read as follows:

The department shall develop and implement, by July 1, 1991, a formal complaint resolution process to be used by clients of the department, individual complainants, and foster parents who have complaints regarding a policy of a division of the department or procedure or the application of a division policy or procedure.

After a complainant initiates the complaint resolution process, jurisdiction shall continue for thirty days unless an extension is agreed to by the complainant. After thirty days, if no extension has been agreed to, the complainant may file an application for an adjudicative proceeding under chapter 34.05 RCW.

The department shall develop procedures to assure that clients of the department and foster parents are informed of the availability of the complaint resolution process and how to access it. The department shall incorporate information regarding the complaint resolution process into the training for foster parents and caseworkers.

Any client of the department, individual complainant, or foster parent who uses the department's complaint resolution process and who is subjected to any reprisal or retaliatory action undertaken after the complainant makes his or her complaint known to the department may seek judicial review of the reprisal or retaliatory action in superior court. In such action, the reviewing court may award reasonable attorneys' fees.

The department shall compile complaint resolution data including about whom a complaint was made, by whom, and the outcome of the complaint. The department shall submit semiannual reports, due January and July of each year, beginning January 1992, to the senate children and family services committee and the house of representatives human services committee.

NEW SECTION. Sec. 10. A new section is added to chapter 74.13 RCW to read as follows:

A foster parent or relative care provider may seek review of an agency decision to remove a foster child residing in the home of the foster parent or relative, pursuant to a court order entered in a proceeding under this chapter, through use of the department's complaint resolution process. The complaint resolution process shall not be used to contest a decision to return the child home when a court order has been entered to that effect or to contest a decision regarding visitation. The foster parent or relative care provider shall initiate that process within five days of receipt of the removal decision notification. Thirty days following the initiation of the department's complaint resolution process, unless an agreed extension exists, the foster parent or relative care provider may file an application for an adjudicative proceeding under chapter 34.05 RCW. The agency shall schedule the adjudicative hearing within five days after the application is filed. A final order shall be issued by the presiding officer of the adjudicative proceeding within twenty-one days after conclusion of the hearing

or after submission of memos, briefs, or proposed findings in accordance with RCW 34.05.461(7).

The general public shall be excluded from adjudicative proceedings regarding agency removal decisions. Only parties to the adjudicative or the dependency proceeding or persons the judge finds to have a direct interest in the case shall be admitted.

NEW SECTION. Sec. 11. A new section is added to chapter 74.13 RCW to read as follows:

If a foster parent or relative care provider is using the department's complaint resolution process to review a decision to remove a child from the foster family home or from a relative home or has filed an application for an adjudicative proceeding, the foster child shall remain in the foster or relative home unless the regional administrator determines that the child's safety is in jeopardy or that other compelling reasons exist necessitating the removal.

Sec. 12. RCW 74.13.300 and 1990 c 284 s 12 are each amended to read as follows:

(1) Whenever a child has been placed in a foster family home or the home of a relative care provider by the department or a child-placing agency and the child has thereafter resided in the home for at least ninety consecutive days, the department or child-placing agency shall notify the foster family in writing of the reasons upon which the decision to move the child was based, at least five days prior to moving the child to another placement, unless:

(a) A court order has been entered requiring an immediate change in placement;

or

(b) ~~((The child is being returned home;~~

~~(c))~~ The child's safety is in jeopardy~~((; or~~

~~(d) The child is residing in a receiving home or a group home)).~~

(2) If a decision is made by the department or a child-placing agency to move a child to another placement, the foster family parent or relative care provider shall receive written notice of his or her right to request a review of the removal decision regarding a child that is residing in the home of the foster parent or relative pursuant to a court order entered in a proceeding under this chapter through the department's complaint resolution process. The notification shall also advise the foster family parent or relative care provider that if the complaint remains unresolved after use of the department's complaint resolution process, he or she may file an application for an adjudicative proceeding under chapter 34.05 RCW. Notification of the department's complaint resolution process and right to an adjudicative proceeding is not required to be provided if:

(a) A court order has been entered requiring an immediate change in placement;

or

(b) The child is being returned home and a court order has been entered to that effect.

(3) If the child has resided in a foster family home for less than ninety days or if, due to one or more of the circumstances in subsection (1) of this section, it is not possible to give five days' notification, the department or child-placing agency shall notify the foster family of proposed placement changes as soon as reasonably possible.

~~((3))~~ (4) This section is intended solely to assist in minimizing disruption to the child in changing foster care placements. Nothing in this section shall be construed to ~~((require that a court hearing be held prior to changing a child's foster care placement nor to))~~ create any substantive custody rights in the foster parents.

NEW SECTION. Sec. 13. A new section is added to chapter 74.13 RCW to read as follows:

The department shall establish rules specifying the criteria needed to be a foster-adopt parent and create a license for that category of foster parent. Specific placement

procedures regarding foster-adopt shall be incorporated into the training for caseworkers. The department shall develop a form that constitutes an agreement between the department and each foster-adopt parent. The agreement shall include, in bold-faced, capital letters, the fact that there is no guarantee that parental rights to a foster child being placed in the foster-adopt home will be terminated. The form shall include a section where the foster-adopt parents indicate what representations, if any, were made to them by the department regarding adoption. The department shall implement the foster-adopt agreement form by July 1, 1991, and report back to the legislature by September 1, 1991. If parental rights to the child in the foster-adopt home are terminated, the foster-adopt parents shall be given first consideration to adopt the foster child. If foster-adopt parents seek judicial review of a decision to remove a foster child from their care and prevail, the department shall pay court costs and attorneys' fees.

NEW SECTION. Sec. 14. A new section is added to chapter 13.34 RCW to read as follows:

If a child has resided in a foster-adopt home for a period of twelve months or more, the foster-adopt parents may file a petition seeking termination of the parent and child relationship.

Sec. 15. RCW 13.34.110 and 1983 c 311 s 4 are each amended to read as follows:

The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor, and after it has announced its findings of fact shall hold a hearing to consider disposition of the case immediately following the fact-finding hearing or at a continued hearing within fourteen days or longer for good cause shown. The parties need not appear at the fact-finding or dispositional hearing if all are in agreement; but the court shall receive and review a social study before entering an order based on agreement. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by mail of the time and place of any continued hearing.

All hearings may be conducted at any time or place within the limits of the county, and such cases may not be heard in conjunction with other business of any other division of the superior court. The general public shall be excluded, and only such persons may be admitted who are found by the judge to have a direct interest in the case or in the work of the court. If a child resides in foster care or in the home of a relative pursuant to a disposition order entered under RCW 13.34.130, the court shall allow the child's foster parent or relative care provider to attend dependency review proceedings pertaining to the child for the purpose of providing information about the child to the court.

Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.

NEW SECTION. Sec. 16. A new section is added to chapter 13.34 RCW to read as follows:

If a dependent child has resided in the home of a foster parent or a relative for at least eighteen months pursuant to a court order entered in a proceeding under this chapter, the foster parent or relative may file a motion to intervene as a party in the action pertaining to the child. The motion to intervene shall be served upon the parties to the action as provided in applicable juvenile court and superior court rules.

NEW SECTION. Sec. 17. Sections 8 through 16 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

POINT OF ORDER

Senator Craswell: "A point of order, Mr. President. I would challenge this amendment on scope and object. The amendment establishes a formal grievance procedure and I believe that is beyond the scope and object of the bill which allows the department to study their assessing process and the gang and drug involvement regarding juvenile offenders and examines statutory staffing requirements. I believe this would be beyond the scope of this bill."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 1608 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1268, by House Committee on Appropriations (originally sponsored by Representatives Spanel, Silver, Hine, Forner, Paris, May, P. Johnson, Winsley, Zellinsky, Hochstatter, Nealey, Wynne, Edmondson, Bowman, D. Sommers, Brumsickle, Betrozoff, Wood, Miller, Ballard, Tate, McLean, Jacobsen, Nelson, Jones, Wineberry, Pruitt, Dellwo, R. Johnson, Ogden, Bray, Roland and Basich) (by request of Joint Committee on Pension Policy)

Changing provisions relating to retirement service credit.

The bill was read the second time.

MOTION

Senator Snyder moved that the following amendment by Senators Gaspard and von Reichbauer be adopted:

On page 13, after line 11, insert the following:

Sec. 5. RCW 41.32.260 and 1974 ex.s. c 199 s 2 are each amended to read as follows:

(1)(a) Any member whose public school service is interrupted by active service to ~~((the United States as a member of its military, naval or air service, or to))~~ the state of Washington, as a member of the legislature, may upon becoming reemployed in the public schools, receive credit for such service upon presenting satisfactory proof, and contributing to the annuity fund, either in a lump sum or installments, such amounts as shall be determined by the ~~((board of trustees: PROVIDED (1), That no such military service credit in excess of five years shall be established or reestablished after July 1, 1961, unless the service was actually rendered during time of war: PROVIDED FURTHER (2), That))~~ director.

(b) A member of the retirement system who is a member of the state legislature or a state official eligible for the combined pension and annuity provided by RCW 41.32.497, or 41.32.498, as now or hereafter amended shall have deductions taken from his or her salary in the amount of seven and one-half percent of earnable compensation

and that service credit shall be established with the retirement system while such deductions are reported to the retirement system, unless he or she has by reason of his or her employment become a contributing member of another public retirement system in the state of Washington(~~:(— AND PROVIDED FURTHER (3), That)~~).

(c) Such elected official who has retired or otherwise terminated his or her public school service may then elect to terminate his or her membership in the retirement system and receive retirement benefits while continuing to serve as an elected official(~~:(— AND, PROVIDED FURTHER (4), That)~~).

(d) A member of the retirement system who had previous service as an elected or appointed official, for which he or she did not contribute to the retirement system, may receive credit for such legislative service unless he or she has received credit for that service in another state retirement system, upon making contributions in such amounts as shall be determined by the board of trustees.

(2)(a) Any member whose public school service is interrupted by active service to the United States as a member of its military, naval, or air service, may upon becoming reemployed in the public schools, receive credit for such service upon presenting satisfactory proof: PROVIDED, That no such military service credit in excess of five years shall be established or reestablished after July 1, 1961, unless the service was actually rendered during time of war.

(b) After completing twenty-five years of creditable service, any member may have the member's service in the armed forces credited to the member if the service was prior to membership, but in no instance shall such military service in excess of five years be credited. This subsection (2)(b) does not apply to any individual who is not a veteran within the meaning of RCW 41.04.005. Military service shall not be credited to any member who is receiving full military retirement benefits pursuant to Title 10 of the United States Code.

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

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Gaspard and von Reichbauer on page 13, line 11, to Substitute House Bill No. 1268.

The motion by Senator Snyder carried and the amendment was adopted.

MOTION

On motion of Senator Wojahn, the following amendment by Senators Wojahn, Rasmussen and Roach was adopted:

On page 33, line 1, strike all of subsection (6) and insert the following:

"(6)(a) "Surviving spouse" for persons who establish membership in the retirement system on or before September 30, 1977, means the surviving widow or widower of a member(~~— The word shall not include the divorced spouse of a member~~) or an ex-spouse who has been provided benefits under any court decree of dissolution or legal separation or in any court order or court approved property settlement agreement incident to any court decree of dissolution or legal separation. In order to qualify as a surviving spouse under this subsection: (i) A person shall have been married to the member for at least one year prior to the member's retirement or separation from service if a vested member; (ii) the decree or court order must be currently effective; and (iii) the decree or court order must have been entered after the member's retirement and prior to December 31, 1979. If two or more persons are eligible as surviving spouses under this subsection, benefits shall be divided between the surviving spouses based on the percentage of total service credit the member accrued during each marriage. This definition shall apply retroactively.

(b) "Surviving spouse" for persons who establish membership in the retirement system on or after October 1, 1977, means the surviving widow or widower of a member and does not include the divorced spouse of a member."

Senator Rasmussen moved that the following amendment by Senators Rasmussen and Saling be adopted:

On page 46, after line 18, insert the following:

Sec. 18. RCW 41.32.575 and 1989 c 272 s 3 are each amended to read as follows:

(1) Beginning July 1, (~~(1989)~~ 1991, and every year thereafter, the department shall determine the following information for each retired member or beneficiary who is over the age of sixty-five:

(a) The dollar amount of the retirement allowance received by the retiree at the benefit age ((~~sixty five~~)), to be known for the purposes of this section as the "((~~age sixty five~~) benefit age retirement allowance";

(b) The index for the calendar year prior to the year that the retiree reached the benefit age ((~~sixty five~~)), to be known for purposes of this section as "index A";

(c) The index for the calendar year prior to the date of determination, to be known for purposes of this section as "index B";

(d) The ratio obtained when index B is divided by index A, to be known for the purposes of this section as the "full purchasing power ratio"; and

(e) The value obtained when the retiree's ((~~age sixty five~~) benefit age retirement allowance is multiplied by ((~~sixty percent~~) the applicable percentage of the retiree's full purchasing power ratio, to be known for the purposes of this section as the "target benefit."

(2) Beginning with the July payment, the retiree's ((~~age sixty five~~) benefit age retirement allowance shall be adjusted to be equal to the retiree's target benefit. In no event, however, shall the adjusted allowance:

(a) Be smaller than the retirement allowance received without the adjustment; (~~nor~~)

(b) Differ from the previous year's allowance by more than three percent; or

(c) Be paid before the retiree is age sixty-six.

No adjustment shall be made if the benefit age retirement allowance is greater than three hundred percent of the poverty income level for a family of two as published annually by the United States department of health and human services.

(3) For members who retire after the benefit age ((~~sixty five~~)), the ((~~age sixty five~~) benefit age retirement allowance shall be the initial retirement allowance received by the member.

(4) For beneficiaries of members who die prior to the benefit age ((~~sixty five~~)):

(a) The ((~~age sixty five~~) benefit age retirement allowance shall be the allowance received by the beneficiary on the date the member would have turned the benefit age ((~~sixty five~~)); and (b) index A shall be the index for the calendar year prior to the year the member would have turned the benefit age ((~~sixty five~~)).

(5) Where the pension payable to a beneficiary was adjusted at the time the benefit commenced, the benefit provided by this section shall be adjusted in a manner consistent with the adjustment made to the beneficiary's pension.

(6) For the purposes of this section:

(a) "Index" means, for any calendar year, that year's average consumer price index--Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor;

(b) "Retired member" or "retiree" means any member who has retired for service or because of duty or nonduty disability, or the surviving beneficiary of such a member.

(7) The benefit age and the applicable percentage shall be determined by the state actuary using the funds appropriated for this purpose in each biennial omnibus appropriations act until the target levels established in this subsection are achieved. The benefit age shall be initially set at sixty-five, and the applicable percent shall be initially set at sixty percent. Each year, as available funds permit, the state actuary shall reduce the benefit age from age sixty-five to the age at retirement. After the benefit age has been adjusted to the age at retirement, the state actuary shall, as available funds permit, increase the applicable percentage on an incremental basis from sixty percent to seventy percent.

"Sec. 19. RCW 41.40.325 and 1989 c 272 s 2 are each amended to read as follows:

(1) Beginning July 1, ~~((1989))~~ 1991, and every year thereafter, the department shall determine the following information for each retired member or beneficiary who is over the age of sixty-five:

(a) The dollar amount of the retirement allowance received by the retiree at the benefit age ((sixty five)), to be known for the purposes of this section as the "age ~~sixty five~~) benefit age retirement allowance";

(b) The index for the calendar year prior to the year that the retiree reached the benefit age ((sixty five)), to be known for purposes of this section as "index A";

(c) The index for the calendar year prior to the date of determination, to be known for purposes of this section as "index B";

(d) The ratio obtained when index B is divided by index A, to be known for the purposes of this section as the "full purchasing power ratio"; and

(e) The value obtained when the retiree's age ~~sixty five~~) benefit age retirement allowance is multiplied by ((sixty percent)) the applicable percentage of the retiree's full purchasing power ratio, to be known for the purposes of this section as the "target benefit."

(2) Beginning with the July payment, the retiree's age ~~sixty five~~) benefit age retirement allowance shall be adjusted to be equal to the retiree's target benefit. In no event, however, shall the adjusted allowance:

(a) Be smaller than the retirement allowance received without the adjustment; ~~((not))~~

(b) Differ from the previous year's allowance by more than three percent; or

(c) Be paid before the retiree is age sixty-six.

No adjustment shall be made if the benefit age retirement allowance is greater than three hundred percent of the poverty income level for a family of two as published annually by the United States department of health and human services.

(3) For members who retire after the benefit age ((sixty five)), the age ~~sixty five~~) initial retirement allowance shall be the initial retirement allowance received by the member.

(4) For beneficiaries of members who die prior to the benefit age ((sixty five)):

(a) The age ~~sixty five~~) initial retirement allowance shall be the allowance received by the beneficiary on the date the member would have turned the benefit age ((sixty five)); and (b) index A shall be the index for the calendar year prior to the year the member would have turned the benefit age ((sixty five)).

(5) Where the pension payable to a beneficiary was adjusted at the time the benefit commenced, the benefit provided by this section shall be adjusted in a manner consistent with the adjustment made to the beneficiary's pension.

(6) For the purposes of this section:

(a) "Index" means, for any calendar year, that year's average consumer price index--Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor;

(b) "Retired member" or "retiree" means any member who has retired for service or because of duty or nonduty disability, or the surviving beneficiary of such a member.

(7) The benefit age and the applicable percentage shall be determined by the state actuary using the funds appropriated for this purpose in each biennial omnibus appropriations act until the target levels established in this subsection are achieved. The benefit age shall be initially set at sixty-five, and the applicable percent shall be initially set at sixty percent. Each year, as available funds permit, the state actuary shall reduce the benefit age from age sixty-five to the age at retirement. After the benefit age has been adjusted to the age at retirement, the state actuary shall, as available funds permit, increase the applicable percentage on an incremental basis from sixty percent to seventy percent.

Re-number remaining sections consecutively.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen and Saling to Substitute House Bill No. 1268.

The motion by Senator Rasmussen carried and the amendment was adopted.

MOTIONS

On motion of Senator McDonald, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "41.32.013," insert "41.32.260,"

On page 1, line 2 of the title, after "41.32.013," insert "41.32.575,"

On page 1, line 3 of the title, after "41.40.235," insert "41.40.325,"

On motion of Senator McDonald, the rules were suspended, Substitute House Bill No. 1268, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Anderson, Senator Johnson was excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1268, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1268, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Johnson, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 1268, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1358, by House Committee on Appropriations (originally sponsored by Representatives Dorn, Holland, Neher, Peery, Sprenkle, Brumsickle, Rasmussen, Inslee, R. Meyers, Winsley, Edmondson, Mielke, Miller, Betzoff, G. Fisher, Basich, Pruitt, Orr, H. Myers, Roland, Rayburn and Anderson)

Allowing educational employees to choose a benefit plan in lieu of remuneration for unused sick leave.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, Substitute House Bill No. 1358 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1358.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1358, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Johnson, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 1358, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1520, by Representatives Leonard, Winsley and Riley (by request of Department of Social and Health Services)

Correcting the name of a residential habilitation center.

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, House Bill No. 1520 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator West, and there being no objection, further consideration of House Bill No. 1520 was deferred.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1609, by House Committee on Human Services (originally sponsored by Representatives Leonard, Winsley, Riley, Brekke, R. King, Anderson, Phillips, Dellwo, Spanel, Haugen, Hine, Jones, Pruitt, Basich, R. Johnson, Van Luven, Wang, Valle, Inslee, Belcher, Sheldon and O'Brien)

Developing additional mental health services for children.

The bill was read the second time.

MOTION

Senator West moved that the following Committee on Health and Long-Term Care amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature intends to encourage the development of community-based interagency collaborative efforts to plan for and provide mental health services to children in a manner that coordinates existing categorical children's mental health programs and funding, is sensitive to the unique cultural circumstances of children of color, eliminates duplicative case management, and to the greatest extent possible, blends categorical funding to offer more service options to each child.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means a state or local governmental entity or a private not-for-profit organization.

(2) "Child" means a person under eighteen years of age, except as expressly provided otherwise in federal law.

(3) "County authority" means the board of county commissioners or county executive.

(4) "Department" means the department of social and health services.

(5) "Early periodic screening, diagnosis, and treatment" means the component of the federal medicaid program established pursuant to 42 U.S.C. Sec. 1396d(r), as amended.

(6) "Regional support network" means a county authority or group of county authorities that have entered into contracts with the secretary pursuant to chapter 71.24 RCW.

- (7) "Secretary" means the secretary of social and health services.

"PART I
INVENTORY OF CHILDREN'S MENTAL HEALTH SERVICES"

NEW SECTION. Sec. 3. (1) The office of financial management shall provide the following information to the appropriate committees of the legislature on or before December 1, 1991, and update such information biennially thereafter:

(a) An inventory of state and federally funded programs providing mental health services to children in Washington state. For purposes of the inventory, "children's mental health services" shall be broadly construed to include services related to children's mental health provided through education, children and family services, juvenile justice, mental health, health care, alcohol and substance abuse, and developmental disabilities programs, such as: The primary intervention program; treatment foster care; the fair start program; therapeutic child care and day treatment for children in the child protective services system, as provided in RCW 74.14B.040; family reconciliation services counseling, as provided in chapter 13.32A RCW; the community mental health services act, as provided in chapter 71.24 RCW; mental health services for minors, as provided in chapter 71.34 RCW; mental health services provided by the medical assistance program, limited casualty program for the medically needy and children's health program, as provided in chapter 74.09 RCW; counseling for delinquent children, as provided in RCW 72.05.170; mental health service provided by child welfare services, as provided in chapter 74.13 RCW; and services to emotionally disturbed and mentally ill children, as provided in chapter 74.14A RCW.

(b) For each program or service inventoried pursuant to (a) of this subsection:

(i) Statutory authority;

(ii) Level and source of funding state-wide and for each county and school district in the state during the biennium ending June 30, 1991, to the extent such information is available;

(iii) Agency administering the service state-wide and description of how administration and service delivery are organized and provided at the regional and local level;

(iv) Programmatic or financial eligibility criteria;

(v) Characteristics of, and number of children served state-wide and in each county and school district during the biennium ending June 30, 1991, to the extent such information is available;

(vi) Number of children of color served, by race and nationality, and number and type of minority mental health providers, by race and nationality, in each regional support network area, to the extent such information is available; and

(vii) Statutory changes necessary to remove categorical restrictions in the program or service, including federal statutory or regulatory changes.

(2) The office of financial management, in consultation with the department, shall develop a plan and criteria for the use of early periodic screening, diagnosis, and treatment services related to mental health that includes at least the following components:

(a) Criteria for screening and assessment of mental illness and emotional disturbance;

(b) Criteria for determining the appropriate level of medically necessary services a child receives, including but not limited to development of a multidisciplinary plan of care when appropriate, and prior authorization for receipt of mental health services;

(c) Qualifications for children's mental health providers;

(d) Other cost control mechanisms, such as managed care arrangements and prospective or capitated payments for mental health services; and

(e) Mechanisms to ensure that federal medicaid matching funds are obtained for services inventoried pursuant to subsection (1) of this section, to the greatest extent practicable.

In developing the plan, the office of financial management shall provide an opportunity for comment by the major child-serving systems and regional support networks. The plan shall be submitted to appropriate committees of the legislature on or before December 1, 1991.

"PART II
CHILDREN'S MENTAL HEALTH SERVICES DELIVERY SYSTEMS"

NEW SECTION. Sec. 4. (1) On or before January 1, 1992, each regional support network, or county authority in counties that have not established a regional support network, shall initiate a local planning effort to develop a children's mental health services delivery system.

(2) Representatives of the following agencies or organizations and the following individuals shall participate in the local planning effort:

(a) Representatives of the department of social and health services in the following program areas: Children and family services, medical care, mental health, juvenile rehabilitation, alcohol and substance abuse, and developmental disabilities;

(b) The juvenile courts;

(c) The public health department or health district;

(d) The school districts;

(e) The educational service district serving schools in the county;

(f) Head start or early childhood education and assistance programs;

(g) Community action agencies; and

(h) Children's services providers, including minority mental health providers.

(3) Parents of children in need of mental health services and parents of children of color shall be invited to participate in the local planning effort.

(4) The following information shall be developed through the local planning effort and submitted to the secretary:

(a) A supplement to the county's January 1, 1991, children's mental health services report prepared pursuant to RCW 71.24.049 to include the following data:

(i) The number of children in need of mental health services in the county or counties covered by the local planning effort, including children in school and children receiving services through the department of social and health services division of children and family services, division of developmental disabilities, division of alcohol and substance abuse, and division of juvenile rehabilitation, grouped by severity of their mental illness;

(ii) The number of such children that are underserved or unserved and the types of services needed by such children; and

(iii) The supply of children's mental health specialists in the county or counties covered by the local planning effort.

(b) A children's mental health services delivery plan that includes a description of the following: (i) Children that will be served, giving consideration to children who are at significant risk of experiencing mental illness, as well as those already experiencing mental illness;

(ii) How appropriate services needed by children served through the plan will be identified and provided, including prevention and identification services;

(iii) How a lead case manager for each child will be identified;

(iv) How funding for existing services will be coordinated to create more flexibility in meeting children's needs. Such funding shall include the services and programs inventoried pursuant to section 3(1) of this act;

(v) How the children's mental health delivery system will incorporate the elements of the early periodic screening, diagnosis, and treatment services plan developed pursuant to section 3(2) of this act; and

(vi) How the children's mental health delivery system will coordinate with the regional support network information system developed pursuant to RCW 71.24.035(5)(g).

(5) In developing the children's mental health services delivery plan, every effort shall be made to reduce duplication in service delivery and promote complementary services among all entities that provide children's services related to mental health.

(6) The children's mental health services delivery plan shall address the needs of children of color through at least the following mechanisms:

(a) Outreach initiatives, services, and modes of service delivery that meet the unique needs of children of color;

(b) Services to children of color that are culturally relevant and acceptable, as well as linguistically accessible; and

(c) Increasing access to minority mental health providers in the children's mental health delivery system through contracts and subcontracts with minority providers, affirmative action employment efforts, or other appropriate actions.

NEW SECTION. Sec. 5. Part headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 6. Sections 1 through 4 of this act shall constitute a new chapter in Title 71 RCW.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 9. If specific funding for the purposes of section 3 of this act, referencing section 3 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, then section 3 of this act shall be null and void.

NEW SECTION. Sec. 10. If specific funding for the purposes of section 4 of this act, referencing section 4 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, then section 4 of this act shall be null and void.

On motion of Senator Niemi, the following amendment by Senators Niemi and West to the Committee on Health and Long-Term Care amendment was adopted:

Beginning on page 6, line 27, strike everything beginning with "The" through "actions." on page 7, line 8, and insert the following:

"Any regional support network that submitted a children's mental health plan under contract with the department of social and health services during 1991 is exempt from the planning related requirements of this section."

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Health and Long-Term Care striking amendment, as amended.

The motion by Senator West carried and the Committee on Health and Long-Term Care striking amendment, as amended, was adopted.

MOTION

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "adding a new chapter to Title 71 RCW; creating new sections; and declaring an emergency."

MOTION

At 4:38 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Wednesday, April 17, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

NINETY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 17, 1991

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Barr, Hansen, McMullen and Sellar. On motion of Senator Anderson, Senators Amondson, Barr and Sellar were excused. On motion of Senator Murray, Senators Hansen and McMullen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Leila Ellsworth and Brian Borton, presented the Colors. Reverend Larry Neufeld, pastor of the Timberline Baptist Church of Lacey, offered the prayer.

MOTION

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

REPORT OF STANDING COMMITTEE

April 17, 1991

SHB 1649 Prime Sponsor, House Committee on Environmental Affairs:
Updating municipality water discharge fees. Reported by
Committee on Environment and Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Conner, Owen, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

April 16, 1991

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5008,

SUBSTITUTE SENATE BILL NO. 5128,

SENATE BILL NO. 5141,

SENATE BILL NO. 5558,

SUBSTITUTE SENATE BILL NO. 5626,

SENATE BILL NO. 5651,

SENATE BILL NO. 5778, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5008,
 SUBSTITUTE SENATE BILL NO. 5128,
 SENATE BILL NO. 5141,
 SENATE BILL NO. 5558,
 SUBSTITUTE SENATE BILL NO. 5626,
 SENATE BILL NO. 5651,
 SENATE BILL NO. 5778.

SECOND READING
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9115, James Roper, as a member of the Juvenile Disposition Standards Commission, was confirmed.

APPOINTMENT OF JAMES ROPER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Amondson, Barr, Hansen, McMullen, Sellar - 5.

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9166, Keith Anderson, as a member of the Juvenile Disposition Standards Commission, was confirmed.

APPOINTMENT OF KEITH ANDERSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Amondson, Barr, Hansen, McMullen, Sellar - 5.

PERSONAL PRIVILEGE

Senator von Reichbauer: "Mr. President, I rise to a point of personal privilege. Yesterday, we had before us, House Bill No. 1487 and I had two painful experiences yesterday. One was in the cafeteria where I lost a filling while I was eating my lunch with Senator Snyder and the other was the confusion I might have caused Senator Moore on the amendment to House Bill No. 1487. Whether it was the distraction of the tooth or the confusion when the bill came up, I am disappointed in myself in not letting Senator Moore know he was going to have to carry that amendment to that particular bill. That amendment was opposed by both myself and Senator Pelz in the Senate Committee on Financial Institutions and Insurance and had I given Senator Moore more advanced warning, he might have been better prepared to deal with that and I apologize to Senator Moore."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1196, by House Committee on Energy and Utilities (originally sponsored by Representatives Bray, Neher, Jacobsen, Ludwig, Grant, Nealey, Rayburn, Inslee and G. Fisher)

Establishing the Washington state center for environmental and molecular sciences at Washington State University/Tri-Cities.

The bill was read the second time.

MOTION

On motion of Senator Thorsness, the rules were suspended, Substitute House Bill No. 1196 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1196.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1196 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Amondson, Barr, Hansen, Sellar - 4.

SUBSTITUTE HOUSE BILL NO. 1196, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1743, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo, Broback, R. Meyers, R. Johnson, Dorn, Zellinsky, Paris, Scott and Winsley)

Revising regulation of high-interest consumer loans.

The bill was read the second time.

MOTIONS

On motion of Senator von Reichbauer, the following Committee on Financial Institutions and Insurance amendment was adopted:

On page 3, line 27, after "to extend" insert "credit"

On motion of Senator von Reichbauer, the rules were suspended, Substitute House Bill No. 1743, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Metcalf: "Senator von Reichbauer, I am deeply concerned and have always been with the inordinate costs of consumer loans. What will be the ultimate impact? Will this raise the price to the consumer on consumer loans? One talks about a flat maximum permitted interest rate of twenty-five percent per year. To me, that doesn't sound like interest, that sounds like loan-sharking."

Senator von Reichbauer: "Senator Metcalf, yesterday Senator Talmadge also raised questions on that, in advance of today's discussion, so that we would have a chance to review that and we put together figures of one and five thousand dollar loans."

REMARKS BY PRESIDENT PRITCHARD

President Pritchard: "Just a minute. We have to have some order in the Senate here, particularly when there is a colloquy between two members. It is important; it will be a long day--a lot of bills--and we will have to hold, not only the conversation between members, but the amount of volume that you use when you talk to your offices on the phone. All right, continue."

Senator von Reichbauer: "In response, Senator Talmadge had raised this issue yesterday, concerned with the same question you raised. So, we had

the opportunity to prepare a review of typical loans that were offered. In fact, we found that it was not only a wash with the changes, but in some cases, because of the Rule 78, one that I quite frankly--after several hearings--never have been really able to understand--the Rule 78. I'm sure Senator Moore or someone else, with more experience in this area, could. It is, in fact, a wash with the average consumer.

"What we have done is delete language that is not working and we have done that by increasing fees in other areas, so that we are increasing fees proportionate to what we are decreasing on one side of the ledger. It is a wash."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1743, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1743, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Saling, Snyder, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 38.

Voting nay: Senators Madsen, Matson, Moore, Murray, Roach, Skratek, A. Smith, L. Smith, Sutherland - 9.

Excused: Senators Amondson, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 1743, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1677, by House Committee on Transportation (originally sponsored by Representatives Cooper, R. Fisher, Peery, Ogden, H. Myers, Morris, Jacobsen, and Winsley)

Updating population criteria for high capacity transportation programs.

The bill was read the second time.

MOTIONS

On motion of Senator Patterson, the following Committee on Transportation amendments were considered simultaneously and were adopted:

On page 5, line 18, after "or" strike "nation" and insert "Canadian province"

On page 5, line 20, after "or" strike "nation" and insert "Canadian province"

On page 6, line 5, after "or" strike "nation" and insert "Canadian province"

On page 6, line 7, after "or" strike "nation" and insert "Canadian province"

On motion of Senator Patterson, the rules were suspended, Engrossed Substitute House Bill No. 1677, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1677, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1677, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senator Craswell - 1.

Excused: Senators Amondson, Sellar - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1677, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2057, by Representatives Day, H. Sommers, Dellwo, D. Sommers, Orr, Mielke, Nealey, Wang, Prince, Moyer, Scott, Hine and Wineberry

Allowing public facilities districts to impose excise tax.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, House Bill No. 2057 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2057.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2057 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 38.

Voting nay: Senators Anderson, Barr, Bauer, Craswell, Jesernig, Moore, Murray, Roach, Sutherland - 9.

Excused: Senators Amondson, Sellar - 2.

HOUSE BILL NO. 2057, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1710, by House Committee on Environmental Affairs (originally sponsored by Representatives Miller, Fraser, Rust, Valle, Roland, Winsley and Dorn) (by request of Department of Health Department)

Requiring certification of water systems operators.

The bill was read the second time.

MOTIONS

On motion of Senator Thorsness, the following Committee on Energy and Utilities amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 70.119.010 and 1983 c 292 s 1 are each amended to read as follows:

The legislature declares that competent operation of a public water ((supply)) system is necessary for the protection of the consumers' health, and therefore it is of vital interest to the public. In order to protect the public health and conserve and protect the water resources of the state, it is necessary to provide for the classifying of all public water ((supply)) systems; to require the examination and certification of the persons responsible for the technical operation of such systems; and to provide for the promulgation of rules and regulations to carry out this chapter.

Sec. 2. RCW 70.119.020 and 1991 c 3 s 369 are each amended to read as follows:

As used in this chapter unless context requires another meaning:

(1) "Board" means the board established pursuant to RCW 70.95B.070 which shall be known as the water and waste water operator certification board of examiners.

(2) "Certificate" means a certificate of competency issued by the secretary stating that the operator has met the requirements for the specified operator classification of the certification program.

(3) "Certified operator" means an individual holding a valid certificate and employed or appointed by any county, water district, municipality, public or private corporation, company, institution, person, or the state of Washington and who is designated by the employing or appointing officials as the person responsible for active daily technical operation.

(4) "Department" means the department of health.

~~((4))~~ (5) "Distribution system" means that portion of a public water ~~((supply))~~ system which stores, transmits, pumps and distributes water to consumers.

~~((5))~~ (6) "Ground water under the direct influence of surface water" means any water beneath the surface of the ground with:

(a) Significant occurrence of insects or other macroorganisms, algae, or large diameter pathogens such as giardia lamblia; or

(b) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions.

(7) "Group A water system" means a system with fifteen or more service connections, regardless of the number of people; or a system serving an average of twenty-five or more people per day for sixty or more days within a calendar year, regardless of the number of service connections. Group A water system does not include a system serving fewer than fifteen single-family residences, regardless of the number of people.

(8) "Nationally recognized association of certification authorities" shall mean an organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and waste water facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

~~((6))~~ "Certified operator" means an individual employed or appointed by any county, water district, municipality, public or private corporation, company, institution, person, or the state of Washington who is designated by the employing or appointing officials as the person responsible for active daily technical operation.

~~(7))~~ (9) "Public water ((supply)) system" means any ((water supply system intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission and distribution facilities where water is furnished to any community or group of individuals, or is made available to the public for human consumption or domestic use, but excluding all water supply systems serving one single family residence)) system, excluding a system serving only one single-family residence and a system with four or fewer connections all of which serve residences on the same farm, providing piped water for human consumption, including any collection, treatment, storage, or distribution facilities under control of the purveyor and used primarily in connection with the system; and collection or pretreatment storage facilities not under control of the purveyor but primarily used in connection with the system.

~~((8))~~ (10) "Purification plant" means that portion of a public water ((supply)) system which treats or improves the physical, chemical or bacteriological quality of the system's water to bring the water into compliance with state board of health standards.

~~((9))~~ (11) "Secretary" means the secretary of the department of health.

(12) "Service" means a connection to a public water system designed to serve a single-family residence, dwelling unit, or equivalent use. If the facility has group home or barracks-type accommodations, three persons will be considered equivalent to one service.

(13) "Surface water" means all water open to the atmosphere and subject to surface runoff.

Sec. 3. RCW 70.119.030 and 1983 c 292 s 3 are each amended to read as follows:

(1) ((All public water supply systems which serve either)) A public water system shall have a certified operator if:

(a) The system serves one hundred or more services in use at any one time; or

(b) ((Twenty five or more persons which are supplied from a stream, lake or other surface water supply source and which are required by law to use a water filtration system;

~~are required to have a certified operator))~~ It is a group A water system using a surface water source or a ground water source under the direct influence of surface water.

(2) The certified operators shall be in charge of the technical direction of a water system's operation, or an operating shift of such a system, or a major segment of a system necessary for monitoring or improving the quality of water. The operator shall be certified as provided in RCW 70.119.050.

~~((2))~~ (3) The amount of time that a certified operator shall be required to be present shall be based upon the time required to properly operate and maintain the public water ~~((supply))~~ system as designed and constructed in accordance with RCW 43.20.050. The employing or appointing officials shall designate the position or positions requiring mandatory certification within their individual systems and shall assure that such certified operators are responsible for the system's technical operation.

~~((3))~~ (4) Operators not required to be certified by this chapter are encouraged to become certified on a voluntary basis.

Sec. 4. RCW 70.119.060 and 1977 ex.s. c 99 s 6 are each amended to read as follows:

The secretary shall further categorize all public water ~~((supply))~~ systems with regard to the size, type, source of water, and other relevant physical conditions affecting purification plants and distribution systems to assist in identifying the skills, knowledge and experience required for the certification of operators for each category of such systems, to assure the protection of the public health and conservation and protection of the state's water resources as required under RCW 70.119.010, and to implement the provisions of the state safe drinking water act in chapter 70.119A RCW. In categorizing all public water systems for the purpose of implementing these provisions of state law, the secretary shall take into consideration economic impacts as well as the degree and nature of any public health risk.

Sec. 5. RCW 70.119.090 and 1983 c 292 s 7 are each amended to read as follows:

Certificates shall be issued without examination under the following conditions:

(1) Certificates shall be issued without application fee to operators who, on ~~((the effective date of this act))~~ January 1, 1978, hold certificates of competency attained under the voluntary certification program sponsored jointly by the state department of social and health services, health services division, and the Pacific Northwest section of the American water works association.

(2) Certification shall be issued to persons certified by a governing body or owner of a public water ~~((supply))~~ system to have been the operators of a purification plant or distribution system on ~~((the effective date of this chapter))~~ January 1, 1978, but only to those who are required to be certified under RCW 70.119.030(1). A certificate so issued shall be valid for operating any plant or system of the same classification and same type of water source.

(3) A nonrenewable certificate, temporary in nature, may be issued to an operator for a period not to exceed twelve months to fill a vacated position required to have a certified operator. Only one such certificate may be issued subsequent to each instance of vacation of any such position.

Sec. 6. RCW 70.119.100 and 1987 c 75 s 11 are each amended to read as follows:

The issuance and renewal of a certificate shall be subject to the following conditions:

(1) Except as provided in RCW 70.119.090, a certificate shall be issued if the operator has satisfactorily passed a written examination, has paid the department an application fee as established by the department under RCW ~~((43.20B.110))~~ 43.70.110, and has met the requirements specified in the rules and regulations as authorized by this chapter.

(2) ~~((The terms for all certificates shall be for one year from the date of issuance.))~~ Every certificate shall be renewed annually upon the payment of a fee as established by the department under RCW ~~((43.20B.110))~~ 43.70.110 and satisfactory evidence is presented to the secretary that the operator has fulfilled the continuing education requirements as prescribed by rule of the department.

(3) The secretary shall notify operators who fail to renew their certificates before the end of the ~~((certificate))~~ year that their certificates are temporarily valid for two months following the end of the certificate year. Certificates not renewed during the two month period shall be invalid and the secretary shall so notify the holders of such certificates.

(4) An operator who has failed to renew a certificate pursuant to the provisions of this section, may reapply for certification and the secretary may require the operator to meet the requirements established for new applicants.

Sec. 7. RCW 70.119.110 and 1983 c 292 s 9 are each amended to read as follows:

The secretary may, with the recommendation of the board and after hearing before the same, revoke a certificate found to have been obtained by fraud or deceit; or for gross negligence in the operation of a purification plant or distribution system; or for an intentional violation of the requirements of this chapter or any lawful rules, order, or regulation of the department. No person whose certificate is revoked under this section shall be eligible to apply for a certificate for ~~((six months))~~ one year from the effective date of the final order of revocation.

Sec. 8. RCW 70.119.130 and 1983 c 292 s 10 are each amended to read as follows:

~~((On or after one year following the effective date of this act,))~~ Any person, including any operator or any firm, association, corporation, municipal corporation, or other governmental subdivision or agency who, after thirty days' written notice, operates a public water ~~((supply))~~ system which is not in compliance with RCW 70.119.030(1), shall be guilty of a misdemeanor. Each month of such operation out of compliance with RCW 70.119.030(1) shall constitute a separate offense. Upon conviction, violators shall be fined an amount not exceeding one hundred dollars for each offense. It shall be the duty of the prosecuting attorney or the attorney general, as appropriate to secure injunctions of continuing violations of any provisions of this chapter or the rules and regulations adopted hereunder: PROVIDED, That, except in the case of fraud, deceit, or gross negligence under RCW 70.119.110, no revocation, citation or charge shall be made under RCW 70.119.110 and 70.119.130 until a proper written notice of violation is received and a reasonable opportunity for correction has been given.

On motion of Senator Thorsness, the following title amendment was adopted:

On page 1, line 2 of the title, after "registration;" strike the remainder of the title and insert "and amending RCW 70.119.010, 70.119.020, 70.119.030, 70.119.060, 70.119.090, 70.119.100, 70.119.110, and 70.119.130."

MOTION

On motion of Senator Thorsness, the rules were suspended, Substitute House Bill No. 1710, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1710, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1710, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senators Hansen, Roach - 2.

Excused: Senators Amondson, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 1710, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGE FROM THE HOUSE

April 9, 1991

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5341 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes the unique legal risks that foster parents face in taking children into their care. Third parties have filed claims against foster parents for losses and damage caused by foster children. Additionally, foster children and their parents have sued foster parents for actions occurring while the children were in foster care. The legislature finds that some potential foster parents are unwilling to subject themselves to potential liability without insurance protection. The legislature further finds that to encourage those people to serve as foster parents, it is necessary to assure that such insurance is available to them.

NEW SECTION. Sec. 2. A new section is added to chapter 74.14B RCW to read as follows:

(1) Subject to subsection (2) of this section, the secretary of social and health services shall provide liability insurance to foster parents licensed under chapter 74.15 RCW. The coverage shall be for personal injury and property damage caused by foster parents or foster children that occurred while the children were in foster care. Such insurance shall cover acts of ordinary negligence but shall not cover illegal conduct or bad faith acts taken by foster parents in providing foster care. Moneys paid from liability insurance for any claim are limited to the amount by which the claim exceeds the amount available to the claimant from any valid and collectible liability insurance.

(2) The secretary of social and health services may purchase the insurance required in subsection (1) of this section or may choose a self-insurance method. The total moneys expended pursuant to this authorization shall not exceed five hundred thousand dollars per biennium. If the secretary elects a method of self-insurance, the expenditure shall include all administrative and staff costs. If the secretary elects a method of self-insurance, he or she may, by rule, place a limit on the maximum amount to be paid on each claim.

(3) Nothing in this section or section 3 of this act is intended to modify the foster parent reimbursement plan in place on the effective date of this act.

(4) The liability insurance program shall be available by July 1, 1991.

NEW SECTION. Sec. 3. A new section is added to chapter 4.24 RCW to read as follows:

In actions for personal injury or property damage commenced by foster children or their parents against foster parents licensed pursuant to chapter 74.15 RCW, the liability of foster parents for the care and supervision of foster children shall be the same as the liability of biological and adoptive parents for the care and supervision of their children.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

On page 1, line 1 of the title, after "parents;" strike the remainder of the title and insert "adding a new section to chapter 74.14B RCW; adding a new section to chapter 4.24 RCW; creating new sections; providing an effective date; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator von Reichbauer moved that the Senate do concur in the House amendments to Second Substitute Senate Bill No. 5341.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator von Reichbauer that the Senate do concur in the House amendments to Second Substitute Senate Bill No. 5341.

The motion by Senator von Reichbauer carried and the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5341.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5341, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5341 as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A.

Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Amondson, Sellar - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5341, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Gaspard: "Mr. President, I rise to a point of personal privilege, please. We have passed now the first bill that has become law, sponsored by Senator Lela Kreidler. We are very proud of her in the way that she has fulfilled the position of Senator from the Twenty-second Legislative District and for her husband, Mike Kreidler. This very well may be her last full day as a Washington State Senator.

"We want to convey our appreciation to Lela for being such an outstanding individual to work with. We are going to miss her dearly. We may take some action tomorrow, however, Lela, to ask the Senate to consider whether or not to allow you to leave, but I think we may also be honored tomorrow by having two Kridlers here that have represented the Twenty-second District so well in the Legislature.

"Lela, you have made a number of wonderful friends here. We are going to miss you and hope that we will see you often and we also know that if Mike should ever have to be called to active duty again, we expect you to be here again." Senator Hayner, also, expressed her appreciation to Senator Lela Kreidler.

Senator Lela Kreidler thanked all the Senators for giving her support during her stay in the Washington State Senate.

MOTION

At 10:07 a.m., on motion of Senator Newhouse, the Senate was declared to be as ease.

The Senate was called to order at 10:54 a.m. by President Pritchard.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 5906.

On motion of Senator Newhouse, the rules were suspended, Senate bill No. 5906 was advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Newhouse, the Senate returned to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1712, by House Committee on Commerce and Labor (originally sponsored by Representatives Heavey, Lisk, Cole, Fuhrman, Wood, Betzoff, Jacobsen, R. Meyers, Phillips, Winsley, Ferguson, Orr and Wineberry)

Providing for the registration of athlete agents.

The bill was read the second time.

MOTIONS

On motion of Senator McMullen, the following amendments by Senators McMullen and Matson were considered simultaneously and were adopted:

On page 2, line 25, after "(7)" insert "'Professional athlete" means a person who is under contract to a professional sports team and is no longer enrolled in an institution of higher education as an undergraduate student.

(8)"

Renumber the subsections consecutively and correct internal references accordingly.

On page 3, line 8, after "The" insert "registration"

On page 3, line 10, after "marriage;" strike "or"

On page 3, line 12, after "year" insert ";" or

(3) Who represents only professional athletes"

On page 4, line 23, after "agent" strike "or athlete agent firm" and insert ", athlete agent firm, or any person exempt under section 4 of this act"

On page 5, line 2, after "agent" strike "or athlete agent firm" and insert ", athlete agent firm, or any person exempt under section 4 of this act"

On page 5, line 3, after "athlete" strike ", whether or not the offer is"

On page 5, line 4, after "induce the" insert "student" and after "into a" insert "professional sports services"

Senator McMullen moved that the following amendment be adopted:

On page 5, after line 13, insert the following:

NEW SECTION. Sec. 10. The sum of forty-two thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of licensing for the biennium ending June 30, 1993, to carry out the purposes of this act.

PARLIAMENTARY INQUIRY

Senator McCaslin: "A parliamentary inquiry, Mr. President. Do we need a quorum to pass amendments?"

REPLY BY THE PRESIDENT

President Pritchard: "We need a quorum to conduct business."

Senator McCaslin: "Do we have a quorum?"

President Pritchard: "Only if it is called. Generally, they leave that up to the Chair. Would you want to call a quorum?"

Senator McCaslin: "Yes sir."

The President declared a quorum had been demanded and the question before the Senate to be the roll call on the number of Senators present.

ROLL CALL

The Secretary called the roll and the following Senators answered the roll: Yeas, 25; Nays, 0; Absent, 22; Excused, 2.

Voting yea: Senators Anderson, Bailey, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Oke, Patterson, Roach, Saling, L. Smith, Thorsness, von Reichbauer, West - 25.

Absent: Senators Barr, Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, Murray, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 22.

Excused: Senators Amondson, Sellar - 2.

The President declared the question before the Senate to be the adoption of the amendment by Senator McMullen on page 5, after line 13, to Substitute House Bill No. 1712.

The motion by Senator McMullen carried and the amendment was adopted.

MOTIONS

On motion of Senator McMullen, the following title amendment was adopted:

On page 1, line 2 of the title, after "RCW;" strike "and prescribing penalties" and insert "prescribing penalties; and making an appropriation"

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 1712, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1712, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1712, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, Matson, McMullen, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Pelz, Rasmussen, Rinehart, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognilid, von Reichbauer, West, Williams, Wojahn - 36.

Voting nay: Senators Barr, Craswell, McCaslin, McDonald, Metcalf, Nelson, Oke, Roach, Saling, Skratek, Thorsness - 11.

Excused: Senators Amondson, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 1712, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1019, by House Committee on Local Government (originally sponsored by Representatives Brough, Haugen, Mitchell and Ferguson)

Allowing fees for efforts to prevent aquifer depletion.

The bill was read the second time.

MOTIONS

On motion of Senator Metcalf, the following Committee on Environment and Natural Resources amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 36.36.010 and 1985 c 425 s 1 are each amended to read as follows:

The protection of subterranean water from pollution or degradation is of great concern. The depletion of subterranean water is of great concern. The purpose of this chapter is to allow the creation of aquifer protection areas to finance the protection, preservation, and rehabilitation of subterranean water, and to reduce special assessments imposed upon households to finance facilities for such purposes. Pollution and degradation of subterranean drinking water supplies, and the depletion of subterranean drinking water supplies, pose immediate threats to the safety and welfare of the citizens of this state.

Sec. 2. RCW 36.36.040 and 1988 c 258 s 1 are each amended to read as follows:

Aquifer protection areas may impose fees to fund:

(1) The preparation of a comprehensive plan to protect, preserve, and rehabilitate subterranean water, including ground water management programs adopted under chapter 90.44 RCW. This plan may be prepared as a portion of a county sewerage and/or water general plan pursuant to RCW 36.94.030;

(2) The construction of facilities for: (a) The removal of water- borne pollution; (b) water quality improvement; (c) sanitary sewage collection, disposal, and treatment; ~~((and))~~ (d) storm water or surface water drainage collection, disposal, and treatment; and (e) the construction of public water systems;

(3) The proportionate reduction of special assessments imposed by a county, city, town, or special district in the aquifer protection area for any of the facilities described in subsection (2) of this section; ~~((and))~~

(4) The costs of monitoring and inspecting on-site sewage disposal systems or community sewage disposal systems for compliance with applicable standards and rules, and for enforcing compliance with these applicable standards and rules in aquifer protection areas created after June 9, 1988; and

(5) The costs of: (a) Monitoring the quality and quantity of subterranean water and analyzing data that is collected; (b) ongoing implementation of the comprehensive plan developed under subsection (1) of this section; (c) enforcing compliance with standards and rules relating to the quality and quantity of subterranean waters; and (d) public education relating to protecting, preserving, and enhancing subterranean waters.

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, line 1 of the title, after "areas;" strike the remainder of the title and insert "and amending RCW 36.36.010 and 36.36.040."

MOTION

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 1019, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1019, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1019, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Gaspard, Hayner, Jesernig, Johnson, L. Kreidler, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Skratek, A. Smith, Sutherland, Talmadge, Thorsness, von Reichbauer, Williams - 32.

Voting nay: Senators Barr, Craswell, Erwin, Hansen, Matson, McCaslin, Rasmussen, Roach, Saling, L. Smith, Snyder, Stratton, Vognild, West, Wojahn - 15.

Excused: Senators Amondson, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 1019, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2093, by Representatives Locke, Miller, Anderson, Hine, Ferguson, Brough and Valle

Modifying authorized uses of the excise tax on lodgings.

The bill was read the second time.

MOTIONS

Senator McDonald moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 67.28.180 and 1987 c 483 s 1 are each amended to read as follows:

(1) Subject to the conditions set forth in subsections (2) and (3) of this section, the legislative body of any county or any city, is authorized to levy and collect a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property: PROVIDED, That it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) Any levy authorized by this section shall be subject to the following:

(a) Any county ordinance or resolution adopted pursuant to this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed pursuant to this section upon the same taxable event.

(b) In the event that any county has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such county shall be exempt from the provisions of subsection (a), to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued at any time and maturing before January 1, 2013, pursuant to the provisions of RCW 67.28.150 through 67.28.160: PROVIDED, That so much of such pledged tax revenues, together with any investment earnings thereon, not immediately necessary for actual payment of principal and interest on such bonds may be used: (i) In class AA counties, for repayment either of limited tax levy general obligation bonds or of any county fund or account from which a loan was made, the proceeds from the bonds or loan being used to pay for constructing, installing, improving, and equipping stadium capital improvement projects, and to pay for any engineering, planning, financial, legal and professional services incident to the development of such stadium capital improvement projects, regardless of the date the debt for such capital improvement projects was or may be incurred; or (ii) in counties other than class AA counties, for county-owned facilities for agricultural promotion.

As used in this subsection (2)(b), "capital improvement projects" may include, but not be limited to a stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto. The stadium restaurant authorized by this subsection (2)(b) shall be operated by a private concessionaire under a contract with the county.

(c) No city within a county exempt under subsection (2)(b) of this section may levy the tax authorized by this section so long as said county is so exempt: PROVIDED, That in the event that any city in such county has levied the tax authorized by this section and has, prior to June 26, 1975, authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such city may levy the tax so long as and to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued pursuant to the provisions of RCW 67.28.150 through 67.28.160.

(3) Any levy authorized by this section by a county that has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160 shall be subject to the following:

(a) Taxes collected under this section in any calendar year in excess of five million three hundred thousand dollars shall only be used as follows:

(i) For art museums, cultural museums, heritage activities and projects, the arts, ~~((and/or))~~ and the performing arts~~((~~

~~))~~, including performing arts facilities constructed by municipalities with consideration to the proportional location of lodging facilities generating revenues under this section: Seventy-five percent from January 1, 1991, through December 31, 2000, and seventy percent from January 1, 2001, through December 31, 2012;

(ii) For stadium capital improvement projects, as defined in subsection (2)(b) of this section: Nineteen percent from January 1, 1991, through December 31, 2000, and twenty-six and five-tenths percent from January 1, 2001, through December 31, 2012; and

(iii) For tourism promotion: Six percent from January 1, 1991, through December 31, 2000, and three and five-tenths percent from January 1, 2001, through December 31, 2012.

(b) At least seventy percent of moneys spent under (a)(i) of this subsection for the period January 1, 1991, through December 31, 2000, shall be used only for the purchase, design, construction, and remodeling of performing arts, visual arts, heritage, and cultural facilities, and for the purchase of fixed assets that will benefit art, heritage, and cultural organizations. For purposes of this subsection, fixed assets are tangible objects such as machinery and other equipment intended to be held or used for ten years or more. Qualifying organizations receiving moneys under this subsection must be financially stable and have at least the following:

(i) A legally constituted and working board of directors;

(ii) A record of artistic, heritage, or cultural accomplishments;

(iii) Been in existence and operating for at least two years;

(iv) Demonstrated ability to maintain net current liabilities at less than thirty percent of general operating expenses;

(v) Demonstrated ability to sustain operational capacity subsequent to completion of projects or purchase of machinery and equipment; and

(vi) Evidence that there has been independent financial review of the organization.

Only qualifying organizations under this subsection and general purpose local governments are eligible to receive the remaining moneys spent under (a)(i) of this subsection.

From the taxes distributed each year under (a)(ii) of this subsection, five hundred thousand dollars shall be used by the county to fund the capital and operating costs of youth sport facilities owned and operated by a local governmental entity. No youth sport facility is eligible for funding of capital costs under this subparagraph unless (A) the local governmental entity provides matching funds equal to twenty-five percent of the total amount of funding required and (B) the local governmental entity applies the funds to expanding the use of the facilities by persons under eighteen years of age. Funds received for operating costs may also be used to extend the hours in which the facilities are open for use and may be used to provide referees and umpires for youth sports activities. As used in this subparagraph, capital costs include the design, acquisition, construction, maintenance, and improvement of fields and facilities for youth sports activities.

(c) At least nineteen and five-tenths percent of the revenues distributed pursuant to (a)(i) of this subsection for the period January 1, 2001, through December 31, 2012,

shall be deposited in an account and shall be used to establish an endowment. Principal in the account shall remain permanent and irreducible. The earnings from investments of balances in the account may only be used for the purposes of (a)(i) of this subsection.

(d) Moneys distributed to art museums, cultural museums, heritage activities and projects, the arts, and the performing arts, and moneys distributed for tourism promotion shall be in addition to and may not be used to replace or supplant any other funding by the legislative body of the county.

(e) As used in this section, "tourism promotion" includes activities intended to attract visitors for overnight stays, arts, heritage, and cultural events, and recreational, professional, and amateur sports events. Moneys allocated to tourism promotion shall be allocated to nonprofit organizations formed for the express purpose of tourism promotion in a class AA county. Such organizations shall use moneys from the taxes to promote events in all parts of the class AA county.

(f) No taxes collected under this section may be used for the operation or maintenance of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged. Expenditures for operation or maintenance include all expenditures other than expenditures that directly result in new fixed assets or that directly increase the capacity, life span, or operating economy of existing fixed assets.

((e)) (g) No ad valorem property taxes may be used for debt service on bonds issued for a public stadium that is financed by bonds to which the tax is pledged, unless the taxes collected under this section are or are projected to be insufficient to meet debt service requirements on such bonds.

((d)) (h) If a substantial part of the operation and management of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged is performed by a nonpublic entity or if a public stadium is sold that is financed directly or indirectly by bonds to which the tax is pledged, any bonds to which the tax is pledged shall be retired.

((e)) (i) The county shall not lease a public stadium that is financed directly or indirectly by bonds to which the tax is pledged to, or authorize the use of the public stadium by, a professional major league sports franchise unless the sports franchise gives the right of first refusal to purchase the sports franchise, upon its sale, to local government. This subsection (3)((e))(i) does not apply to contracts in existence on April 1, 1986.

If a court of competent jurisdiction declares any provision of this subsection (3) invalid, then that invalid provision shall be null and void and the remainder of this section is not affected.

NEW SECTION. Sec. 2. This act shall take effect January 1, 1992.

On motion of Senator Matson, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 2, line 6, after "and" insert ", for class AA counties,"

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Engrossed House Bill No. 2093.

POINT OF INQUIRY

Senator Niemi: "Senator McDonald, I have read the summary of the Senate amendment to this bill and I also have read the bill and it looks to me like any arts organization which would qualify for funding would have to have

a building. They would have to have a building; they would have to have some kind of a capital to receive any of this money and they also would have to have been in existence and operating for at least two years. If I read this right, that means that no new arts organizations, small or large, would ever be able to tap into this and it also means that arts organizations, and there are many worthwhile arts organizations, which don't have a building would not get any of these funds. Am I reading it right?"

Senator McDonald: "You know, Senator Niemi, you may have to go across the rotunda and talk with Representative Locke, because we have not changed that portion of the bill. We simply dealt with the amount that would be shifted between the county, the King Dome, the tourism promotion, the sports promotion and the arts. I think we have given a summary of that. I can't give you the particulars on that."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, how much money of this will go to the arts?"

Senator McDonald: "Senator Rasmussen, between now and the year 2012, a hundred and seventy-three million would go to the arts. Sixty-one million dollars would go to the King Dome and nine point four million would go to tourism and sports promotion for a total of two hundred and forty-three million dollars. If you want to know between now and the year 2000, it would be thirty-two million dollars for the arts, seven point six million dollars to the King Dome and two point four million dollars to tourism."

Senator Rasmussen: "Does the city of Seattle also have the one percent fee on all construction for the arts?"

Senator McDonald: "I think that is part of state law that requires, on all public buildings, to have one percent for the arts."

Senator Rasmussen: "State law is one-half percent. Jonathan Whetzel wanted a one percent and we amended it down to one-half percent, which amounts to millions. I think Seattle went to one percent, which is a half more than the state."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Engrossed House Bill No. 2093.

The Committee on Ways and Means amendment, as amended, to Engrossed House Bill No. 2093 was adopted.

MOTIONS

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 4 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW .67.28.180; and providing an effective date."

On motion of Senator McDonald, the rules were suspended, Engrossed House Bill No. 2093, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2093, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2093, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bailey, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hayner, Johnson, L. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Owen, Pelz, Roach, Skratek, A. Smith, L. Smith, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams - 34.

Voting nay: Senators Amondson, Barr, Conner, Hansen, Jesernig, Nelson, Patterson, Rasmussen, Rinehart, Saling, Snyder, Stratton, Vognilid, Wojahn - 14.

Excused: Senator Sellar - 1.

ENGROSSED HOUSE BILL NO. 2093, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

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

SENATE RESOLUTION 1991-8648

By Senators Talmadge, Pelz, von Reichbauer and Conner

WHEREAS, On April 17, 1900, representatives of the United States and chiefs of Samoa respectively entered into agreements whereby the islands of Tutuila, Anunu'u, and Manu'a were ceded to the United States with all sovereign rights; and

WHEREAS, Since that time the peoples of American Samoa and the United States have adhered to the purposes and obligations of the agreements of cession so entered; and

WHEREAS, American Samoans who have moved to the mainland, including Washington State, have become outstanding citizens, sharing their culture and talents; and

WHEREAS, Many of the American Samoans who have moved to south Seattle, Fort Lewis, Shelton, and Tacoma, reaffirm their allegiance to the United States by celebrating April 17, commemorating the day the American Flag first flew over their homeland; and

WHEREAS, 1991 is the 91st Anniversary of the signing of the treaties and friendship between our cultures and communities;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate this occasion by recognizing April 17, 1991, as Samoan Flag Day; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the leaders of the Samoan community in King and Pierce Counties.

Senators Talmadge and von Reichbauer spoke to Senate Resolution 1991-8648.

INTRODUCTION OF SPECIAL GUESTS

The President introduced members of the Samoa community who were seated in the gallery.

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

SECOND READING

SENATE BILL NO. 5959, by Senators McDonald, Hayner and West
Restricting eligibility for general assistance unemployable.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, Senate Bill No. 5959 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5959.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5959 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Roach, Saling, L. Smith, Thorsness, von Reichbauer, West - 25.

Voting nay: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 23.

Excused: Senator Sellar - 1.

SENATE BILL NO. 5959, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5827, by Senators West, McDonald and Niemi (by request of Office of Financial Management and Department of Social and Health Services)

Revising provisions for the regulation of nursing homes.

The bill was read the second time.

MOTION

Senator Niemi moved that the following amendment by Senators Niemi, Gaspard, L. Kreidler, Snyder, Wojahn, Moore, Murray, Vognil, Talmadge and Sutherland be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 18.51.050 and 1989 c 372 s 1 are each amended to read as follows:

Upon receipt of an application for license, the department shall issue a license if the applicant and the nursing home facilities meet the requirements established under this chapter, except that the department shall issue a temporary license to a court-appointed receiver for a period not to exceed six months from the date of appointment. Prior to the issuance or renewal of the license, the licensee shall pay a license fee as established by the department. No fee shall be required of government operated institutions or court-appointed receivers. All licenses issued under the provisions of this chapter shall expire on a date to be set by the department, but no license issued pursuant to this chapter shall exceed thirty-six months in duration. When a change of ownership occurs, the entity becoming the licensed operating entity of the facility shall pay a fee established by the department at the time of application for the license. The previously determined date of license expiration shall not change. ~~((The department shall conduct, without charge to the nursing homes, one annual licensing and certification survey per calendar year and one postsurvey visit.~~

~~For all additional surveys required beyond the first postsurvey visit, nursing homes shall pay an inspection fee of twelve dollars per bed to the department. The inspection fee shall be due within thirty days of the completion date of the postsurvey.))~~ The department shall charge a license fee of seventy-two dollars per bed per year.

All applications and fees for renewal of the license shall be submitted to the department not later than thirty days prior to the date of expiration of the license. All applications and fees for change of ownership licenses shall be submitted to the department not later than sixty days before the date of the proposed change of ownership. Each license shall be issued only to the operating entity and those persons named in the license application. The license is valid only for the operation of the facility at the location specified in the license application. Licenses are not transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises.

Sec. 2. RCW 74.46.660 and 1980 c 177 s 66 are each amended to read as follows:

In order to participate in the prospective cost-related reimbursement system established by this chapter, the person or legal organization responsible for operation of a facility shall:

(1) Obtain a state certificate of need and/or federal capital expenditure review (section 1122) approval pursuant to chapter 70.38 RCW and Part 100, Title 42 CFR where required;

(2) Hold the appropriate current license;

(3) Hold current Title XIX certification;

(4) Hold a current contract to provide services under this chapter; ~~((and))~~

(5) Comply with all provisions of the contract and all application regulations, including but not limited to the provisions of this chapter; and

(6) If eligible for such certification, obtain and maintain medicare certification, under Title XVIII of the social security act, 42 U.S.C. Sec. 1395, as amended, for an appropriate portion, as determined by the facility, of the facility's licensed beds in order to assure access for medicare residents.

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senators Niemi, Gaspard, L. Kreidler, Snyder, Wojahn, Moore, Murray, Vognil, Talmadge and Sutherland to Senate Bill No. 5827.

ROLL CALL

The Secretary called the roll and the amendment was not adopted, the President voting 'nay,' by the following vote: Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognil, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, L. Smith, Thorsness, von Reichbauer, West - 24.

Excused: Senator Sellar - 1.

MOTION

Senator Niemi moved that the following amendment by Senators Niemi, Gaspard, L. Kreidler, Snyder, Wojahn, Moore, Murray, Vognil, Talmadge and Sutherland be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 18.51.050 and 1989 c 372 s 1 are each amended to read as follows:

Upon receipt of an application for license, the department shall issue a license if the applicant and the nursing home facilities meet the requirements established under this chapter, except that the department shall issue a temporary license to a court-appointed receiver for a period not to exceed six months from the date of appointment. Prior to the issuance or renewal of the license, the licensee shall pay a license fee as established by the department. No fee shall be required of government operated institutions or court-appointed receivers. All licenses issued under the provisions of this

chapter shall expire on a date to be set by the department, but no license issued pursuant to this chapter shall exceed thirty-six months in duration. When a change of ownership occurs, the entity becoming the licensed operating entity of the facility shall pay a fee established by the department at the time of application for the license. The previously determined date of license expiration shall not change. ~~((The department shall conduct, without charge to the nursing homes, one annual licensing and certification survey per calendar year and one postsurvey visit.~~

~~For all additional surveys required beyond the first postsurvey visit, nursing homes shall pay an inspection fee of twelve dollars per bed to the department. The inspection fee shall be due within thirty days of the completion date of the postsurvey-))~~ The department shall establish license fees at an amount adequate to reimburse the department in full for all costs of its licensing activities for nursing homes, adjusted to cover the department's cost of reimbursing such fees through medicaid.

All applications and fees for renewal of the license shall be submitted to the department not later than thirty days prior to the date of expiration of the license. All applications and fees for change of ownership licenses shall be submitted to the department not later than sixty days before the date of the proposed change of ownership. Each license shall be issued only to the operating entity and those persons named in the license application. The license is valid only for the operation of the facility at the location specified in the license application. Licenses are not transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises.

Sec. 2. RCW 74.46.660 and 1980 c 177 s 66 are each amended to read as follows:

In order to participate in the prospective cost-related reimbursement system established by this chapter, the person or legal organization responsible for operation of a facility shall:

(1) Obtain a state certificate of need and/or federal capital expenditure review (section 1122) approval pursuant to chapter 70.38 RCW and Part 100, Title 42 CFR where required;

(2) Hold the appropriate current license;

(3) Hold current Title XIX certification;

(4) Hold a current contract to provide services under this chapter; ~~((and))~~

(5) Comply with all provisions of the contract and all application regulations, including but not limited to the provisions of this chapter; and

(6) If eligible for such certification, obtain and maintain medicare certification, under Title XVIII of the social security act, 42 U.S.C. Sec. 1395, as amended, for an appropriate portion, as determined by the facility, of the facility's licensed beds in order to assure access for medicare residents.

Sec. 3. RCW 74.46.410 and 1989 c 372 s 2 are each amended to read as follows:

(1) Costs will be unallowable if they are not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of such items or services will be unallowable even if they are indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items provided to recipients which are covered by the department's medical care program but not included in care services established by the department under this chapter;

(c) Costs associated with a capital expenditure subject to section 1122 approval (part 100, Title 42 C.F.R.) if the department found it was not consistent with applicable standards, criteria, or plans. If the department was not given timely notice of a

proposed capital expenditure, all associated costs will be unallowable up to the date they are determined to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained;

(e) Interest costs other than those provided by RCW 74.46.290 on and after the effective date of RCW 74.46.530;

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care;

(g) Costs in excess of limits or in violation of principles set forth in this chapter;

(h) Costs resulting from transactions or the application of accounting methods which circumvent the principles of the cost-related reimbursement system set forth in this chapter;

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;

(j) Bad debts of non-Title XIX recipients. Bad debts of Title XIX recipients are allowable if the debt is related to covered services, it arises from the recipient's required contribution toward the cost of care, the provider can establish that reasonable collection efforts were made, the debt was actually uncollectible when claimed as worthless, and sound business judgment established that there was no likelihood of recovery at any time in the future;

(k) Charity and courtesy allowances;

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations;

(m) Vending machine expenses;

(n) Expenses for barber or beautician services not included in routine care;

(o) Funeral and burial expenses;

(p) Costs of gift shop operations and inventory;

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except those used in patient activity programs;

(r) Fund-raising expenses, except those directly related to the patient activity program;

(s) Penalties and fines;

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations;

(u) Federal, state, and other income taxes;

(v) Costs of special care services except where authorized by the department;

(w) Expenses of key-man insurance and other insurance or retirement plans not made available to all employees;

(x) Expenses of profit-sharing plans;

(y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;

(z) Personal expenses and allowances of owners or relatives;

(aa) All expenses of maintaining professional licenses or membership in professional organizations;

(bb) Costs related to agreements not to compete;

(cc) Amortization of goodwill;

(dd) Expenses related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;

(ee) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands;

(ff) Legal and consultant fees of a contractor or contractors in connection with a lawsuit against the department;

(gg) Lease acquisition costs and other intangibles not related to patient care;

(hh) All rental or lease costs other than those provided in RCW 74.46.300 on and after the effective date of RCW 74.46.510 and 74.46.530;

(ii) Postsurvey charges incurred by the facility as a result of subsequent inspections under RCW 18.51.050 which occur beyond the first postsurvey visit during the certification survey calendar year;

(jj) Costs and fees otherwise allowable for legal services, whether purchased, allocated by a home office, regional office or management company, or performed by the contractor or employees of the contractor, in excess of the eighty-fifth percentile of such costs reported by all contractors for the most recent cost report period: PROVIDED, That this limit shall not apply if a contractor has not exceeded this percentile in any of the preceding three annual cost report periods;

(kk) Costs and fees otherwise allowable for accounting and bookkeeping services, whether purchased, allocated by a home office, regional office or management company, or performed by the contractor or employees of the contractor, in excess of the eighty-fifth percentile of such costs reported by all contractors for the most recent cost report period: PROVIDED, That this limit shall not apply if a contractor has not exceeded this percentile in any of the preceding three annual cost report periods;

(ll) Compensation paid for any purchased direct nursing service in excess of the costs the facility would have incurred for regular service employees.

Sec. 4. RCW 74.46.481 and 1990 c 207 s 1 are each amended to read as follows:

(1) The nursing services cost center shall include all costs related to the direct provision of nursing and related care, including fringe benefits and payroll taxes for the nursing and related care personnel. For rates effective for state fiscal year 1984, the department shall adopt by administrative rule a definition of "related care" which shall incorporate, but not exceed services reimbursable as of June 30, 1983. For rates effective for state fiscal year 1985, the definition of related care shall include ancillary care. For rates effective after June 30, 1991, nursing services costs, as reimbursed within this chapter and as tested for reasonableness within this section, shall not include costs of any purchased direct nursing service in excess of the costs the facility would have incurred for regular service employees.

(2) The department shall adopt by administrative rules a method for establishing a nursing services cost center rate consistent with the principles stated in this section.

(3) Utilizing regression or other statistical technique, the department shall determine a reasonable limit on facility nursing staff taking into account facility patient characteristics. For purposes of this section, facility nursing staff refers to registered nurses, licensed practical nurses and nursing assistants employed by the facility or obtained through temporary labor contract arrangements. Effective January 1, 1988, the hours associated with the training of nursing assistants and the supervision of that training for nursing assistants shall not be included in the calculation of facility nursing staff. In selecting a measure of patient characteristics, the department shall take into account:

(a) The correlation between alternative measures and facility nursing staff; and

(b) The cost of collecting information for and computation of a measure.

If regression is used, the limit shall be set at predicted nursing staff plus 1.75 regression standard errors. If another statistical method is utilized, the limit shall be set at a level corresponding to 1.75 standard errors above predicted staffing computed according to a regression procedure.

(4) No facility shall receive reimbursement for nursing staff levels in excess of the limit, except that, if a facility was reimbursed for a nursing staff level in excess of the limit as of June 30, 1983, the facility may chose to continue to receive its June, 1983 nursing services rate plus any adjustments in rates, such as adjustments for economic trends, made available to all facilities. However, nursing staff levels established under subsection (3) of this section shall not apply to the nursing services cost center reimbursement rate for the pilot facility especially designed to meet the needs of persons living with AIDS as defined by RCW 70.24.017 and specifically authorized for this purpose under the 1989 amendment to the Washington state health plan [1989 1st ex.s. c 9]. The reasonableness limit established pursuant to this subsection shall remain in effect for the period July 1, 1983 through June 30, 1985. At that time the department may revise the measure of patient characteristics or method used to establish the limit.

(5) The department shall select an index of cost increase relevant to the nursing and related services cost area. In the absence of a more representative index, the department shall use the medical care component index as maintained by the United States bureau of labor statistics.

(6) If a facility's nursing staff level is below the limit specified in subsection (3) of this section, the department shall determine the percentage increase for all items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.

(a) If the percentage cost increase for a facility is below the increase in the selected index for the same time period, the facility's reimbursement rate in the nursing services cost center shall equal the facility's cost from the most recent cost reporting period plus any allowance for inflation provided by legislative appropriation.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing services cost area to a level reflecting the increase in the selected index.

(7) If the facility's nursing staff level exceeds the reasonableness limit established in subsection (3) of this section, the department shall determine the increase for all items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.

(a) If the percentage cost increase for a facility is below the increase in the index selected pursuant to subsection (5) of this section, the facility's reimbursement rate in the nursing cost center shall equal the facility's cost from the most recent cost reporting period adjusted downward to reflect the limit on nursing staff, plus any allowance for inflation provided by legislative appropriation subject to the provisions of subsection (4) of this section.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing services cost center to a level reflecting the nursing staff limit and the cost increase limit, subject to the provisions of subsection (4) of this section, plus any allowance for inflation provided by legislative appropriation.

(8) Prospective rates for the nursing services cost center for state fiscal year 1992 shall not be subject to the cost index lid in subsections (5), (6), and (7) of this section. The total of all rates increases for the nursing services cost center for any nursing facility, including prospective rate increases authorized pursuant to RCW 74.46.495 and 74.46.460 but excluding costs associated with new federal regulatory requirements, during this period shall not exceed fifty percent of the average rate paid during fiscal year 1991 for the nursing services cost center for that nursing facility.

(9) The department is authorized to determine on a systematic basis facilities with unmet patient care service needs. The department may increase the nursing services cost center prospective rate for a facility beyond the level determined in accordance with subsection (6) of this section if the facility's actual and reported nursing staffing

is one standard error or more below predicted staffing as determined according to the method selected pursuant to subsection (3) of this section and the facility has unmet patient care service needs: PROVIDED, That prospective rate increases authorized by this subsection shall be funded only from legislative appropriations made for this purpose and the increases shall be conditioned on specified improvements in patient care at such facilities.

~~((9))~~ (10) The department shall establish a method for identifying patients with exceptional care requirements and a method for establishing or negotiating on a consistent basis rates for such patients.

~~((10))~~ (11) The department, in consultation with interested parties, shall adopt rules to establish the criteria the department will use in reviewing any requests by a contractor for a prospective rate adjustment to be used to increase the number of nursing staff. These rules shall also specify the time period for submission and review of staffing requests: PROVIDED, That a decision on a staffing request shall not take longer than sixty days from the date the department receives such a complete request. In establishing the criteria, the department may consider, but is not limited to, the following:

- (a) Increases in acuity levels of contractors' residents;
- (b) Staffing patterns for similar facilities;
- (c) Physical plant of contractor; and
- (d) Survey, inspection of care, and department consultation results.

Sec. 5. RCW 74.46.530 and 1985 c 361 s 17 are each amended to read as follows:

(1) The department shall establish for individual facilities return on investment allowances composed of two parts: A financing allowance and a variable return allowance.

(a) The financing allowance shall be determined by multiplying the net invested funds of each facility by .11 and dividing by the contractor's total patient days. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total patient days used in computing the financing and variable return allowances shall be adjusted to the anticipated patient day level.

(b) In computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in RCW 74.46.330, 74.46.350, 74.46.360, and 74.46.370, including owned and leased assets, shall be utilized, except that the capitalized cost of land upon which the facility is located and such other contiguous land which is reasonable and necessary for use in the regular course of providing patient care shall also be included. In the case of leased facilities where the net invested funds are unknown or the contractor is unable to provide necessary information to determine net invested funds, the secretary shall have the authority to determine an amount for net invested funds based on an appraisal conducted according to RCW 74.46.360(1).

(c) In determining the variable return allowance:

(i) The department will first rank all facilities in numerical order from highest to lowest according to their average per diem allowable costs for the sum of the administration and operations and property cost centers for the previous cost report period.

(ii) The department shall then compute the variable return allowance by multiplying the appropriate percentage amounts, which shall not be less than one percent and not greater than four percent, by the total prospective rate for each facility, as determined in RCW 74.46.450 through 74.46.510. Beginning on July 1, 1992, the percentage amounts shall range from zero to not greater than three percent. The percentage amounts will be based on groupings of facilities according to the rankings as established in subparagraph (1)(b)(i) of this section. Those groups of facilities with

lower per diem costs shall receive higher percentage amounts than those with higher per diem costs.

(d) The sum of the financing allowance and the variable return allowance shall be the return on investment for each facility, and shall be added to the prospective rates of each contractor as determined in RCW 74.46.450 through 74.46.510.

(e) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement, and for which the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center determined according to RCW 74.46.510, is more than the return on investment allowance determined according to subsection (1)(d) of this section, the following shall apply:

(i) The financing allowance shall be recomputed substituting the fair market value of the assets as of January 1, 1982, as determined by the department of general administration through an appraisal procedure, less accumulated depreciation on the lessor's assets since January 1, 1982, for the net book value of the assets in determining net invested funds for the facility. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious.

(ii) The sum of the financing allowance computed under subsection (1)(e)(i) of this section and the variable allowance shall be compared to the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center rate determined according to RCW 74.46.510. The lesser of the two amounts shall be called the alternate return on investment allowance.

(iii) The return on investment allowance determined according to subsection (1)(d) of this section or the alternate return on investment allowance, whichever is greater, shall be the return on investment allowance for the facility and shall be added to the prospective rates of the contractor as determined in RCW 74.46.450 through 74.46.510.

(f) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, if the lease is renewed or extended pursuant to a provision of the lease, the treatment provided in subsection (1)(e) of this section shall be applied except that in the case of renewals or extensions made subsequent to April 1, 1985, reimbursement for the annualized lease payment shall be no greater than the reimbursement for the annualized lease payment for the last year prior to the renewal or extension of the lease.

(2) In the event that the department of health and human services disallows the application of the return on investment allowances to nonprofit facilities, the department shall modify the measurements of net invested funds used for computing individual facility return on investment allowances as follows: Net invested funds for each nonprofit facility shall be multiplied by one minus the ratio of equity funds to the net invested funds of all nonprofit facilities.

(3) Each biennium, beginning in 1985, the secretary shall review the adequacy of return on investment allowances in relation to anticipated requirements for maintaining, reducing, or expanding nursing care capacity. The secretary shall report the results of such review to the legislature and make recommendations for adjustments in the return on investment rates utilized in this section, if appropriate.

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained.
Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senators Niemi, Gaspard, L. Kreidler, Snyder, Wojahn, Moore, Murray, Vognild, Talmadge and Sutherland to Senate Bill No. 5827.

ROLL CALL

The Secretary called the roll and the amendment was not adopted, the President voting 'nay,' by the following vote: Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, L. Smith, Thorsness, von Reichbauer, West - 24.

Excused: Senator Sellar - 1.

MOTION

On motion of Senator McDonald, the rules were suspended, Senate Bill No. 5827 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5827.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5827 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Roach, Saling, L. Smith, Thorsness, von Reichbauer, West - 25.

Voting nay: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 23.

Excused: Senator Sellar - 1.

SENATE BILL NO. 5827, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINT OF ORDER

Senator Rasmussen: "A point of order, Mr. President. I think our rules specify that we stop for lunch."

REPLY BY THE PRESIDENT

President Pritchard: "I think that is up to the will of the majority. Do you want to stop for lunch?"

Senator Rasmussen: "It's in the rules, Mr. President. It requires a suspension of the rules."

President Pritchard: "A majority can waiver it. I am seeing up here-- about twenty five after twelve."

Senator Rasmussen: "That is my point of order, Mr. President."

President Pritchard: "Well, I thought we were going to lunch at twelve-thirty. Senator Newhouse, do you want to get in on this?"

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "I would just announce that we plan to do one more bill and then adjourn for the day."

WITHDRAWAL OF POINT OF ORDER

There being no objection, Senator Rasmussen withdrew the point of order.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1058, by House Committee on Revenue (originally sponsored by Representatives Wang, Holland and Fraser) (by request of State Treasurer and Office of Financial Management)

Reorganizing treasurer-managed funds and accounts.

The bill was read the second time.

MOTIONS

Senator McDonald moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 70.39.170 and 1985 c 57 s 67 are each amended to read as follows:

The commission shall biennially prepare a budget which shall include its estimated income and expenditures for administration and operation for the biennium, to be submitted to the governor for transmittal to the legislature for approval.

Expenses of the commission shall be financed by assessment against hospitals in an amount to be determined biennially by the commission, but not to exceed four one-hundredths of one percent of each hospital's gross operating costs to be levied and collected (~~(from and after July 1, 1973)~~) for the provision of hospital services for its last fiscal year ending on or before June 30th of the preceding calendar year. Budgetary requirements in excess of that limit may be financed by a general fund appropriation by the legislature. All moneys collected are to be deposited by the state

treasurer in the hospital commission account which is hereby created in the state treasury. ~~((All earnings of investments of balances in the hospital commission account shall be credited to the general fund.))~~

Any amounts raised by the collection of assessments from hospitals provided for in this section which are not required to meet appropriations in the budget act for the current fiscal year shall be available to the commission in succeeding years.

Sec. 2. RCW 18.08.240 and 1985 c 57 s 4 are each amended to read as follows:

There is established in the state treasury the architects' license account, into which all fees paid pursuant to this chapter shall be paid. ~~((All earnings of investments of balances in the architects' license account shall be credited to the general fund.))~~

Sec. 3. RCW 43.79.330 and 1985 c 57 s 38 are each amended to read as follows:

All moneys to the credit of the following state funds on the first day of August, 1955, and all moneys thereafter paid to the state treasurer for or to the credit of such funds, are hereby transferred to the following accounts in the state treasury, the creation of which is hereby authorized:

(1) Capitol building construction fund moneys, to the capitol building construction account;

(2) Cemetery fund moneys, to the cemetery account;

(3) Feed and fertilizer fund moneys, to the feed and fertilizer account;

(4) Forest development fund moneys, to the forest development account;

(5) Harbor improvement fund moneys, to the harbor improvement account;

(6) Millersylvania Park current fund moneys, to the Millersylvania Park current account;

(7) Puget Sound pilotage fund moneys, to the Puget Sound pilotage account;

(8) Real estate commission fund moneys, to the real estate commission account;

(9) Reclamation revolving fund moneys, to the reclamation revolving account;

(10) University of Washington building fund moneys, to the University of Washington building account; and

(11) State College of Washington building fund moneys, to the Washington State University building account(;

~~(12) All earnings of investments of balances in the capitol building construction account, the cemetery account, the feed and fertilizer account, the harbor improvement account, the Millersylvania Park current account, the Puget Sound pilotage account, the real estate commission account, and the reclamation revolving account shall be credited to the general fund; and~~

~~(13) Except as provided in RCW 43.84.090, all earnings of investments of balances in the forest development account, the University of Washington building account, and the Washington State University building account shall be credited to these respective accounts)).~~

Sec. 4. RCW 43.51.280 and 1987 c 466 s 2 are each amended to read as follows:

There is hereby created the trust land purchase account in the state treasury. Any revenues accruing to this account shall be used for the purchase of the property described in RCW 43.51.270(3)(a), to include all reasonable costs of acquisition, and a fee interest or such other interest in state trust lands presently used for park purposes as the state parks and recreation commission shall determine and to reimburse the state parks and recreation commission for the cost of collecting such fees beginning with the 1973-75 fiscal biennium. Any funds remaining in the account shall be used for the renovation and redevelopment of state park structures and facilities to extend the original life expectancy or correct damage to the environment of state parks and for the maintenance and operation of state parks in the 1981-83 biennium. Thereafter, the funds shall not be used for such purposes until the money in the account satisfies the

payment required to be made in the contract for sale of lands in RCW 43.51.270(2), the acquisition of the property described in RCW 43.51.270(3)(a), those amounts necessary to pay for the remaining trust assets of timber situated on the lands described in RCW 43.51.270(2), and for the acquisition of the property described in RCW 43.51.270(3) (b), (c), (d), and (e) and 43.51.270(4) on a schedule satisfactory to the board of natural resources. Payments may be delayed for property described in RCW 43.51.270(3) (b), (c), (d), and (e) until the existing contract for purchase of lands in RCW 43.51.270(2) has been paid off. Payments for the property in RCW 43.51.270(4) may be delayed until contracts for purchase of lands and timber described in RCW 43.51.270 (2) and (3) have been paid off. Payments from the account for those parcels included in RCW 43.51.270(4) shall be established on a schedule which is mutually acceptable to the board of natural resources and the parks and recreation commission. ~~((All earnings of investments of balances in the trust land purchase account shall be credited to the general fund.))~~

Sec. 5. RCW 40.14.025 and 1985 c 57 s 22 are each amended to read as follows:

The secretary of state and the director of financial management shall jointly establish a schedule of fees and charges governing the services provided by the division of archives and records management to other state agencies, offices, departments, and other entities. The schedule shall be determined such that the fees and charges will provide the division with funds to meet its anticipated expenditures during any allotment period.

There is created the archives and records management account in the state treasury which shall consist of all fees and charges collected under this section. The account shall be appropriated exclusively for use by the secretary of state for the payment of costs and expenses incurred in the operation of the division of archives and records management. ~~((All earnings of investments of balances in the archives and records management account shall be credited to the general fund.))~~

Sec. 6. RCW 43.51.310 and 1985 c 57 s 35 are each amended to read as follows:

There is hereby created the winter recreational program account in the state treasury. Special winter recreational area parking permit fees collected under this chapter shall be remitted to the state treasurer to be deposited in the winter recreational program account and shall be appropriated only to the commission for nonsnowmobile winter recreation purposes including the administration, acquisition, development, operation, planning, and maintenance of winter recreation facilities and the development and implementation of winter recreation, safety, enforcement, and education programs. The commission may accept gifts, grants, donations, or moneys from any source for deposit in the winter recreational program account. ~~((All earnings of investments of balances in the winter recreational program account shall be credited to the general fund.))~~

Any public agency in this state may develop and implement winter recreation programs. The commission may make grants to public agencies and contract with any public or private agency or person to develop and implement winter recreation programs.

Sec. 7. RCW 43.140.030 and 1985 c 57 s 58 are each amended to read as follows:

There is created the geothermal account in the state treasury. All expenditures from this account are subject to appropriation and chapter 43.88 RCW. ~~((All earnings of investments of balances in the geothermal account shall be credited to the general fund.))~~

All revenues received by the state treasurer under section 35 of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. Sec. 191), with respect to activities of the United States bureau of land management undertaken pursuant to the Geothermal

Steam Act of 1970 (30 U.S.C. Sec. 1001 et. seq.) shall be deposited in the geothermal account in the state treasury immediately upon receipt.

Sec. 8. RCW 28B.14D.040 and 1985 c 57 s 13 are each amended to read as follows:

~~((Except for that portion of the proceeds required to pay bond anticipation notes under RCW 28B.14D.020,))~~ The proceeds from the sale of the bonds ~~((and bond anticipation notes))~~ authorized in this chapter, together with all grants, donations, transferred funds, and all other moneys which the state finance committee or the board of regents or board of trustees of any of the state institutions of higher education may direct the state treasurer to deposit therein, shall be deposited in the higher education construction account hereby created in the state treasury. ~~((All earnings of investments of balances in the higher education construction account shall be credited to the general fund.))~~

Sec. 9. RCW 46.10.075 and 1985 c 57 s 61 are each amended to read as follows:

There is created a snowmobile account within the state treasury. Snowmobile registration fees, monetary civil penalties from snowmobile dealers, and snowmobile fuel tax moneys collected under this chapter and in excess of the amounts fixed for the administration of the registration and fuel tax provisions of this chapter shall be deposited in the snowmobile account and shall be appropriated only to the state parks and recreation commission for the administration and coordination of this chapter. ~~((All earnings of investments of balances in the snowmobile account shall be credited to the general fund.))~~

Sec. 10. RCW 72.72.030 and 1985 c 57 s 71 are each amended to read as follows:

(1) There is hereby created, in the state treasury, an institutional impact account. The secretary of social and health services may reimburse political subdivisions for criminal justice costs incurred directly as a result of crimes committed by offenders residing in an institution as defined herein under the jurisdiction of the secretary of social and health services. Such reimbursement shall be made to the extent funds are available from the institutional impact account. Reimbursements shall be limited to law enforcement, prosecutorial, judicial, and jail facilities costs which are documented to be strictly related to the criminal activities of the offender.

(2) The secretary of corrections may reimburse political subdivisions for criminal justice costs incurred directly as a result of crimes committed by offenders residing in an institution as defined herein under the jurisdiction of the secretary of corrections. Such reimbursement shall be made to the extent funds are available from the institutional impact account. Reimbursements shall be limited to law enforcement, prosecutorial, judicial, and jail facilities costs which are documented to be strictly related to the criminal activities of the offender.

~~((3) All earnings of investments of balances in the institutional impact account shall be credited to the general fund.))~~

Sec. 11. RCW 67.40.040 and 1990 c 181 s 2 are each amended to read as follows:

(1) The proceeds from the sale of the bonds authorized in RCW 67.40.030, ~~((earnings from the investment of the proceeds,))~~ proceeds of the tax imposed under RCW 67.40.090, and all other moneys received by the state convention and trade center from any public or private source which are intended to fund the acquisition, design, construction, expansion, exterior cleanup and repair of the Eagles building, conversion of various retail and other space to meeting rooms, purchase of the land and building known as the McKay Parcel, development of low-income housing, or renovation of the center, shall be deposited in the state convention and trade center account hereby created in the state treasury and in such subaccounts as are deemed appropriate by the directors of the corporation.

(2) ~~((Seventy five percent of the income from the investment of the corporation's funds deposited in the account, including interest earned thereon, before and after May 10, 1985, shall be credited against any future borrowings by the state convention and trade center corporation from the general fund for debt service or otherwise at the time such funds are needed after July 1, 1987.~~

(3)) Moneys in the account, including unanticipated revenues under RCW 43.79.270, shall be used exclusively for the following purposes in the following priority:

(a) For reimbursement of the state general fund under RCW 67.40.060;

(b) After appropriation by statute:

(i) For payment of expenses incurred in the issuance and sale of the bonds issued under RCW 67.40.030;

(ii) For acquisition, design, and construction of the state convention and trade center; and

(iii) For reimbursement of any expenditures from the state general fund in support of the state convention and trade center; and

(c) For transfer to the state convention and trade center operations account.

~~((4))~~ (3) The corporation shall identify with specificity those facilities of the state convention and trade center that are to be financed with proceeds of general obligation bonds, the interest on which is intended to be excluded from gross income for federal income tax purposes. The corporation shall not permit the extent or manner of private business use of those bond-financed facilities to be inconsistent with treatment of such bonds as governmental bonds under applicable provisions of the Internal Revenue Code of 1986, as amended.

Sec. 12. RCW 28B.10.821 and 1985 c 57 s 10 are each amended to read as follows:

The state educational grant account is hereby established in the state treasury. The commission shall deposit refunds and recoveries of student financial aid funds expended in prior biennia in such account. Expenditures from such account shall be for financial aid to needy or disadvantaged students. ~~((All earnings of investments of balances in the state educational grant account shall be credited to the general fund.))~~

Sec. 13. RCW 43.88.525 and 1985 c 57 s 52 are each amended to read as follows:

A budget stabilization account is hereby created as an account in the state treasury for the purposes set forth in RCW 43.88.520 through 43.88.540. There shall be deposited into the stabilization account the revenues described in RCW 43.88.530 and such other amounts as the legislature may from time to time direct to be deposited in the account. The governor's biennial budget document ~~((for the 1983-85 biennium and for each succeeding biennium))~~ shall contain a request for necessary transfers from the general fund to the budget stabilization account of those revenues identified in RCW 43.88.530. ~~((All earnings of investments of balances in the budget stabilization account shall be credited to the general fund.))~~

Sec. 14. RCW 58.24.060 and 1987 c 466 s 8 are each amended to read as follows:

There is created in the state treasury the surveys and maps account which shall be a separate account consisting of funds received or collected under chapters 58.22 and 58.24 RCW, moneys appropriated to it by law. This account shall be used exclusively by the department of natural resources for carrying out the purposes and provisions of chapters 58.22 and 58.24 RCW. Appropriations from the account shall be expended for no other purposes. ~~((All earnings of investments of balances in the surveys and maps account shall be credited to the general fund.))~~

Sec. 15. RCW 82.14.200 and 1990 c 42 s 313 are each amended to read as follows:

There is created in the state treasury a special account to be known as the "county sales and use tax equalization account." Into this account shall be placed a portion of all motor vehicle excise tax receipts as provided in RCW 82.44.110(6). Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to April 1st of each year the director of revenue shall inform the state treasurer of the total and the per capita levels of revenues for the unincorporated area of each county and the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than one hundred fifty thousand dollars from the tax for the previous calendar year, an amount from the county sales and use tax equalization account sufficient, when added to the amount of revenues received the previous calendar year by the county, to equal one hundred fifty thousand dollars.

The department of revenue shall establish a governmental price index as provided in this subsection. The base year for the index shall be the end of the third quarter of 1982. Prior to November 1, 1983, and prior to each November 1st thereafter, the department of revenue shall establish another index figure for the third quarter of that year. The department of revenue may use the implicit price deflators for state and local government purchases of goods and services calculated by the United States department of commerce to establish the governmental price index. Beginning on January 1, 1984, and each January 1st thereafter, the one hundred fifty thousand dollar base figure in this subsection shall be adjusted in direct proportion to the percentage change in the governmental price index from 1982 until the year before the adjustment. Distributions made under this subsection for 1984 and thereafter shall use this adjusted base amount figure.

(3) Subsequent to the distributions under subsection (2) of this section and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties as determined by the department of revenue under subsection (1) of this section, an amount from the county sales and use tax equalization account sufficient, when added to the per capita level of revenues for the unincorporated area received the previous calendar year by the county, to equal seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties determined under subsection (1) of this section, subject to reduction under subsections (6) and (7) of this section. When computing distributions under this section, any distribution under subsection (2) of this section shall be considered revenues received from the tax imposed under RCW 82.14.030(1) for the previous calendar year.

(4) Subsequent to the distributions under subsection (3) of this section and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (2) of this section, a third distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (2) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the total distribution under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for

prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) Subsequent to the distributions under subsection (4) of this section and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a fourth distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (3) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the distributions under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(6) Revenues distributed under this section in any calendar year shall not exceed an amount equal to seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties during the previous calendar year. If distributions under subsections (3) through (5) of this section cannot be made because of this limitation, then distributions under subsections (3) through (5) of this section shall be reduced ratably among the qualifying counties.

(7) If inadequate revenues exist in the county sales and use tax equalization account to make the distributions under subsections (3) through (5) of this section, then the distributions under subsections (3) through (5) of this section shall be reduced ratably among the qualifying counties. At such time during the year as additional funds accrue to the county sales and use tax equalization account, additional distributions shall be made under subsections (3) through (5) of this section to the counties.

(8) If the level of revenues in the county sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (5) of this section, then the additional revenues shall be credited and transferred to the state general fund.

~~((9) All earnings of investments of balances in the county sales and use tax equalization account shall be credited to the general fund.))~~

Sec. 16. RCW 82.14.210 and 1990 2nd ex.s. c 1 s 701 are each amended to read as follows:

There is created in the state treasury a special account to be known as the "municipal sales and use tax equalization account." Into this account shall be placed such revenues as are provided under RCW 82.44.110(5). Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to January 1st of each year the department of revenue shall determine the total and the per capita levels of revenues for each city and the state-wide weighted average per capita level of revenues for all cities imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each city not imposing the sales and use tax under RCW 82.14.030(2) an amount from the municipal sales and use tax equalization account equal to the amount distributed to the city under RCW 82.44.155, multiplied by thirty-five sixths.

(3) Subsequent to the distributions under subsection (2) of this section, and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the state-wide weighted average per capita level of revenues for all cities as determined by the department of revenue under subsection (1) of this section, an amount from the municipal sales and

use tax equalization account sufficient, when added to the per capita level of revenues received the previous calendar year by the city, to equal seventy percent of the state-wide weighted average per capita level of revenues for all cities determined under subsection (1) of this section, subject to reduction under subsection (6) of this section.

(4) Subsequent to the distributions under subsection (3) of this section, and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a third distribution from the municipal sales and use tax equalization account. The distribution to each qualifying city shall be equal to the distribution to the city under subsection (3) of this section, subject to the reduction under subsection (6) of this section. To qualify for the distributions under this subsection, the city must impose the tax under RCW 82.14.030(2) for the entire calendar year. Cities imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) For a city with an official incorporation date after January 1, 1990, municipal sales and use tax equalization distributions shall be made according to the procedures in this subsection. Municipal sales and use tax equalization distributions to eligible new cities shall be made at the same time as distributions are made under subsections (3) and (4) of this section. The department of revenue shall follow the estimating procedures outlined in this subsection until the new city has received a full year's worth of revenues under RCW 82.14.030(1) as of the January municipal sales and use tax equalization distribution.

(a) Whether a newly incorporated city determined to receive funds under this subsection receives its first equalization payment at the January, April, July, or October municipal sales and use tax equalization distribution shall depend on the date the city first imposes the tax authorized under RCW 82.14.030(1).

(i) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of January 1st shall be eligible to receive funds under this subsection beginning with the April municipal sales and use tax equalization distribution of that year.

(ii) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of February 1st, March 1st, or April 1st shall be eligible to receive funds under this subsection beginning with the July municipal sales and use tax equalization distribution of that year.

(iii) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of May 1st, June 1st, or July 1st shall be eligible to receive funds under this subsection beginning with the October municipal sales and use tax equalization distribution of that year.

(iv) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of August 1st, September 1st, or October 1st shall be eligible to receive funds under this subsection beginning with the January municipal sales and use tax equalization distribution of the next year.

(v) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of November 1st or December 1st shall be eligible to receive funds under this subsection beginning with the April municipal sales and use tax equalization distribution of the next year.

(b) For purposes of calculating the amount of funds the new city should receive under this subsection, the department of revenue shall:

(i) Estimate the per capita amount of revenues from the tax authorized under RCW 82.14.030(1) that the new city would have received had the city received revenues from the tax the entire calendar year;

(ii) Calculate the amount provided under subsection (3) of this section based on the per capita revenues determined under (b)(i) of this subsection;

(iii) Prorate the amount determined under (b)(ii) of this subsection by the number of months the tax authorized under RCW 82.14.030(1) is imposed.

(c) A new city imposing the tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution calculated under (b) of this subsection shall receive another distribution from the municipal sales and use tax equalization account. This distribution shall be equal to the calculation made under (b)(ii) of this subsection, prorated by the number of months the city imposes the tax authorized under RCW 82.14.030(2) at the full rate.

(d) The department of revenue shall advise the state treasurer of the amounts calculated under (b) and (c) of this subsection and the state treasurer shall distribute these amounts to the new city from the municipal sales and use tax equalization account subject to the limitations imposed in subsection (6) of this section.

(e) Revenues estimated under this subsection shall not affect the calculation of the state-wide weighted average per capita level of revenues for all cities made under subsection (1) of this section.

(6) If inadequate revenues exist in the municipal sales and use tax equalization account to make the distributions under subsection (3), (4), or (5) of this section, then the distributions under subsections (3), (4), and (5) of this section shall be reduced ratably among the qualifying cities. At such time during the year as additional funds accrue to the municipal sales and use tax equalization account, additional distributions shall be made under subsections (3), (4), and (5) of this section to the cities.

(7) If the level of revenues in the municipal sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (5) of this section, then the additional revenues shall be apportioned among the several cities within the state ratably on the basis of population as last determined by the office of financial management: PROVIDED, That no such distribution shall be made to those cities receiving a distribution under subsection (2) of this section.

~~((8) All earnings of investments of balances in the municipal sales and use tax equalization account shall be credited to the general fund.))~~

Sec. 17. RCW 18.72.390 and 1985 c 57 s 6 are each amended to read as follows:

Because it is the express purpose of this chapter to protect the public health and to provide for a public agency to act as a disciplinary body for members of the medical profession licensed to practice medicine and surgery in this state, and because the health and well-being of the people of this state are of paramount importance, there is hereby created an account in the state treasury to be known as the medical disciplinary account. All assessments, fines, and other funds collected or received pursuant to this chapter shall be deposited in the medical disciplinary account and used to administer and implement this chapter. ~~((All earnings of investments of balances in the medical disciplinary account shall be credited to the general fund.))~~

Sec. 18. RCW 43.70.320 and 1991 c 3 s 299 are each amended to read as follows:

There is created in the state treasury an account to be known as the health professions account. All fees received by the department for health professions licenses, registration, certifications, renewals, or examinations shall be forwarded to the state treasurer who shall credit such moneys to the health professions account. All expenses incurred in carrying out the health professions licensing activities of the department shall be paid from the account as authorized by legislative appropriation. Any residue in the account shall be accumulated and shall not revert to the general fund at the end of the biennium. ~~((All earnings of investments of balances in the health professions account shall be credited to the general fund.))~~

The secretary shall biennially prepare a budget request based on the anticipated costs of administering the health professions licensing activities of the department which shall include the estimated income from health professions fees.

Sec. 19. RCW 74.18.230 and 1985 c 97 s 2 and 1985 c 57 s 72 are each reenacted and amended to read as follows:

(1) There is established in the state treasury an account known as the business enterprises revolving account.

(2) The net proceeds from any vending machine operation in a public building, other than an operation managed by a licensee, shall be made payable to the business enterprises revolving fund. Net proceeds, for purposes of this section, means the gross amount received less the costs of the operation, including a fair minimum return to the vending machine owner, which return shall not exceed a reasonable amount to be determined by the department.

(3) All moneys in the business enterprises revolving fund shall be expended only for development and expansion of locations, equipment, management services, and payments to licensees in the business enterprises program.

(4) The business enterprises program shall be supported by the business enterprises revolving fund and by income which may accrue to the department pursuant to the federal Randolph-Sheppard Act.

(5) Vocational rehabilitation funds may be spent in connection with the business enterprises program for training persons to become licensees and for other services that are required to complete an individual written rehabilitation program.

~~((6) All earnings of investments of balances in the business enterprises revolving account shall be credited to the business enterprises revolving account.))~~

Sec. 20. RCW 18.04.105 and 1986 c 295 s 6 are each amended to read as follows:

(1) The certificate of "certified public accountant" shall be granted by the board to any person:

(a) Who is of good character. Good character, for purposes of this section, means lack of a history of dishonest or felonious acts. The board may refuse to grant a certificate on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good character of the applicant and the professional responsibilities of a licensee and if the finding by the board of lack of good character is supported by a preponderance of evidence. When an applicant is found to be unqualified for a certificate because of a lack of good character, the board shall furnish the applicant a statement containing the findings of the board and a notice of the applicant's right of appeal;

(b) Who has met such educational standards established by rule as the board determines to be appropriate; and

(c) Who has passed a written examination in accounting, auditing, and related subjects the board determines to be appropriate.

(2) The examination described in subsection (1)(c) of this section shall be held by the board and shall take place as often as the board determines to be desirable, but at least once a year. The board may use all or any part of the examination or grading service of the American Institute of Certified Public Accountants or National Association of State Boards of Accountancy to assist it in performing its duties under this chapter.

(3) The board may, by rule, provide for granting credit to a person for satisfactory completion of a written examination in any one or more of the subjects specified in subsection (1)(c) of this section given by the licensing authority in any other state. These rules shall include requirements the board determines to be appropriate in order that any examination approved as a basis for any credit shall, in the judgment of the board, be at least as thorough as the most recent examination given by the board at the time credit is granted.

(4) The board may, by rule, prescribe the terms and conditions under which a person who passes the examination in one or more of the subjects indicated in subsection (1)(c) of this section may be reexamined in only the remaining subjects,

giving credit for the subjects previously passed. It may also provide by rule for a reasonable waiting period for a person's reexamination in a subject he or she has failed. A person is entitled to any number of reexaminations, subject to this subsection and any other rules adopted by the board.

(5) A person passing the examination in any one or more subjects specified in subsection (1)(c) of this section shall meet the educational requirements of subsection (1)(b) of this section in effect on the date the person successfully completes the requirements of subsection (1)(c) of this section. The board may provide, by rule, for exceptions to prevent what it determines to be undue hardship to applicants.

(6) The board shall charge each applicant an examination fee for the initial examination under subsection (1) of this section, or for reexamination under subsection (4) of this section for each subject in which the applicants reexamined. The applicable fee shall be paid by the person at the time he or she applies for examination, reexamination, or evaluation of educational qualifications. Fees for examination, reexamination, or evaluation of educational qualifications shall be determined by the board under chapter 18.04 RCW. There is established in the state treasury an account to be known as the certified public accountants' account. All fees received from candidates to take any or all sections of the certified public accountant examination shall be used only for costs related to the examination. ~~((All earnings of investments of balances in the certified public accountants' account shall be credited to the general fund.))~~

(7) Persons who on June 30, 1986, held certified public accountant certificates previously issued under the laws of this state shall not be required to obtain additional certificates under this chapter, but shall otherwise be subject to this chapter. Certificates previously issued shall, for all purposes, be considered certificates issued under this chapter and subject to its provisions.

(8) Persons who held qualifications as licensed public accountants but who do not hold annual permits to practice on July 1, 1983, are not entitled to engage in the practice of public accounting under this chapter. No person shall use the term "licensed public accountant" or the designation "LPA."

(9) A certificate of a "certified public accountant" under this chapter is issued on a biennial basis with renewal subject to requirements of continuing professional education and payment of fees, prescribed by the board.

(10) The board shall adopt rules providing for continuing professional education for certified public accountants. The rules shall:

(a) Provide that a certified public accountant holding a certificate on July 1, 1986, shall verify to the board that he or she has completed at least ten days or an accumulation of eighty hours of continuing professional education during the last two-year period to maintain the certificate;

(b) Establish continuing professional education requirements;

(c) Establish when newly certificated public accountants shall verify that they have completed the required continuing professional education; and

(d) Establish proceedings for revocation, suspension, and reinstatement of certificates for failure to meet the continuing professional education requirement.

(11) Failure to furnish verification of the completion of the continuing professional education requirement constitutes grounds for revocation, suspension, or failure to renew the certificate, unless the board determines that the failure was due to reasonable cause or excusable neglect.

Sec. 21. RCW 43.79.445 and 1986 c 31 s 2 are each amended to read as follows:

There is established an account in the state treasury referred to as the "death investigations' account" which shall exist for the purpose of receiving, holding, investing, and disbursing funds appropriated or provided in section 20, chapter 16, Laws of 1983 1st ex. sess. and any moneys appropriated or otherwise provided

thereafter. (~~All earnings of investments or balances in the death investigations' account shall be credited to the general fund.~~)

Moneys in the death investigations' account shall be disbursed by the state treasurer once every year on December 31 and at any other time determined by the treasurer. The (~~above mentioned entities and individuals~~) Washington state patrol, board on prosecutor training standards and education, death investigation council, state toxicology laboratory, county coroners, and medical examiners may submit billings to the state treasurer prior to December 31. The University of Washington may also submit billings for amounts not to exceed thirty-five thousand dollars per twelve-month period for the fellowship program in forensic pathology under RCW 28B.20.426 and the state treasurer shall make such payments for the fellowship program in forensic pathology under RCW 28B.20.426.

Sec. 22. RCW 47.76.030 and 1990 c 43 s 11 are each amended to read as follows:

(1) The essential rail assistance account is hereby created in the state treasury. Moneys in the account may be appropriated only for the purposes specified in this section.

(2) Moneys appropriated from the account to the department of transportation may be distributed by the department to first class cities, county rail districts and port districts for the purpose of:

(a) Acquiring, maintaining, or improving branch rail lines;

(b) Operating railroad equipment necessary to maintain essential rail service;

(c) Construction of transloading facilities to increase business on light density lines or to mitigate the impacts of abandonment; or

(d) Preservation, including operation, of viable light density lines, as identified by the Washington state department of transportation, in compliance with this chapter.

(3) First class cities, county rail districts and port districts may grant franchises to private railroads for the right to operate on lines acquired, repaired, or improved under this chapter.

(4) If rail lines or rail rights of way are used by county rail districts, port districts, state agencies, or other public agencies for the purposes of rail operations and are later abandoned, the rail lines or rail rights of way cannot be used for any other purposes without the consent of the underlying fee title holder or reversionary rights holder, or compensation has been made to the underlying fee title holder or reversionary rights holder.

(5) Moneys distributed under subsection (2) of this section shall not exceed eighty percent of the cost of the service or project undertaken. At least twenty percent of the cost shall be provided by the first class city, county, port district, or other local sources.

(6) The amount distributed under this section shall be repaid to the state by the first class city, county rail district or port district. The repayment shall occur within a period not longer than fifteen years, as set by the department, of the distribution of the moneys and shall be deposited in the essential rail assistance account. The repayment schedule and rate of interest, if any, shall be set at the time of the distribution of the moneys.

(~~((7) All earnings of investments or balances in the essential rail assistance account shall be credited to that account except as provided in RCW 43.84.090 and 43.84.092.))~~)

Sec. 23. RCW 43.51.200 and 1985 c 57 s 33 are each amended to read as follows:

(1) Any lands owned by the state parks and recreation commission, which are determined to be surplus to the needs of the state for development for state park purposes and which the commission proposes to deed to a local government or other entity, shall be accompanied by a clause requiring that if the land is not used for

outdoor recreation purposes, ownership of the land shall revert to the state parks and recreation commission.

(2) The state parks and recreation commission, in cases where land subject to such a reversionary clause is proposed for use or disposal for purposes other than recreation, shall require that, if the land is surplus to the needs of the commission for park purposes at the time the commission becomes aware of its proposed use for nonrecreation purposes, the holder of the land or property shall reimburse the commission for the release of the reversionary interest in the land. The reimbursement shall be in the amount of the fair market value of the reversionary interest as determined by a qualified appraiser agreeable to the commission. Appraisal costs shall be borne by the local entity which holds title to the land.

(3) Any funds generated under a reimbursement under this section shall be deposited in the parkland acquisition account which is hereby created in the state treasury. Moneys in this account are to be used solely for the purchase or acquisition of property for use as state park property by the commission, as directed by the legislature; all such funds shall be subject to legislative appropriation. ~~((All earnings of investments of balances in the parkland acquisition account shall be credited to the general fund.))~~

Sec. 24. RCW 86.26.007 and 1986 c 46 s 1 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of each biennium ~~((after June 30, 1985,))~~ the state treasurer shall transfer from the general fund to the flood control assistance account an amount of money which, when combined with money remaining in the account from the previous biennium, will equal four million dollars. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. ~~((All earnings of investments of balances in the flood control assistance account shall be credited to the general fund.))~~

Sec. 25. RCW 43.08.250 and 1985 c 57 s 27 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, winter recreation parking, and state game programs. ~~((All earnings of investments of balances in the public safety and education account shall be credited to the general fund.))~~

Sec. 26. RCW 84.33.041 and 1985 c 57 s 87 are each amended to read as follows:

(1) An excise tax is imposed on every person engaging in this state in business as a harvester of timber on privately or publicly owned land. The tax is equal to the stumpage value of timber harvested for sale or for commercial or industrial use multiplied by the rate provided in this chapter.

(2) A credit is allowed against the tax imposed under this section for any tax paid under RCW 84.33.051.

(3) Moneys received as payment for the tax imposed under this section and RCW 84.33.051 shall be deposited in the timber tax distribution account hereby established in the state treasury.

~~((4) All earnings of investments of balances in the timber tax distribution account shall be credited to the general fund.))~~

Sec. 27. RCW 43.31A.400 and 1981 c 76 s 4 are each amended to read as follows:

The economic assistance authority established by section 2, chapter 117, Laws of 1972 ex. sess. as amended by section 111, chapter 34, Laws of 1975-'76 2nd ex. sess. is abolished, effective June 30, 1982. Any remaining duties of the economic assistance authority are transferred to the department of revenue on that date. The public facilities construction loan and grant revolving account within the state treasury is continued to service the economic assistance authority's loans.

Sec. 28. RCW 70.94.656 and 1990 c 113 s 1 are each amended to read as follows:

It is hereby declared to be the policy of this state that strong efforts should be made to minimize adverse effects on air quality from the open burning of field and turf grasses grown for seed. To such end this section is intended to promote the development of economical and practical alternate agricultural practices to such burning, and to provide for interim regulation of such burning until practical alternates are found.

(1) The department shall approve of a study or studies for the exploration and identification of economical and practical alternate agricultural practices to the open burning of field and turf grasses grown for seed. Prior to the issuance of any permit for such burning under RCW 70.94.650, there shall be collected a fee not to exceed fifty cents per acre of crop to be burned. Any such fees received by any authority shall be transferred to the department of ecology. The department of ecology shall deposit all such acreage fees in a special grass seed burning research account, hereby created, in the state treasury. ~~((All earnings of investments of balances in the special grass seed burning research account shall be credited to the general fund.))~~ The department shall allocate moneys annually from this account for the support of any approved study or studies as provided for in this subsection. For the conduct of any such study or studies, the department may contract with public or private entities: PROVIDED, That whenever the department of ecology shall conclude that sufficient reasonably available alternates to open burning have been developed, and at such time as all costs of any studies have been paid, the grass seed burning research account shall be dissolved, and any money remaining therein shall revert to the general fund.

(2) Whenever on the basis of information available to it, the department after public hearings have been conducted wherein testimony will be received and considered from interested parties wishing to testify shall conclude that any procedure, program, technique, or device constitutes a practical alternate agricultural practice to the open burning of field or turf grasses grown for seed, the department shall, by order, certify approval of such alternate. Thereafter, in any case which any such approved alternate is reasonably available, the open burning of field and turf grasses grown for seed shall be disallowed and no permit shall issue therefor.

(3) Until approved alternates become available, the department or the authority may limit the number of acres on a pro rata basis among those affected for which permits to burn will be issued in order to effectively control emissions from this source.

(4) Permits issued for burning of field and turf grasses may be conditioned to minimize emissions insofar as practical, including denial of permission to burn during periods of adverse meteorological conditions.

Sec. 29. RCW 18.43.150 and 1985 c 57 s 5 are each amended to read as follows:

All fees collected under the provisions of RCW 18.43.050, 18.43.080 and 18.43.130 shall be divided and twenty percent paid into the state general fund and eighty percent paid into the professional engineers' account, which account is hereby established in the state treasury to be used to carry out the purposes and provisions of RCW 18.43.050, 18.43.060, 18.43.080, 18.43.100, 18.43.110, 18.43.120, 18.43.130, 18.43.140 and all other duties required for operation and enforcement of this chapter.

~~((All earnings of investments of balances in the professional engineers' account shall be credited to the general fund.))~~

Sec. 30. RCW 51.44.170 and 1990 c 204 s 2 are each amended to read as follows:

The industrial insurance premium refund account is created in the state treasury. All industrial insurance refunds earned by state agencies or institutions of higher education under the state fund retrospective rating program shall be deposited into the account. ~~((Interest on the moneys in the account shall be deposited into the general fund.))~~ Moneys in the account may be spent only after appropriation. No agency or institution of higher education may receive an appropriation for an amount greater than the refund earned by the agency. Expenditures from the account may be used for any program within an agency or institution of higher education, but preference shall be given to programs that promote or provide incentives for employee safety and early, appropriate return-to-work for injured employees.

Sec. 31. RCW 82.14.320 and 1990 2nd ex.s. c 1 s 104 are each amended to read as follows:

(1) The municipal criminal justice assistance account is created in the state treasury. The account shall consist of all motor vehicle excise tax receipts deposited into the account under chapter 82.44 RCW.

(2) No city may receive a distribution under this section from the municipal criminal justice assistance account unless:

(a) The city has a crime rate in excess of one hundred twenty-five percent of the state-wide average as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs;

(b) The city has levied the tax authorized in RCW 82.14.030(2) at the maximum rate or the tax authorized in RCW 82.46.010(2) at the maximum rate; and

(c) The city has a per capita yield from the tax imposed under RCW 82.14.030(1) at the maximum rate of less than one hundred fifty percent of the state-wide average per capita yield for all cities from such local sales and use tax.

(3) The moneys deposited in the municipal criminal justice ~~((assistance))~~ assistance account for distribution under this section shall be distributed at such times as distributions are made under RCW 82.44.150. The distributions shall be made as follows:

(a) Thirty percent of the moneys shall be distributed ratably based on population as last determined by the office of financial management to those cities eligible under subsection (2) of this section that have a crime rate determined under subsection (2)(a) of this section which is greater than two times the state-wide average crime rate. No city may receive more than fifty percent of any moneys distributed under this subsection (a).

(b) The remainder of the moneys shall be distributed to all cities eligible under subsection (2) of this section ratably based on population as last determined by the office of financial management.

(4) No city may receive more than thirty percent of all moneys distributed under subsection (3) of this section.

(5) Moneys distributed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding.

(6) This section expires January 1, 1994.

Sec. 32. RCW 76.04.630 and 1989 c 362 s 2 and 1989 c 175 s 162 are each reenacted and amended to read as follows:

There is created a landowner contingency forest fire suppression account ~~((which shall be a separate account))~~ in the state treasury. Moneys in the account may be spent only as provided in this section. Disbursements from the account shall be on authorization of the commissioner of public lands or the commissioner's designee. The

account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

The department may expend from this account such amounts as may be available and as it considers appropriate for the payment of emergency fire costs resulting from a participating landowner fire. The department may, when moneys are available from the landowner contingency forest fire suppression account, expend moneys for summarily abating, isolating, or reducing an extreme fire hazard under RCW 76.04.660. All moneys recovered as a result of the department's actions, from the owner or person responsible, under RCW 76.04.660 shall be deposited in the landowner contingency forest fire suppression account.

When a determination is made that the fire was started by other than a landowner operation, moneys expended from this account in the suppression of such fire shall be recovered from such general fund appropriations as may be available for emergency fire suppression costs. The department shall deposit in the landowner contingency forest fire suppression account any moneys paid out of the account which are later recovered, less reasonable costs of recovery.

This account shall be established and renewed by a special forest fire suppression account assessment paid by participating landowners at a rate to be established by the department, but not to exceed fifteen cents per acre per year for such period of years as may be necessary to establish and thereafter reestablish a balance in the account of three million dollars. The department may establish a minimum assessment for ownership parcels identified in RCW 76.04.610 as paying the minimum assessment. The maximum assessment for these parcels shall not exceed the fees levied on a thirty-acre parcel. There shall be no assessment on each parcel of privately owned lands of less than two acres. The assessments may differ to equitably distribute the assessment based on emergency fire suppression cost experience necessitated by landowner operations. Amounts assessed for this account shall be a lien upon the forest lands with respect to which the assessment is made and may be collected as directed by the department in the same manner as forest protection assessments. ~~((This account shall be held by the state treasurer, who is authorized to invest so much of the account as is not necessary to meet current needs. Any interest earned on moneys from the account shall be deposited in and remain a part of the account and shall be computed as part of same in determining the balance thereof. Interfund loans to and from this account are authorized at the current rate of interest as determined by the state treasurer, provided that the effect of the loan is considered for purposes of determining the assessments.))~~ Payment of emergency costs from this account shall in no way restrict the right of the department to recover costs pursuant to RCW 76.04.495 or other laws.

When the department determines that a forest fire was started in the course of or as a result of a landowner operation, it shall notify the forest fire advisory board of the determination. The determination shall be final, unless, within ninety days of the notification, the forest fire advisory board or any interested party serves a request for a hearing before the department. The hearing shall constitute an adjudicative proceeding under chapter 34.05 RCW, the administrative procedure act, and any appeal shall be in accordance with RCW 34.05.510 through 34.05.598.

Sec. 33. RCW 43.33A.160 and 1985 c 57 s 32 are each amended to read as follows:

(1) The state investment board shall be funded from the earnings of the funds managed by the state investment board, proportional to the value of the assets of each fund, subject to legislative appropriation.

(2) There is established in the state treasury a state investment board expense account from which shall be paid the operating expenses of the state investment board. Prior to November 1 of each even-numbered year, the state investment board shall determine and certify to the state treasurer and the office of financial management the

value of the various funds managed by the investment board in order to determine the proportional liability of the funds for the operating expenses of the state investment board. Pursuant to appropriation, the state treasurer is authorized to transfer such moneys from the various funds managed by the investment board to the state investment board expense account as are necessary to pay the operating expenses of the investment board. ~~((All earnings of investments of balances in the state investment board expense account shall be credited to the state investment board expense account.))~~

Sec. 34. RCW 43.83B.360 and 1985 c 57 s 46 are each amended to read as follows:

~~((At the time the state finance committee determines to issue such bonds authorized in RCW 43.83B.300, and 43.83B.355 through 43.83B.375 or a portion thereof, it may, pending the issuance thereof, issue in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "bond anticipation notes".))~~ The proceeds from the sale of bonds ~~((and notes))~~ authorized by RCW 43.83B.300, and 43.83B.355 through 43.83B.375 shall be deposited in the state emergency water projects revolving account, hereby created in the state treasury, and shall be used exclusively for the purposes specified in RCW 43.83B.300, and 43.83B.355 through 43.83B.375 and for the payment of expenses incurred in the issuance and sale of such bonds ~~((and notes: PROVIDED, That such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and interest on such anticipation notes as have been issued, shall be deposited in the state emergency water projects bond redemption fund of 1977 in the state treasury created by RCW 43.83B.370. All earnings of investments of balances in the state emergency water projects revolving account shall be credited to the general fund))~~.

Sec. 35. RCW 82.14.050 and 1990 2nd ex.s. c 1 s 201 are each amended to read as follows:

The counties, cities, and transportation authorities under RCW 82.14.045 shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter which is collected by the department of revenue shall be deposited by the state department of revenue in the local sales and use tax account hereby created in the state treasury. Moneys in the local sales and use tax account may be spent only for distribution to counties, cities, and transportation authorities imposing a sales and use tax. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter. Except as provided in RCW 43.08.190, all earnings of investments of balances in the local sales and use tax account shall be credited to the local sales and use tax account and distributed to the counties, cities, and transportation authorities monthly.

Sec. 36. RCW 43.19.610 and 1986 c 312 s 902 are each amended to read as follows:

There is hereby established in the state treasury an account to be known as the motor transport account into which shall be paid all moneys, funds, proceeds, and receipts as provided in RCW 43.19.615 and as may otherwise be provided by law. Disbursements therefrom shall be made in accordance with the provisions of RCW 43.19.560 through 43.19.630, 43.41.130 and 43.41.140 as authorized by the director or ~~((his))~~ a duly authorized representative and as may be provided by law. ~~((All earnings of investments of balances in the motor transport account shall be credited to the general fund.))~~

~~The state treasurer shall transfer to the general fund two million dollars from the motor transport account on or before June 30, 1987.)~~

Sec. 37. RCW 27.34.090 and 1985 c 57 s 7 are each amended to read as follows:

All moneys in the state capitol historical museum association account hereby created in the state treasury and any moneys appropriated from that account, shall be expended for the purposes of the state capital historical association museum as determined by a majority of the governing board of the state capital historical association. ~~((All earnings of investments of balances in the state capitol historical association museum account shall be credited to the general fund.))~~

Sec. 38. RCW 82.42.090 and 1985 c 57 s 86 are each amended to read as follows:

All moneys collected by the director from the aircraft fuel excise tax as provided in RCW 82.42.020 shall be transmitted to the state treasurer and shall be credited to the aeronautics account hereby created in the state treasury. Moneys collected from the consumer or user of aircraft fuel from either the use tax imposed by RCW 82.12.020 or the retail sales tax imposed by RCW 82.08.020 shall be transmitted to the state treasurer and credited to the state general fund. ~~((All earnings of investments of balances in the aeronautics account shall be credited to the general fund.))~~

Sec. 39. RCW 47.68.236 and 1985 c 57 s 63 are each amended to read as follows:

There is hereby created in the state treasury an account to be known as the aircraft search and rescue, safety, and education account. All moneys received by the department under RCW 47.68.233 shall be deposited in such account. ~~((All earnings of investments of balances in the aircraft search and rescue, safety, and education account shall be credited to the general fund.))~~

Sec. 40. RCW 43.79.201 and 1985 c 57 s 37 are each amended to read as follows:

~~((All moneys in the state treasury to the credit of that fund now denoted as the C.E.P. & R.I. fund on and after March 20, 1961, and all moneys thereafter paid into the state treasury for or to the credit of such fund shall be and are hereby transferred to and placed in))~~ The charitable, educational, penal and reformatory institutions account, is hereby created, in the state treasury, into which ~~((fund))~~ account there shall ~~((also))~~ be deposited all moneys arising from the sale, lease or transfer of the land granted by the United States government to the state for charitable, educational, penal and reformatory institutions by section 17 of the enabling act, or otherwise set apart for such institutions, except all moneys arising from the sale, lease, or transfer of that certain one hundred thousand acres of such land assigned for the support of the University of Washington by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893. ~~((All earnings of investments of balances in the charitable, educational, penal and reformatory institutions account shall be credited to the general fund.))~~

Sec. 41. RCW 70.93.180 and 1985 c 57 s 68 are each amended to read as follows:

There is hereby created an account within the state treasury to be known as the "litter control account". All assessments, fines, bail forfeitures, and other funds collected or received pursuant to this chapter shall be deposited in the litter control account and used for the administration and implementation of this chapter except as required to be otherwise distributed under RCW 70.93.070. ~~((All earnings of investments of balances in the litter control account shall be credited to the general fund.))~~

Sec. 42. RCW 46.08.172 and 1988 ex.s. c 2 s 901 are each amended to read as follows:

There is hereby established an account in the state treasury to be known as the "state capitol vehicle parking account". The director of the department of general administration shall establish an equitable and consistent employee parking rental fee

for state owned or leased property, effective July 1, 1988. All fees shall take into account the market rate of comparable privately owned rental parking, as determined by the director. All unpledged parking rental income collected by the department of general administration from rental of parking space on the capitol grounds and the east capitol site shall be deposited in the "state capitol vehicle parking account". ~~((All earnings of investments of balances in the state capitol vehicle parking account shall be credited to the general fund.))~~

The "state capitol vehicle parking account" shall be used to pay costs incurred in the operation, maintenance, regulation and enforcement of vehicle parking and parking facilities at the state capitol.

Sec. 43. RCW 43.99.040 and 1985 c 57 s 53 are each amended to read as follows:

There is created the marine fuel tax refund account in the state treasury. ~~((All earnings of investments of balances in the marine fuel tax refund account shall be credited to the general fund.))~~ From time to time, but at least once each biennium, the director of licensing shall request the state treasurer to refund from the motor vehicle fund amounts which have been determined to be tax on marine fuel. The state treasurer shall refund such amounts and place them in the marine fuel tax refund account to be held for those entitled thereto pursuant to chapter 82.36 RCW and RCW 43.99.050, except that he shall not refund and place in the marine fuel tax refund account for any period for which a determination has been made pursuant to RCW 43.99.030 more than the greater of the following amounts: (1) An amount equal to two percent of all moneys paid to him as motor vehicle fuel tax for such period, (2) an amount necessary to meet all approved claims for refund of tax on marine fuel for such period.

Sec. 44. RCW 43.83A.030 and 1985 c 57 s 44 are each amended to read as follows:

The proceeds from the sale of bonds authorized by this chapter ~~((and any interest earned on the interim investment of such proceeds.))~~ shall be deposited in the state and local improvements revolving account hereby created in the state treasury and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

Sec. 45. RCW 43.99F.030 and 1985 c 57 s 56 are each amended to read as follows:

The proceeds from the sale of bonds authorized by this chapter shall be deposited in the state and local improvements revolving account, Waste Disposal Facilities, 1980 hereby created in the state treasury and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds. ~~((All earnings of investments of balances of such account shall be credited to the state and local improvements revolving account, Waste Disposal Facilities, 1980.))~~

Sec. 46. RCW 28B.10.851 and 1985 c 57 s 11 are each amended to read as follows:

The proceeds from the sale of the bonds authorized herein, together with all grants, donations, transferred funds and all other moneys which the state finance committee may direct the state treasurer to deposit therein shall be deposited in the state higher education construction account hereby created in the state treasury. ~~((All earnings of investments of balances in the state higher education construction account shall be credited to the general fund.))~~

Sec. 47. RCW 43.83.020 and 1987 1st ex.s. c 3 s 9 are each amended to read as follows:

The proceeds from the sale of the bonds authorized herein shall be deposited in the state building construction account which is hereby established in the state treasury and shall be used exclusively for the purposes of carrying out the provisions of the capital appropriation acts, and for payment of the expense incurred in the printing,

issuance, and sale of such bonds. ~~((All earnings of investments of balances in the state building construction account shall be credited to the general fund.))~~

Sec. 48. RCW 28B.50.360 and 1985 c 390 s 56 and 1985 c 57 s 16 are each reenacted and amended to read as follows:

~~((There is hereby created in the state treasury a community college bond retirement fund.))~~ Within thirty-five days from the date of start of each quarter all building fees of each such community college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community college ~~((bond retirement fund which fund as required, is hereby created in the state treasury))~~ capital projects account. Such amounts of the funds deposited in the ~~((bond retirement fund))~~ community college capital projects account as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be exclusively devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) ~~((That portion of the building fees not required for or in excess of the amounts necessary to pay and secure the payment of any of the bonds as provided in subsection (1) above shall be deposited in))~~ The community college capital projects account ~~((which account))~~ is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community college education in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, and for the payment of principal of and interest on any bonds issued for such purposes. ~~((All earnings of investments of balances in the community college capital projects account shall be credited to the general fund.))~~

(3) Notwithstanding the provisions of subsections (1) and (2) above, at such time as all outstanding building bonds of the college board payable from the community college ~~((bond retirement fund))~~ capital projects account have been paid, redeemed, and retired, or at such time as ample provision has been made by the state for full payment, from some source other than the community college ~~((bond retirement fund))~~ capital projects account, of the principal of and the interest on and call premium, if applicable, of such bonds as they mature and/or upon their call prior to their maturity, through refunding or otherwise, that portion of all building fees of the community colleges equal to the amount required to pay yearly debt service on any general obligation bonds issued by the state in accordance with Article VIII, section 1, Washington state Constitution, for community college purposes, shall be paid into the general fund of the state treasury. The state finance committee shall determine whether ample provision has been made for payment of such bonds payable from the ~~((said bond retirement fund))~~ community college capital projects account and shall determine the amount required to pay yearly debt service on such general obligation bonds of the state. Nothing in this subsection shall be construed as obligating the legislature or the state to provide for payment of such community college building bonds from some

source other than the community college (~~(bond retirement fund)~~) capital projects account or as pledging the general credit of the state to the payment of such bonds.

Sec. 49. RCW 28B.35.370 and 1985 c 390 s 47 and 1985 c 57 s 15 are each reenacted and amended to read as follows:

Within thirty-five days from the date of collection thereof all building fees of each regional university and The Evergreen State College shall be paid into the state treasury and these together with such normal school fund revenues as provided in RCW 28B.35.751 as are received by the state treasury shall be credited as follows:

(1) On or before June 30th of each year the board of trustees of each regional university and The Evergreen State College, if issuing bonds payable out of its building fees and above described normal school fund revenues, shall certify to the state treasurer the amounts required in the ensuing twelve months to pay and secure the payment of the principal of and interest on such bonds. The amounts so certified by each regional university and The Evergreen State College shall be a prior lien and charge against all building fees and above described normal school fund revenues of such institution. The state treasurer shall thereupon deposit the amounts so certified in the Eastern Washington University (~~(bond retirement fund)~~) capital projects account, the Central Washington University (~~(bond retirement fund)~~) capital projects account, the Western Washington University (~~(bond retirement fund)~~) capital projects account, or The Evergreen State College (~~(bond retirement fund)~~) capital projects account respectively, which (~~(funds)~~) accounts are hereby created in the state treasury (~~(such funds for the regional universities being redesignations for the Eastern Washington State College bond retirement fund, the Central Washington State College bond retirement fund, and the Western Washington State College bond retirement fund, respectively))~~). The amounts deposited in the respective (~~(bond retirement funds)~~) capital projects accounts shall be used exclusively to pay and secure the payment of the principal of and interest on the building bonds issued by such regional universities and The Evergreen State College as authorized by law. If in any twelve month period it shall appear that the amount certified by any such board of trustees is insufficient to pay and secure the payment of the principal of and interest on the outstanding building and above described normal school fund revenue bonds of its institution, the state treasurer shall notify the board of trustees and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal of and interest on all such bonds then outstanding shall be fully met at all times.

(2) All (~~(building fees and above described)~~) normal school fund revenue (~~(not needed for or in excess of the amounts certified to the state treasurer as being required to pay and secure the payment of building or above described normal school fund revenue bond principal or interest)~~) pursuant to RCW 28B.35.751 shall be deposited in the Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury (~~(such funds for the regional universities being redesignations for the Eastern Washington State College capital projects account, the Central Washington State College capital projects account, and the Western Washington State College capital projects account, respectively))~~). The sums deposited in the respective capital projects accounts shall be appropriated and expended exclusively to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and normal school revenue and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto except for any sums transferred therefrom as authorized by law. ((All earnings of investments of balances in these respective capital projects accounts shall be credited to the general fund.))

Sec. 50. RCW 28B.30.730 and 1985 c 390 s 43 are each amended to read as follows:

For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

- (1) Shall not constitute
 - (a) An obligation, either general or special, of the state; or
 - (b) A general obligation of Washington State University or of the board;
- (2) Shall be
 - (a) Either registered or in coupon form; and
 - (b) Issued in denominations of not less than one hundred dollars; and
 - (c) Fully negotiable instruments under the laws of this state; and
 - (d) Signed on behalf of the university by the president of the board, attested by the secretary or the treasurer of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;
- (3) Shall state
 - (a) The date of issue; and
 - (b) The series of the issue and be consecutively numbered within the series; and
 - (c) That the bond is payable both principal and interest solely out of the bond retirement fund;
- (4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;
- (5) Shall be payable both principal and interest out of the bond retirement fund;
- (6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;
- (7) Shall be sold in such manner and at such price as the board may prescribe;
- (8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.30.700 through 28B.30.780, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:
 - (a) A covenant that the building fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement (~~(fund)~~) account, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;
 - (b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;
 - (c) A covenant that sufficient moneys may be transferred from the Washington State University building account to the bond retirement (~~(fund)~~) account when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement (~~(fund)~~) account to pay any installment of interest or principal and interest coming due on the bonds or any of them;
 - (d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds(~~(-exclusive of accrued interest which shall be deposited in the bond retirement fund,))~~) shall be deposited in the state treasury to the credit of the Washington State University building account and shall be used solely

for paying the costs of the projects. The Washington State University building account shall be credited with the investment income derived pursuant to RCW 43.84.080 on the investible balances of scientific permanent fund and agricultural permanent fund, less the allocation to the state treasurers' service account pursuant to RCW 43.08.190.

Sec. 51. RCW 28B.57.050 and 1985 c 57 s 18 are each amended to read as follows:

The proceeds from the sale of the bonds (~~and/or bond anticipation notes~~) authorized herein, together with all grants, donations, transferred funds, and all other moneys which the state finance committee or the college board may direct the state treasurer to deposit therein, shall be deposited in the 1975 community college capital construction account, hereby created in the state treasury. (~~All earnings of investments of balances in the 1975 community college capital construction account shall be credited to the general fund.~~)

Sec. 52. RCW 43.99.060 and 1985 c 57 s 54 are each amended to read as follows:

There is created the outdoor recreation account in the state treasury, in which shall be deposited all moneys received from the marine fuel tax refund account pursuant to RCW 43.99.070, the proceeds of the bond issue authorized by (~~chapter 12, Laws of 1963, extraordinary session~~) chapter 43.98 RCW, RCW 43.31.620 and 43.31.740, and any moneys made available to the state of Washington by the federal government for outdoor recreation not specifically designated for another fund or agency. (~~All earnings of investments of balances in the outdoor recreation account shall be credited to the general fund.~~)

Grants, gifts, or other financial assistance awarded or designated for a particular purpose, or proceeds received from public bodies as administrative cost contributions, may be received and, when appropriated by the legislature, may be expended in accordance with the general budget and accounting act.

Sec. 53. RCW 43.83B.030 and 1985 c 57 s 45 are each amended to read as follows:

The proceeds from the sale of bonds authorized by this chapter (~~and any interest earned on the interim investment of such proceeds,~~) shall be deposited in the state and local improvements revolving account hereby created in the state treasury and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

Sec. 54. RCW 43.83C.030 and 1985 c 57 s 47 are each amended to read as follows:

The proceeds from the sale of bonds authorized by this chapter (~~and any interest earned on the interim investment of such proceeds,~~) shall be deposited in the state and local improvements revolving account hereby created in the state treasury and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

Sec. 55. RCW 43.83D.030 and 1985 c 57 s 48 are each amended to read as follows:

The proceeds from the sale of bonds authorized by this chapter (~~and any interest earned on the interim investment of such proceeds,~~) shall be deposited in the state and local improvements revolving account in the state treasury and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

Sec. 56. RCW 43.83H.030 and 1985 c 57 s 49 are each amended to read as follows:

~~(At the time the state finance committee determines to issue such bonds authorized in RCW 43.83H.010 or a portion thereof, pending the issuance of such bonds, it may issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as~~

~~"anticipation notes";~~) The proceeds from the sale of bonds (~~and notes~~) authorized by this chapter shall be deposited in the state social and health services construction account hereby created in the state treasury and shall be used exclusively for the purposes specified in this chapter and for the payment of expenses incurred in the issuance and sale of such bonds (~~and notes: PROVIDED, Such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and interest on such anticipation notes as have been issued, shall be deposited in the bond redemption fund created in RCW 43.83H.050. All earnings of investments of balances in the state social and health services construction account shall be credited to the general fund~~)).

Sec. 57. RCW 43.84.092 and 1990 2nd ex.s. c 1 s 204 are each amended to read as follows:

~~((Except as provided in RCW 43.84.090,))~~ All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

The state treasurer shall develop a distribution mechanism for interest earnings that is consistent with the purposes of this section and that will maximize the daily cash balance of the general fund. Except as provided in RCW 82.14.050, the state treasurer shall ((distribute, on or before July 20 of each year,)) make a final distribution no later than July 20 of each year of the earnings credited to the treasury income account ((as of June 30 to the funds for the fiscal year in which it was earned)) in the previous fiscal year. Except as otherwise provided by statute, the state treasurer shall credit the general fund with all the earnings credited to the treasury income account. The ((various accounts and funds in the state treasury)) basic health plan trust account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drug enforcement and education account, the Eastern Washington University capital projects account, the federal forest revolving account, the ferry bond retirement account, the high capacity transportation account, the highway bond retirement account, the highway construction stabilization account, the highway safety account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local sales and use tax account, the medical aid account, the motor vehicle account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan I account, the public employees' retirement system plan II account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the recreational vehicle account, the resource management cost account, the rural arterial trust account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the supplemental pension account, the teachers' retirement system plan I account, the teachers' retirement system plan II account, the transportation capital facilities account, the transportation equipment account, the transportation improvement account, the University of Washington bond retirement fund, the University of Washington building account, the urban arterial trust account, the volunteer fire fighters' relief and pension principal account, the volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the

Washington law enforcement officers' and fire fighters' system plan I retirement account, the Washington law enforcement officers' and fire fighters' system plan II retirement account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, and the Western Washington University capital projects account, shall receive their proportionate share of earnings based upon each fund's average daily balance for the period(=PROVIDED, That)). Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings ((on the balances of the forest reserve fund, the federal forest revolving fund, the liquor excise tax fund, the treasury income account, the suspense account, the undistributed receipts account, the state payroll revolving account, the agency vendor payment revolving fund, and the local leasehold excise tax account shall be credited to the state treasurer's service fund: PROVIDED FURTHER, That earnings on the balances of the agency payroll revolving fund, the special fund salary and insurance contribution increase revolving fund and special fund semimonthly payroll revolving fund shall be credited to the state general fund)) to be distributed shall first be reduced by the allocation to the state treasurer's service account pursuant to RCW 43.08.190. In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 58. RCW 28A.515.320 and 1981 c 158 s 6 are each amended to read as follows:

The common school construction fund is to be used exclusively for the purpose of financing the construction of facilities for the common schools. The sources of said fund shall be: (1) Those proceeds derived from sale or appropriation of timber and other crops from school and state land ((subsequent to June 30, 1965,)) other than those granted for specific purposes; (2) the interest accruing on the permanent common school fund ((from and after July 2, 1967,)) less the allocations to the state treasurer's service account pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160 together with all rentals and other revenue derived therefrom and from land and other property devoted to the permanent common school fund ((from and after July 1, 1967,)); (3) all moneys received by the state from the United States under the provisions of section 191, Title 30, United States Code, Annotated, and under section 810, chapter 12, Title 16, (Conservation), United States Code, Annotated, except moneys received before June 30, 1991, under the Geothermal Steam Act of 1970 pursuant to RCW 43.140.030; and (4) such other sources as the legislature may direct. That portion of the common school construction fund derived from interest on the permanent common school fund may be used to retire such bonds as may be authorized by law for the purpose of financing the construction of facilities for the common schools.

The interest accruing on the permanent common school fund less the allocation to the state treasurer's service account pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160 together with all rentals and other revenues accruing thereto pursuant to subsection (2) of this section prior to July 1, 1967, shall be exclusively applied to the current use of the common schools.

To the extent that the moneys in the common school construction fund are in excess of the amount necessary to allow fulfillment of the purpose of said fund, the excess shall be available for deposit to the credit of the permanent common school fund or available for the current use of the common schools, as the legislature may direct. Any money from the common school construction fund which is made available for the current use of the common schools shall be restored to the fund by

appropriation, including interest income foregone, before the end of the next fiscal biennium following such use.

Sec. 59. RCW 28A.550.010 and 1985 c 57 s 9 are each amended to read as follows:

There is created a special state school fund to be known as the state school equalization fund, into which shall be deposited such funds as are directed by law to be placed therein. Any amounts in this fund in excess of current appropriations shall be transferred by the state treasurer to the general fund quarterly, on or before the twenty-fifth day of January, April, July and October of each year. All appropriations made by the legislature from the state school equalization fund shall be paid out of moneys in the general fund of the state. All warrants drawn on the state school equalization fund and presented for payment shall be paid from the general fund of the state. ~~((All earnings of investments of balances in the state school equalization fund shall be credited to the general fund.))~~

Sec. 60. RCW 50.16.010 and 1987 c 202 s 218 are each amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable. The unemployment compensation fund shall consist of

(1) all contributions and payments in lieu of contributions collected pursuant to the provisions of this title,

(2) ~~((interest earned upon any moneys in the fund, (3)))~~ any property or securities acquired through the use of moneys belonging to the fund,

~~((4))~~ (3) all earnings of such property or securities,

~~((5))~~ (4) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,

~~((6))~~ (5) all money recovered on official bonds for losses sustained by the fund, ~~((7))~~ (6) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,

~~((8))~~ (7) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and

~~((9))~~ (8) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

The administrative contingency fund shall consist of all interest on delinquent contributions collected pursuant to this title ~~((after June 20, 1953))~~, all fines and penalties collected pursuant to the provisions of this title, all sums recovered on official bonds for losses sustained by the fund, and revenue received under RCW 50.24.014: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

(a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys

are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

Money in the special account created under RCW 50.24.014 may only be expended, after appropriation, for the purposes specified in ~~((this 1985 act))~~ RCW 74.09.035, 74.09.510, 74.09.520, and 74.09.700.

Sec. 61. RCW 43.200.080 and 1990 c 21 s 6 are each amended to read as follows:

The director of ecology shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

(1) To fulfill the responsibilities of the state under the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington. The department of ecology may sublease to private or public entities all or a portion of the land for specific purposes or activities which are determined, after public hearing, to be in agreement with the terms of the lease and in the best interests of the citizens of the state consistent with any criteria that may be developed as a requirement by the legislature;

(2) To assume the responsibilities of the state under the perpetual care agreement between the state of Washington and the federal government executed July 29, 1965 and the sublease between the state of Washington and the site operator of the Hanford low-level radioactive waste disposal facility. In order to finance perpetual surveillance and maintenance under the agreement and ensure site closure under the sublease, the department of ecology shall impose and collect fees from parties holding radioactive materials for waste management purposes. The fees shall be established by rule adopted under chapter 34.05 RCW and shall be an amount determined by the department of ecology to be necessary to defray the estimated liability of the state. Such fees shall reflect equity between the disposal facilities of this and other states. ~~((All such fees, when received by the department of ecology, shall be transmitted to the state treasurer, who shall act as custodian. The perpetual maintenance fund is created in the state treasury. The treasurer shall place the money in a special fund which may be designated the "perpetual maintenance fund." The perpetual maintenance fund shall be comprised of))~~ A site closure account and a perpetual surveillance and maintenance account is hereby created in the state treasury. The site closure account shall be exclusively available to reimburse, to the extent that moneys are available in the account, the site operator for its costs plus a reasonable profit as agreed by the operator and the state, or to reimburse the state licensing agency and any agencies under contract to the state licensing agency for their costs in final closure and decommissioning of the Hanford low-level radioactive waste disposal facility. If a balance remains in the account after satisfactory performance of closure and decommissioning, this balance shall be transferred to the perpetual surveillance and maintenance account. The perpetual surveillance and maintenance account shall be used exclusively by the state to meet post-closure surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations. Appropriations are required to permit expenditures and payment of obligations from the site closure account and the perpetual surveillance and maintenance account. ~~((Moneys which on July 23, 1989, are in the perpetual maintenance account shall be transferred to the perpetual surveillance and maintenance account. All moneys currently administered by the department of ecology for closure of the Hanford low level radioactive waste disposal facility shall be transferred to the site closure account within the perpetual maintenance fund. All future))~~ All moneys, including ~~((interest, contributed to))~~ earnings from the investment of balances in the site closure and the perpetual

surveillance and maintenance ((fund)) account, less the allocation to the state treasurer's service account, pursuant to RCW 43.08.190 accruing under the authority of this section shall be directed to the site closure account until December 31, 1992. Thereafter receipts including earnings from the investment of balances in the site closure and the perpetual surveillance and maintenance account, less the allocation to the state treasurer's service account, pursuant to RCW 43.08.190 shall be directed to the ((perpetual maintenance fund)) site closure account and the perpetual surveillance and maintenance account as specified by the department. ((Moneys in the perpetual maintenance fund shall be invested by the state investment board in the same manner as other state moneys. Any interest accruing as a result of investment shall accrue to the perpetual maintenance fund.)) Additional moneys specifically appropriated by the legislature or received from any public or private source may be placed in the ((perpetual maintenance fund)) site closure account and the perpetual surveillance and maintenance account;

(3) To assure maintenance of such insurance coverage by state licensees, lessees, or sublessees as will adequately, in the opinion of the director, protect the citizens of the state against nuclear accidents or incidents that may occur on privately or state-controlled nuclear facilities;

(4) To institute a user permit system and issue site use permits, consistent with regulatory practices, for generators, packagers, or brokers using the Hanford low-level radioactive waste disposal facility. The costs of administering the user permit system shall be borne by the applicants for site use permits. The site use permit fee shall be set at a level that is sufficient to fund completely the executive and legislative participation in activities related to the Northwest Interstate Compact on Low-Level Radioactive Waste Management; ~~((and))~~

(5) To make application for or otherwise pursue any federal funds to which the state may be eligible, through the federal resource conservation and recovery act or any other federal programs, for the management, treatment or disposal, and any remedial actions, of wastes that are both radioactive and hazardous at all Hanford low-level radioactive waste disposal facilities; and

(6) To develop contingency plans for duties and options for the department and other state agencies related to the Hanford low-level radioactive waste disposal facility based on various projections of annual levels of waste disposal. These plans shall include an analysis of expected revenue to the state in various taxes and funds related to low-level radioactive waste disposal and the resulting implications that any increase or decrease in revenue may have on state agency duties or responsibilities. The ~~((initial set of))~~ plans ~~((shall be completed by October 1, 1989, and))~~ shall be updated annually. The department shall report annually on the plans and on the balances in the site closure and perpetual surveillance accounts to the energy and utilities committees of the senate and the house of representatives.

Sec. 62. RCW 70.146.030 and 1987 c 505 s 64 and 1987 c 436 s 6 are each reenacted and amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature. ~~((All earnings from investment of balances in the water quality account, except as provided in RCW 43.84.090, shall be credited to the water quality account.))~~

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-

sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) The department shall present a progress report each biennium on the use of moneys from the account to the chairs of the committees on ways and means of the senate and house of representatives, including one copy to the staff of each of the committees.

Sec. 63. RCW 70.164.030 and 1987 c 36 s 3 are each amended to read as follows:

~~((4))~~ The low-income weatherization assistance account is created in the state treasury. All moneys from the money distributed to the state pursuant to Exxon v. United States, 561 F.Supp. 816 (1983), affirmed 773 F.2d 1240 (1985), or any other oil overcharge settlements or judgments distributed by the federal government, that are allocated to the low-income weatherization assistance account shall be deposited in the account. The department may accept such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, and shall deposit such funds in the account. Any moneys received from sponsor match payments shall be deposited in the account. The legislature may also appropriate moneys to the account. Moneys in the account shall be spent pursuant to appropriation and only for the purposes and in the manner provided in RCW 70.164.040. Any moneys appropriated that are not spent by the department shall return to the account.

~~((2) Notwithstanding RCW 43.84.090, all earnings of investments of balances in the low income weatherization assistance account shall be credited to the account.))~~

Sec. 64. RCW 79.90.555 and 1987 c 259 s 2 are each amended to read as follows:

The aquatic land dredged material disposal site account is hereby established in the state treasury. The account shall consist of funds appropriated to the account; funds transferred or paid to the account pursuant to settlements; court or administrative agency orders or judgments; gifts and grants to the account; and all funds received by the department of natural resources from users of aquatic land dredged material disposal sites. After appropriation, moneys in the fund may be spent only for the management and environmental monitoring of aquatic land dredged material disposal sites. The account is subject to the allotment procedure provided under chapter 43.88 RCW. ~~((Notwithstanding RCW 43.84.090, all earnings of investments of balances in the account shall be credited to the account.))~~

Sec. 65. RCW 70.94.483 and 1990 c 128 s 5 are each amended to read as follows:

(1) The wood stove education and enforcement account is hereby created in the ~~((general fund))~~ state treasury. Money placed in the account shall include all money received under subsection (2) of this section and any other money appropriated by the legislature. Money in the account shall be spent for the purposes of the wood stove education program established under RCW 70.94.480 and for enforcement of the wood stove program, and shall be subject to legislative appropriation.

(2) The department of ecology, with the advice of the advisory committee, shall set a flat fee, not to exceed fifteen dollars, on the retail sale, as defined in RCW 82.04.050, of each solid fuel burning device, excepting masonry fireplaces ~~((after January 1, 1988))~~. The fee shall be imposed upon the consumer and shall not be subject to the retail sales tax provisions of chapters 82.08 and 82.12 RCW. The fee may be adjusted annually above fifteen dollars according to changes in the consumer price index ~~((after January 1, 1989))~~. The fee shall be collected by the department of

revenue in conjunction with the retail sales tax under chapter 82.08 RCW. If the seller fails to collect the fee herein imposed or fails to remit the fee to the department of revenue in the manner prescribed in chapter 82.08 RCW, the seller shall be personally liable to the state for the amount of the fee. The collection provisions of chapter 82.32 RCW shall apply. The department of revenue shall deposit fees collected under this section in the wood stove education and enforcement account.

Sec. 66. RCW 47.78.010 and 1990 c 43 s 47 are each amended to read as follows:

There is hereby established in the state treasury the high capacity transportation account. Money in the account shall be used, after appropriation, for local high capacity transportation purposes including rail freight. ~~((All earnings of investments of any balances in the high capacity transportation account shall be credited to the account except as provided in RCW 43.84.090 and 43.84.092.))~~

Sec. 67. RCW 22.09.411 and 1987 c 509 s 8 are each amended to read as follows:

(1) There is hereby established a fund to be known as the grain indemnity fund. The grain indemnity fund shall consist of assessments remitted by licensees pursuant to the provisions of RCW 22.09.416 through 22.09.426 ~~((and any interest or earnings on the fund balance)).~~

(2) All assessments shall be paid to the department and shall be deposited in the grain indemnity fund. The state treasurer shall be the custodian of the grain indemnity fund. Disbursements shall be on authorization of the director. No appropriation is required for disbursements from this fund.

(3) The grain indemnity fund shall be used exclusively for purposes of paying claimants pursuant to this chapter, and paying necessary expenses of administering the grain indemnity fund, provided however, that moneys equivalent to one-half of the interest ((accumulated)) earned by the fund for deposit to the general fund may be paid to the department to defray costs of administering the warehouse audit program. The state of Washington shall not be liable for any claims presented against the fund.

Sec. 68. RCW 70.47.030 and 1987 1st ex.s. c 5 s 5 are each amended to read as follows:

The basic health plan trust account is hereby established in the state treasury. All funds appropriated for this chapter shall be deposited in the basic health plan trust account and may be expended without further appropriation. Disbursements from other moneys in the account shall be made pursuant to appropriation and upon warrants drawn by the Washington basic health plan administrator. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan. ~~((The earnings on any surplus balances in the basic health plan trust account shall be credited to the account, notwithstanding RCW 43.84.090. After January 1, 1988.))~~ The administrator shall not expend or encumber for an ensuing fiscal period amounts exceeding ninety percent of the amounts anticipated to accrue in the account during the fiscal period.

Sec. 69. RCW 70.105D.070 and 1989 c 2 s 7 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW ~~((after March 1, 1989))~~; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the

legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with RCW 70.95.130, 70.95.140, 70.95.220, 70.95.230, 70.95.530, 70.105.220, 70.105.225, 70.105.235, and 70.105.260;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(d) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent. Moneys deposited in the local toxics control account shall be used by the department for grants to local governments for the following purposes in descending order of priority: (a) Remedial actions; (b) hazardous waste plans and programs under RCW 70.105.220, 70.105.225, 70.105.235, and 70.105.260; and (c) solid waste plans and programs under RCW 70.95.130, 70.95.140, 70.95.220, and 70.95.230. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105 and 70.95 RCW.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute. ~~((All earnings from investment of balances in the accounts, except as provided in RCW 43.84.090, shall be credited to the accounts.))~~

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed fifty thousand dollars though it may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant issuance and performance.

Sec. 70. RCW 2.14.070 and 1988 c 109 s 18 are each amended to read as follows:

The judicial retirement administrative account is created in the state treasury. All expenses of the administrator for the courts under this chapter, including staffing and administrative expenses, shall be paid out of the administrative account. ~~((Notwithstanding RCW 43.84.090, all earnings of investments of balances in the administrative account shall be credited to this account.))~~ Any excess ~~((of earnings of investments of balances credited to))~~ balance of this account over administrative expenses disbursed from this account shall be ~~((expended))~~ transferred to the principal account. Any deficiency in the administrative account caused by an excess of administrative expenses disbursed from this account over ~~((earnings of investments of balances credited to))~~ the excess balance of this account shall be transferred to this account from the principal account.

Sec. 71. RCW 70.170.080 and 1989 1st ex.s. c 9 s 508 are each amended to read as follows:

The basic expenses for the hospital data collection and reporting activities of this chapter shall be financed by an assessment against hospitals of no more than four one-hundredths of one percent of each hospital's gross operating costs, to be levied and collected from and after that date, upon which the similar assessment levied under chapter 70.39 RCW is terminated, for the provision of hospital services for its last fiscal year ending on or before June 30th of the preceding calendar year. Budgetary requirements in excess of that limit must be financed by a general fund appropriation by the legislature. All moneys collected under this section shall be deposited by the state treasurer in the hospital data collection account which is hereby created in the state treasury. ~~((All earnings on investments of balances in the hospital data collection account shall be credited to the general fund.))~~ The department may also charge, receive, and dispense funds or authorize any contractor or outside sponsor to charge for and reimburse the costs associated with special studies as specified in RCW 70.170.050.

Any amounts raised by the collection of assessments from hospitals provided for in this section which are not required to meet appropriations in the budget act for the current fiscal year shall be available to the department in succeeding years.

Sec. 72. RCW 90.76.100 and 1989 c 346 s 11 are each amended to read as follows:

The underground storage tank account is created in the state treasury. Money in the account may only be spent, subject to legislative appropriation, for the administration and enforcement of the underground storage tank program established under this chapter. The account shall contain:

- (1) All fees collected under RCW 90.76.090; and
- (2) All fines or penalties collected under RCW 90.76.080 ~~((and~~
- ~~(3) Any interest earned on the account, subject to RCW 43.84.090)).~~

Sec. 73. RCW 70.95.800 and 1989 c 431 s 90 are each amended to read as follows:

The solid waste management account is created in the state treasury. Moneys in the account may only be spent after appropriation. Expenditures from the account may only be used to carry out the purposes of this act. ~~((All earnings from the investment of balances in the solid waste management account except as provided in RCW 43.84.090, shall be deposited into the solid waste management account.))~~

Sec. 74. RCW 59.21.050 and 1990 c 171 s 5 are each amended to read as follows:

(1) The mobile home park relocation fund is created in the custody of the state treasurer. All legislative appropriations for mobile home relocation assistance, receipts from fees collected under this chapter, and amounts required to be paid by park-owners to low-income park tenants shall be deposited into the fund. Expenditures from the fund may be used only for relocation assistance under RCW 59.21.020, or transfer to the mobile home park purchase fund under subsection (2) of this section. Only the director of community development or the director's designee may authorize expenditures from the fund. All relocation payments to low-income park tenants, including those due from the park-owner shall be made from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(2) ~~((The state treasurer shall maintain the fund and shall invest the fund moneys. Moneys earned on these investments shall be deposited in the fund and shall be used for the same purposes as other fund moneys.))~~ Unexpended and unencumbered moneys that remain in the fund at the end of the fiscal year do not revert to the state general fund but remain in the fund, separately accounted for, as a contingency reserve, or if the director determines at the end of any fiscal year beginning after December 31, 1991, that the fund contains a surplus over the projected amount needed for relocation during the upcoming year(s), any surplus may be transferred to the mobile home park purchase fund created by chapter 59.22 RCW. However, the director may cause any uncommitted funds in the mobile home park purchase fund which were transferred from the mobile home park relocation fund to be transferred back to the mobile home park relocation fund if that fund cannot otherwise meet its current obligations.

(3) A low-income park tenant who is entitled to relocation assistance under this chapter is entitled to payment only after submitting an application which includes: (a) A copy of the notice from the park-owner that the tenancy is terminated due to closure of the park; (b) a copy of the rental agreement currently in force; and (c) a copy of the contract entered into for the purpose of relocating the mobile home, which includes the date of relocation.

(4) The director may adopt rules for the administration of the fund.

Sec. 75. RCW 70.95E.080 and 1990 c 114 s 18 are each amended to read as follows:

The hazardous waste assistance account is hereby created in the state treasury. The following moneys shall be deposited into the hazardous waste assistance account:

(1) Those revenues which are raised by the fees imposed under RCW 70.95E.020 and 70.95E.030;

(2) Penalties and surcharges collected under chapter 70.95C RCW and this chapter; and

(3) Any other moneys appropriated or transferred to the account by the legislature. ~~((All earnings from investment of balances in the hazardous waste assistance account, except as provided in RCW 43.84.090, shall be credited to the hazardous waste assistance account.))~~ Moneys in the hazardous waste assistance account may be spent only for the purposes of this chapter following legislative appropriation.

Sec. 76. RCW 28B.30.741 and 1969 ex.s. c 223 s 28B.30.741 are each amended to read as follows:

All moneys received from the lease or rental of lands set apart by the enabling act for a scientific school; all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel or other valuable material thereon, except for investment income derived pursuant to RCW 43.84.080 and, less the allocation to the state investment board expense account pursuant to RCW 43.33A.160; and all moneys received as interest on deferred payments on contracts for the sale of such lands shall be deposited in the "Washington State University bond retirement fund" to be expended for the purposes set forth in RCW 28B.30.740.

Sec. 77. RCW 28B.30.742 and 1969 ex.s. c 223 s 28B.30.742 are each amended to read as follows:

Whenever federal law shall permit(~~(, but in no event prior to July 1, 1967,)~~) all moneys received from the lease or rental of lands set apart by the enabling act for an agricultural college, all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel or other valuable material thereon, except for investment income derived pursuant to RCW 43.84.080 and, less the allocation to the state investment board expense account pursuant to RCW 43.33A.160; and all moneys received as interest on deferred payments on contracts for the sale of such lands shall be deposited in the Washington State University bond retirement fund to be expended for the purposes set forth in RCW 28B.30.740.

Sec. 78. RCW 28B.20.810 and 1969 ex.s. c 223 s 28B.20.810 are each amended to read as follows:

The board of regents of the University of Washington is empowered to authorize from time to time the transfer from the state university permanent fund to be held in reserve in the bond retirement fund created by RCW 28B.20.720 any unobligated funds and investments derived from lands set apart for the support of the university by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893, to the extent required to comply with bond covenants regarding principal and interest payments and reserve requirements for bonds payable out of the bond retirement fund up to a total amount of five million dollars, and to transfer any or all of said unobligated funds and investments in excess of five million dollars to the university building account created by RCW 43.79.330(22). Any funds transferred to the bond retirement fund pursuant to this section shall be replaced by moneys first available out of the moneys required to be deposited in such fund pursuant to RCW 28B.20.800. The board is further empowered to direct the state finance committee to convert any investments in such permanent fund acquired with funds derived from such lands into cash or obligations of or guaranteed by the United States of America prior to the transfer of such funds and investments to such reserve account or building account.

~~((All interest earned on and profits derived from the sale of any investments of money in such University of Washington bond retirement fund shall be deposited in and become a part of such fund.))~~

NEW SECTION. **Sec. 79.** A new section is added to chapter 43.63A RCW to read as follows:

The state fire service training center bond retirement account of 1977 is hereby reestablished as an account within the treasury for the purpose of the payment of the principal of and interest on the bonds authorized to be issued pursuant to chapter 349, Laws of 1977 ex. sess., or chapter 470, Laws of 1985 or, if the legislature so determines, for any bonds and notes hereafter authorized and issued for the commission for vocational education or the statutory successor to its powers and duties involving the state fire training center.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on such bonds. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund such amounts and at such times as are required by the bond proceedings.

Sec. 80. RCW 28B.14C.060 and 1977 ex.s. c 354 s 6 are each amended to read as follows:

There is hereby created in the state treasury the institutions of higher education refunding bond retirement fund of 1977, which fund shall be devoted to the payment of principal of, interest on and redemption premium, if any, on the bonds authorized to be issued pursuant to this chapter.

The state finance committee shall, on or before June 30 of each year, certify to the state treasurer the amount needed in the next succeeding twelve months to pay the installments of principal of and interest on the refunding bonds coming due in such period. The state treasurer shall, not less than thirty days prior to the due date of each installment, withdraw from any general state revenues received in the state treasury an amount equal to the amount certified by the state finance committee as being required to pay such installment; shall deposit such amount in the institutions of higher education refunding bond retirement fund of 1977; and shall apply in a timely manner the funds so deposited to the payment of the installment due on the bonds.

~~((Moneys in the said bond retirement fund may be invested as determined by the state finance committee. Any interest and profits derived from such interim investment shall be deposited into the said bond retirement fund.))~~

Sec. 81. RCW 43.79A.020 and 1984 c 7 s 47 are each amended to read as follows:

There is created a trust fund outside the state treasury to be known as the "treasurer's trust fund." All nontreasury trust funds which are in the custody of the state treasurer on April 10, 1973, shall be placed in the treasurer's trust fund and be subject to the terms of this chapter. Funds of the state department of transportation shall be placed in the treasurer's trust fund only if mutually agreed to by the state treasurer and the department. In order to assure an orderly transition to a centralized management system, the state treasurer may place each of such trust funds in the treasurer's trust fund at such times as he deems advisable. Except for department of transportation trust funds, all such funds shall be incorporated in the treasurer's trust fund by June 30, 1975. Other funds in the custody of state officials or state agencies may, upon their request, be established as accounts in the treasurer's trust fund with the discretionary concurrence of the state treasurer. All income received from the treasurer's trust fund investments shall be deposited in the investment income account pursuant to RCW 43.79A.040.

Sec. 82. RCW 43.79A.040 and 1973 1st ex.s. c 15 s 4 are each amended to read as follows:

Money in the treasurer's trust fund may be deposited, invested and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account. On or before July 20 of each year, the state treasurer shall ((distribute)) make a final distribution of all money in the investment income account ((in the following manner. Twenty percent to the treasurer's service fund in the state treasury to help defray the costs of managing the treasurer's trust fund. The remaining eighty percent shall be divided among the various agency accounts from which such investments were made, in proportion to the respective balances thereof)) to the state general fund except the American Indian scholarship endowment fund, the energy account, the federal narcotics asset forfeitures account, the game farm alternative account, the local rail service assistance account, and the self insurance revolving fund shall receive their proportionate share of earnings based upon each fund's average daily balance for the period. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service account pursuant to RCW 43.08.190. In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section. The state treasurer shall develop a distribution mechanism for interest earnings that is consistent with the purposes of this section and that will maximize the daily cash balance of the general fund.

Sec. 83. RCW 43.08.190 and 1985 c 405 s 506 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund". Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

~~((The office of financial management may direct the state treasurer to transfer to the general fund an amount not to exceed two million dollars from the state treasurer's service fund for the 1983-85 fiscal biennium.))~~ On or before July 20th of each year, moneys equivalent to a maximum of one percent of the trust and treasury average daily cash balances shall be allocated from the prior fiscal years earnings generated under the authority of RCW 43.79A.040 and 43.84.080 and placed in the state treasurer's service fund. The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The state treasurer shall establish a uniform allocation rate based on the appropriations for the treasurer's office.

Sec. 84. RCW 90.48.390 and 1989 c 388 s 7 and 1989 c 262 s 3 are each reenacted and amended to read as follows:

The coastal protection fund is established to be used by the department as a revolving fund for carrying out the purposes of RCW 90.48.315 through 90.48.365, 78.52.020, 78.52.125, 82.36.330, 90.48.142, 90.48.315, 90.48.370 through 90.48.410, 90.48.903, 90.48.906 and 90.48.907, and 90.48.366 through 90.48.368. To this fund there shall be credited penalties, fees, damages, and charges received pursuant to the provisions of RCW 90.48.142 and 90.48.315 through 90.48.365, compensation for damages received under RCW 90.48.366 through 90.48.368, and an amount equivalent to one cent per gallon from each marine use refund claim under RCW 82.36.330.

Moneys in the fund not needed currently to meet the obligations of the department in the exercise of its powers, duties, and functions under RCW 90.48.315 through 90.48.365 and RCW 78.52.020, 78.52.125, 82.36.330, 90.48.142, 90.48.315, 90.48.370 through 90.48.410, 90.48.903, 90.48.906 and 90.48.907 shall be deposited with the state treasurer to the credit of the fund ~~((and may be invested in such manner as is provided for by law. Interest received on such investment shall be credited to the fund)).~~

Sec. 85. RCW 28C.10.082 and 1987 c 459 s 2 are each amended to read as follows:

The tuition recovery fund is hereby established in the custody of the state treasurer. The agency shall deposit in the fund all moneys received under RCW 28C.10.084. Moneys in the fund may be spent only for the purposes under RCW 28C.10.084. Disbursements from the fund shall be on authorization of the agency. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements. ~~((All earnings of investments of such balances shall be credited to the tuition recovery fund.))~~

Sec. 86. RCW 43.250.030 and 1990 c 106 s 2 are each amended to read as follows:

There is created a trust fund ~~((in the state treasury))~~ to be known as the public funds investment account. The account is to be separately accounted for and invested by the state treasurer. All moneys remitted under this chapter shall be deposited in this account. ~~((The))~~ All earnings on any balances in the public funds investment account, less moneys for administration pursuant to RCW 43.250.060, shall be credited to the public funds investment account ~~((, notwithstanding RCW 43.84.090)).~~

Sec. 87. RCW 43.185.030 and 1987 c 513 s 6 are each amended to read as follows:

There is hereby created ~~((a fund))~~ in the ~~((office of the treasurer))~~ state treasury an account to be known as the Washington housing trust fund. The housing trust fund shall include revenue from the sources established by this chapter, appropriations by the legislature, private contributions, and all other sources. ~~((Eighty percent of the return on the fund in the form of investment income or interest shall be added to the~~

~~principal of the fund. The remaining twenty percent shall be placed in the general fund.)~~

Sec. 88. RCW 28B.10.882 and 1987 c 147 s 3 are each amended to read as follows:

Funds appropriated by the legislature for the graduate fellowship program shall be deposited in the graduate fellowship trust fund. ~~((All moneys deposited in the fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances in the fund shall be credited to the fund.))~~ At the request of the higher education coordinating board under RCW 28B.10.884, the treasurer shall release the state matching funds to the designated institution's local endowment fund. No appropriation is required for expenditures from the fund.

Sec. 89. RCW 59.22.030 and 1987 c 482 s 4 are each amended to read as follows:

The mobile home park purchase ~~((fund))~~ account is hereby created ~~((and shall be maintained))~~ in the ~~((office of the treasurer))~~ state treasury. The purpose of this ~~((fund))~~ account is to provide loans according to the provisions of this chapter and for related administrative costs of the department. The ~~((fund))~~ account shall include appropriations, loan repayments, ~~((interest,))~~ and any other money from private sources made available to the state for the purposes of this chapter. Owners of mobile home parks shall not be assessed for the purposes of this ~~((fund))~~ account.

Sec. 90. RCW 70.148.020 and 1990 c 64 s 3 are each amended to read as follows:

(1) The pollution liability insurance program trust account is established in the custody of the state treasurer. All funds appropriated for this chapter and all premiums collected for reinsurance shall be deposited in the account. Expenditures from the account shall be used exclusively for the purposes of this chapter including payment of costs of administering the program. The account is subject to allotment procedures under chapter 43.88 RCW. Expenditures for payment of the costs of administering the program may be made only after appropriation by statute. No appropriation is required for other expenditures from the account. ~~((The earnings on any surplus balances in the pollution liability insurance program trust account shall be credited to the account notwithstanding RCW 43.84.090.))~~

(2) Each calendar quarter, the director shall report to the insurance commissioner and the chairs of the senate ways and means, senate financial institutions, house of representatives revenue, and house of representatives financial institutions committees, the loss and surplus reserves required for the calendar quarter. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter.

Sec. 91. RCW 4.92.220 and 1989 c 419 s 5 are each amended to read as follows:

(1) A risk management account is hereby created in the treasury to be an appropriated account used exclusively for the payment of costs related to:

(a) The administration of liability, property and vehicle claims, including investigation, claim processing, negotiation and settlement, and other expenses relating to settlements and judgments against the state not otherwise budgeted; and

(b) Purchase of liability and property insurance, including catastrophic insurance, subject to policy conditions and limitations determined by the risk manager.

(2) ~~((Earnings on the account's assets shall be credited to the account, notwithstanding RCW 43.84.090.))~~

~~((3))~~ The risk management account shall be financed through a combination of direct appropriations and assessments to state agencies.

Sec. 92. RCW 4.92.130 and 1989 c 419 s 4 are each amended to read as follows:

A liability account in the custody of the treasurer is hereby created as a nonappropriated account to be used solely and exclusively for the payment of liability

settlements and judgments against the state under 42 U.S.C. Sec. 1981 et seq. or for the tortious conduct of its officers, employees, and volunteers.

(1) The purpose of the liability account is to: (a) Expeditiously pay legal liabilities of the state resulting from tortious conduct; (b) promote risk control through a cost allocation system which recognizes agency loss experience, levels of self-retention, and levels of risk exposure; and (c) establish an actuarially sound system to pay incurred losses, within defined limits.

(2) The liability account shall be used to pay claims for injury and property damages exclusive of legal defense costs and agency-retained expenses otherwise budgeted.

(3) No money shall be paid from the liability account unless all proceeds available to the claimant from any valid and collectible liability insurance shall have been exhausted and unless:

(a) The claim shall have been reduced to final judgment in a court of competent jurisdiction; or

(b) The claim has been approved for payment.

(4) ~~((Earnings on the account's assets shall be credited to the account, notwithstanding RCW 43.84.090.~~

~~((5))~~ (5) The liability account shall be financed through annual premiums assessed to state agencies, based on sound actuarial principles, and shall be for liability coverage in excess of agency-budgeted self-retention levels.

~~((6))~~ (6) Annual premium levels shall be determined by the risk manager, with the consultation and advice of the risk management advisory committee and concurrence from the office of financial management. An actuarial study shall be conducted to assist in determining the appropriate level of funding.

~~((7))~~ (7) Disbursements from the liability account shall be made to the claimant, or to the clerk of the court for judgments, upon written request to the state treasurer from the risk manager.

~~((8))~~ (8) The director of the office of financial management may direct agencies to transfer moneys from other funds and accounts to the liability account if premiums are delinquent.

~~((9))~~ (9) The liability account shall not exceed fifty percent of the actuarial value of the outstanding liability as determined annually by the office of risk management. If the account exceeds the maximum amount specified in this section, premiums may be adjusted by the office of risk management in order to maintain the account balance at the maximum limits. If, after adjustment of premiums, the account balance remains above the limits specified, the excess amount will be prorated back to the appropriate funds.

Sec. 93. RCW 41.40.080 and 1989 c 273 s 21 are each amended to read as follows:

(1) All bonds or other obligations purchased according to RCW 43.84.150 shall be forthwith placed in the hands of the state treasurer who is hereby designated as custodian thereof, and it shall be his duty to collect the principal thereof and the interest thereon as the same becomes due and payable, and place the same when so collected into the retirement system's funds.

(2) The state treasurer shall be the custodian of all other funds of the retirement system and all disbursements therefrom shall be paid by the state treasurer upon vouchers duly authorized by the department and bearing the signature of the duly authorized officer of the department.

(3) The state treasurer is hereby authorized and directed to deposit ~~((any portion of the funds of the))~~ retirement system funds not needed for immediate use in the same manner and subject to all the provisions of law with respect to the deposit of state funds by such treasurer ~~((and)).~~ All ~~((interest))~~ investment income derived from state investment board investments earned by such portion of the retirement system's funds

as may be deposited by the state treasurer in pursuance of authority herewith given shall be collected by him and placed to the credit of the retirement fund or the department of retirement systems expense fund, less the allocation to the state investment board expense account pursuant to RCW 43.33A.160.

(4) There is hereby established in the state treasury three separate funds, namely:

(a) The public employees' retirement system plan I fund and the public employees' plan II fund, into which shall be paid all moneys received by the department and from which shall be paid all refunds, adjustments, retirement allowances and other benefits provided for herein. The plan I fund shall consist of all moneys paid to finance the benefits, provided to members of plan I, and the plan II fund shall consist of all moneys paid to finance the benefits provided to members of plan II. All contributions by members to the department of retirement systems expense fund as provided in RCW 41.40.330 and contributions by employers for the expense of operating the retirement system as provided for herein shall be transferred by the state treasurer from the retirement system fund to the department of retirement systems expense fund upon authorization of the department;

(b) The department of retirement systems expense fund, from which shall be paid the expenses of the administration of the retirement system.

(5) In order to reimburse the department of retirement systems expense fund on an equitable basis the department shall, after crediting the estimated amount to be collected as employees' contributions, ascertain and report to each employer the sum necessary to defray its proportional share of the entire expense of the administration of this chapter during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the said administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(6) The department shall compute and bill each employer at the end of each month for the amount due for that month to the department of retirement systems expense fund and the same shall be paid as are its other obligations. Such computation as to each such employer shall be made on a percentage rate of salary established by the department: PROVIDED, That the department may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(7) For the purpose of providing amounts to be used to defray the cost of such administration, the department shall ascertain at the beginning of each biennium and request from the legislature an appropriation from the department of retirement systems expense fund sufficient to cover estimated expenses for the said biennium.

Sec. 94. RCW 43.84.051 and 1965 ex.s. c 104 s 5 are each amended to read as follows:

It shall be the duty of the state treasurer to collect the interest, or other income on, and the principal of the securities held in his or her custody pursuant to RCW 43.84.041 as the said sums become due and payable, and to pay the same when so collected into the respective funds to which the principal and interest shall accrue, less the allocation to the state treasurer's service account pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160.

Sec. 95. RCW 43.79.130 and 1965 c 8 s 43.79.130 are each amended to read as follows:

There shall be in the state treasury a permanent and irreducible fund known as the "agricultural permanent fund," into which shall be paid all moneys derived from the sale of lands set apart by the enabling act or otherwise for an agricultural college. The income derived from investments pursuant to RCW 43.84.080 shall be credited to

the Washington State University building account less the allocation to the state treasurer's service account pursuant to RCW 43.08.190.

Sec. 96. RCW 28B.35.751 and 1977 ex.s. c 169 s 87 are each amended to read as follows:

All moneys received from the lease or rental of lands set apart by the enabling act for state normal schools purposes; all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel, or other valuable material thereon, less the allocation to the state treasurer's service account pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160; and all moneys received as interest on deferred payments on contracts for the sale of such lands, shall from time to time be paid into the state treasury and credited to the Eastern Washington University, Central Washington University, Western Washington University and The Evergreen State College capital projects accounts as herein provided to be expended for capital projects, and bond retirement purposes as set forth in RCW 28B.35.750, as now or hereafter amended. Eastern Washington University, Central Washington University, Western Washington University, and The Evergreen State College shall be credited with one-fourth of the total amount: PROVIDED, That Eastern Washington University, Central Washington University and Western Washington University shall each be credited with one-third of the total amount for so long as there remain unpaid and outstanding any bonds which are payable in whole or in part out of the moneys, interest or income described in this section.

Sec. 97. RCW 43.79.110 and 1965 c 8 s 43.79.110 are each amended to read as follows:

There shall be in the state treasury a permanent and irreducible fund known as the "scientific permanent fund," into which shall be paid all moneys derived from the sale of lands set apart by the enabling act or otherwise for a scientific school. The income derived from investments pursuant to RCW 43.84.080 shall be credited to the Washington State University building account less the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

Sec. 98. RCW 28B.20.800 and 1969 ex.s. c 223 s 28B.20.800 are each amended to read as follows:

All moneys hereafter received from the lease or rental of lands set apart for the University of Washington by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893, and all interest or income arising from the proceeds of the sale of such land, less the allocation to the state treasurer's service account pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160, and all proceeds from the sale of timber, fallen timber, stone, gravel, or other valuable material and all other receipts therefrom shall be deposited to the credit of the "University of Washington bond retirement fund" to be expended for the purposes set forth in RCW 28B.20.720. All proceeds of sale of such lands, exclusive of ~~((interest))~~ investment income, shall be deposited to the credit of the state university permanent fund, shall be retained therein and shall not be transferred to any other fund or account. All interest earned or income received from the investment of the money in the state university permanent fund shall be deposited to the credit of the University of Washington bond retirement fund less the allocations to the state treasurer's service fund pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160.

As a part of the contract of sale of bonds payable out of the University of Washington bond retirement fund, the board of regents of the University of Washington may covenant that all moneys derived from the above provided sources, which are required to be paid into the bond retirement fund, shall continue to be paid into such bond retirement fund for as long as any of such bonds are outstanding.

Sec. 99. RCW 41.24.030 and 1989 c 194 s 1 and 1989 c 91 s 1 are each reenacted and amended to read as follows:

There is created in the state treasury a trust fund for the benefit of the fire fighters of the state covered by this chapter, which shall be designated the volunteer fire fighters' relief and pension fund and shall consist of:

(1) All bequests, fees, gifts, emoluments, or donations given or paid to the fund.
 (2) An annual fee for each member of its fire department to be paid by each municipal corporation for the purpose of affording the members of its fire department with protection from death or disability as herein provided as follows:

(a) Ten dollars for each volunteer or part-paid member of its fire department;
 (b) A sum equal to one and one-half of one percent of the annual salary attached to the rank of each full-paid member of its fire department, prorated for 1970 on the basis of services prior to March 1, 1970.

(3) Where a municipal corporation has elected to make available to the members of its fire department the retirement provisions as herein provided, an annual fee of thirty dollars for each of its fire fighters electing to enroll therein, ten dollars of which shall be paid by the municipality and twenty dollars of which shall be paid by the fire fighter.

(4) Forty percent of all moneys received by the state from taxes on fire insurance premiums shall be paid into the state treasury and credited to the fund.

(5) The state investment board, upon request of the state treasurer shall have full power to invest or reinvest such portion of the amounts credited to the fund as is not, in the judgment of the treasurer, required to meet current withdrawals. Such investments shall be made in the manner prescribed by RCW 43.84.150 and not otherwise.

(6) All bonds or other obligations purchased according to subsection (5) of this section shall be forthwith placed in the custody of the state treasurer, and he shall collect the principal thereof and interest thereon when due.

The state investment board may sell any of the bonds or obligations so acquired and the proceeds thereof shall be paid to the state treasurer.

The interest and proceeds from the sale and redemption of any bonds or other obligations held by the fund and invested by the state investment board shall be credited to and form a part of the fund, less the allocation to the state investment board expense account pursuant to RCW 43.33A.160.

All amounts credited to the fund shall be available for making the payments required by this chapter.

The state treasurer shall make an annual report showing the condition of the fund.

Sec. 100. RCW 28B.10.868 and 1987 c 8 s 3 are each amended to read as follows:

Funds appropriated by the legislature for the distinguished professorship program shall be deposited in the distinguished professorship trust fund. ~~((All moneys deposited in the fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances of the fund shall be credited to the fund.))~~ At the request of the higher education coordinating board under RCW 28B.10.870, the treasurer shall release the state matching funds to the designated institution's local endowment fund. No appropriation is required for expenditures from the fund.

Sec. 101. RCW 41.05.120 and 1988 c 107 s 10 are each amended to read as follows:

(1) The state employees' insurance account is hereby established in the custody of the state treasurer, to be used by the administrator for the deposit of contributions, reserves, dividends, and refunds, and for payment of premiums for employee insurance benefit contracts. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the administrator. ~~((Notwithstanding RCW~~

~~43.84.090, all earnings of investments of balances in the account shall be credited to the account.))~~

(2) The state treasurer and the state investment board may invest moneys in the state employees' insurance account. All such investments shall be in accordance with RCW 43.84.080 or 43.84.150, whichever is applicable. The administrator shall determine whether the state treasurer or the state investment board or both shall invest moneys in the state employees' insurance account.

Sec. 102. RCW 41.04.260 and 1987 c 475 s 11 and 1987 c 121 s 1 are each reenacted and amended to read as follows:

(1) There is hereby created a committee for deferred compensation to be composed of five members appointed by the governor, one of whom shall be a representative of an employee association or union certified as an exclusive representative of at least one bargaining unit of classified employees, one who shall be a representative of either a credit union, savings and loan association, mutual savings bank or bank, one who possesses expertise in the area of insurance or investment of public funds, one who shall be the state attorney general or his designee, and one additional member selected by the governor. The committee shall serve without compensation but shall receive travel expenses as provided for in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(2) The deferred compensation principal account is hereby created in the state treasury. Any deficiency in the deferred compensation administrative account caused by an excess of administrative expenses disbursed from that account over earnings of investments of balances credited to that account shall be ~~((transferred))~~ eliminated by transferring moneys to that account from the deferred compensation principal account.

The amount of compensation deferred by employees under agreements entered into under the authority contained in RCW 41.04.250 shall be paid into the deferred compensation principal account and shall be sufficient to cover costs of administration and staffing in addition to such other amounts as determined by this committee. The deferred compensation principal account shall be used to carry out the purposes of RCW 41.04.250. All eligible state employees shall be given the opportunity to participate in agreements entered into by the committee under RCW 41.04.250. State agencies shall cooperate with the committee in providing employees with the opportunity to participate. Any county, municipality, or other subdivision of the state may elect to participate in any agreements entered into by the committee under RCW 41.04.250, including the making of payments therefrom to the employees participating in a deferred compensation plan upon their separation from state or other qualifying service. Accordingly, the deferred compensation principal account shall be considered to be a public pension or retirement fund within the meaning of Article XXIX, section 1 of the state Constitution, for the purpose of determining eligible investments and deposits of the moneys therein. All moneys in the deferred compensation principal account, all property and rights purchased therewith, and all income attributable thereto, shall remain (until made available to the participating employee or other beneficiary) solely the money, property, and rights of the state and participating counties, municipalities and subdivisions (without being restricted to the provision of benefits under the plan) subject only to the claims of the state's and participating jurisdictions' general creditors. Participating jurisdictions shall each retain property rights separately.

(3) The state investment board, at the request of the deferred compensation committee, is authorized to invest moneys in the deferred compensation principal account in accordance with RCW 43.84.150. Except as provided in RCW 43.33A.160, one hundred percent of all earnings from these investments shall accrue directly to the deferred compensation principal account. ~~((The earnings on any surplus balances in the deferred compensation principal account shall be credited to the deferred compensation principal account, notwithstanding RCW 43.84.090.))~~

(4) The deferred compensation administrative account is hereby created in the state treasury. All expenses of the committee including staffing and administrative expenses shall be paid out of the deferred compensation administrative account. ~~((Notwithstanding RCW 43.84.090, all earnings of investments of balances in the deferred compensation administrative account shall be credited to this account.))~~ Any excess of earnings of investments of balances credited to this account over administrative expenses disbursed from this account shall be ~~((expended))~~ transferred to the deferred compensation principal account. Any deficiency in the deferred compensation administrative account caused by an excess of administrative expenses disbursed from this account over earnings of investments of balances credited to this account shall be transferred to this account from the deferred compensation principal account.

(5) In addition to the duties specified in this section and RCW 41.04.250, the deferred compensation committee shall administer the salary reduction plan established in RCW 41.04.600 through 41.04.645.

(6) The deferred compensation committee shall keep or cause to be kept full and adequate accounts and records of the assets, obligations, transactions, and affairs of any deferred compensation plans created under RCW 41.04.250 through 41.04.260.

The deferred compensation committee shall file an annual report of the financial condition, transactions, and affairs of the deferred compensation plans under the committee's jurisdiction. A copy of the annual report shall be filed with the speaker of the house of representatives, the president of the senate, the governor, and the state auditor.

(7) Members of the deferred compensation committee shall be deemed to stand in a fiduciary relationship to the employees participating in the deferred compensation plans created under RCW 41.04.250 through 41.04.260 and shall discharge the duties of their respective positions in good faith and with that diligence, care, and skill which ordinary prudent persons would exercise under similar circumstances in like positions.

(8) The committee may adopt rules necessary to carry out the purposes of RCW 41.04.250 and 41.04.260.

Sec. 103. RCW 90.50A.020 and 1988 c 284 s 3 are each amended to read as follows:

(1) The water pollution control revolving fund is hereby established in the custody of the state treasurer. Moneys in this fund are not subject to legislative appropriation. Moneys in the fund may be spent only in a manner consistent with this chapter.

(2) The water pollution control revolving fund shall consist of:

(a) All capitalization grants provided by the federal government under the federal water quality act of 1987;

(b) All state matching funds appropriated or authorized by the legislature;

(c) Any other revenues derived from gifts or bequests pledged to the state for the purpose of providing financial assistance for water pollution control projects;

(d) All repayments of moneys borrowed from the fund;

(e) All interest payments made by borrowers from the fund;

(f) Any other fee or charge levied in conjunction with administration of the fund; and

(g) Any new funds as a result of leveraging.

~~((3) The state treasurer may invest and reinvest moneys in the water pollution control revolving fund in the manner provided by law. All earnings from such investment and reinvestment shall be credited to the water pollution control revolving fund.))~~

Sec. 104. RCW 2.14.080 and 1989 c 139 s 3 are each amended to read as follows:

(1) The administrator for the courts shall:

(a) Deposit or invest the contributions under RCW 2.14.090 in a credit union, savings and loan association, bank, or mutual savings bank;

(b) Purchase life insurance, shares of an investment company, or fixed and/or variable annuity contracts from any insurance company or investment company licensed to contract business in this state; or

(c) Invest in any of the class of investments described in RCW 43.84.150.

(2) The state investment board or the committee for deferred compensation, at the request of the administrator for the courts, may invest moneys in the principal account. Moneys invested by the investment board shall be invested in accordance with RCW 43.84.150. Moneys invested by the committee for deferred compensation shall be invested in accordance with RCW 41.04.250. Except as provided in RCW 43.33A.160 or as necessary to pay a pro rata share of expenses incurred by the committee for deferred compensation, one hundred percent of all earnings from these investments, exclusive of investment income pursuant to RCW 43.84.080, shall accrue directly to the principal account. ~~((The earnings on any surplus balances in the principal account shall be credited to the principal account, notwithstanding RCW 43.84.090.))~~

Sec. 105. RCW 46.68.210 and 1990 c 42 s 411 are each amended to read as follows:

(1) The Puyallup tribal settlement account is hereby created in the motor vehicle fund. All moneys designated by the "Agreement between the Puyallup Tribe of Indians, local governments in Pierce county, the state of Washington, the United States of America, and certain private property owners," dated August 27, 1988, (the "agreement") for use by the department of transportation on the Blair project as described in the agreement shall be deposited into the account, including but not limited to federal appropriations for the Blair project, and appropriations contained in section 34, chapter 6, Laws of 1989 1st ex. sess. and section 709, chapter 19, Laws of 1989 1st ex. sess.

(2) All moneys deposited into the account shall be expended by the department of transportation pursuant to appropriation solely for the Blair project as described in the agreement.

~~((3) All earnings of investments of balances in the account shall be credited to the account.))~~

Sec. 106. RCW 81.100.070 and 1990 c 43 s 18 are each amended to read as follows:

Funds collected by the department of revenue or other entity under RCW 81.100.030, or by the department of licensing under RCW 81.100.060, less the deduction for collection expenses, shall be deposited in the high occupancy vehicle account hereby created in the custody of the state treasurer. On the first day of the months of January, April, July, and October of each year, the state treasurer shall distribute the funds in the account to the counties on whose behalf the funds were received. The state treasurer shall make the distribution under this section without appropriation. ~~((All earnings of investments of balances in this account shall be credited to this account except as provided in RCW 43.84.090 and 43.84.092.))~~

Sec. 107. RCW 28B.20.468 and 1990 c 282 s 4 are each amended to read as follows:

The Warren G. Magnuson institute trust fund is hereby established. The trust fund shall be administered by the state treasurer. Funds appropriated by the legislature for the trust fund shall be deposited into the trust fund. ~~((All moneys deposited in the trust fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances of the trust fund shall be credited to the fund.))~~ At the request of the board of regents of the University of Washington, and when conditions set forth in RCW 28B.20.470 are met, the treasurer shall release state matching moneys in the fund to the University of Washington's local endowment fund. No appropriation is required for expenditures from the trust fund.

Sec. 108. RCW 28B.108.050 and 1990 c 287 s 6 are each amended to read as follows:

The American Indian endowed scholarship trust fund is established. The trust fund shall be administered by the state treasurer. Funds appropriated by the legislature for the trust fund shall be deposited into the fund. ~~((All moneys deposited in the fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances of the trust fund shall be credited to the fund.))~~ At the request of the higher education coordinating board, and when conditions set forth in RCW 28B.108.070 are met, the treasurer shall deposit state matching moneys in the trust fund into the American Indian endowment fund. No appropriation is required for expenditures from the trust fund.

Sec. 109. RCW 28B.50.837 and 1990 c 29 s 2 are each amended to read as follows:

(1) The Washington community college exceptional faculty awards program is established. The program shall be administered by the state board for community college education. The community college faculty awards trust fund hereby created shall be administered by the state treasurer.

(2) Funds appropriated by the legislature for the community college exceptional faculty awards program shall be deposited in the community college faculty awards trust fund. ~~((All moneys deposited in the fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances in the fund shall be credited to the fund.))~~ At the request of the state board for community college education, the treasurer shall release the state matching funds to the designated institution's local endowment fund. No appropriation is necessary for the expenditure of moneys from the fund.

Sec. 110. RCW 41.26.070 and 1989 c 273 s 12 are each amended to read as follows:

Two funds are hereby created and established in the state treasury to be known as the Washington law enforcement officers' and fire fighters' system plan I retirement fund, and the Washington law enforcement officers' and fire fighters' system plan II retirement fund which shall consist of all moneys paid into them in accordance with the provisions of this chapter, whether such moneys shall take the form of cash, securities, or other assets. The plan I fund shall consist of all moneys paid to finance the benefits provided to members of plan I, and the plan II fund shall consist of all moneys paid to finance the benefits provided to members of plan II. The state investment board has full power to invest or reinvest the funds created by this chapter in the securities authorized by RCW 43.84.150.

(1) The state treasurer shall be the custodian of all funds of the retirement system and all disbursements therefrom shall be paid by the state treasurer upon vouchers duly authorized by the department and bearing the signature of the duly authorized officer of the department.

(2) The state treasurer is hereby authorized and directed to deposit any portion of the funds of the retirement system not needed for immediate use in the same manner and subject to all the provisions of law with respect to the deposit of state funds by such treasurer ~~((and)).~~ All ((interest)) investment income earned by such portion of the retirement system's funds as may be deposited by the state treasurer in pursuance of authority herewith given shall be collected by him and placed to the credit of the retirement fund or the department of retirement systems expense fund, less the allocation to the state investment board expense account pursuant to RCW 43.33A.160 and to the state treasurer's service fund pursuant to RCW 43.08.190.

(3) Into the retirement system fund shall be paid all moneys received by the department, and paid therefrom shall be all refunds, adjustments, retirement allowances and other benefits provided for herein. All contributions by employers for the expense of operating the retirement system as provided for herein shall be transferred by the

state treasurer from the retirement system fund to the department of retirement systems expense fund upon authorization of the department.

(4) There is hereby utilized for the purposes of this chapter, the department of retirement systems expense fund, as provided for in RCW 41.40.080 and from which shall be paid the expenses of the administration of this retirement system.

(5) In order to reimburse the department of retirement systems expense fund on an equitable basis the department shall ascertain and report to each employer the contribution rate necessary to defray its proportional share of the entire expense of the administration of this chapter during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the said administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(6) The department shall compute and bill each employer at the end of each month for the amount due for that month to the department of retirement systems expense fund and the same shall be paid as are its other obligations. Such computation as to each such employer shall be made on a percentage rate of salary established by the department: PROVIDED, That the department may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(7) For the purpose of providing amounts to be used to defray the cost of such administration, the department shall ascertain at the beginning of each biennium and request from the legislature an appropriation from the department of retirement systems expense fund sufficient to cover estimated expenses for the said biennium.

(8) RCW 41.26.060~~(s)~~ and 41.26.070 ~~((and 41.26.085))~~ shall take effect commencing on January 1, 1972.

Sec. 111. RCW 28B.108.060 and 1990 c 287 s 7 are each amended to read as follows:

The American Indian scholarship endowment fund is established. The endowment fund shall be administered by the state treasurer. Moneys received from the higher education coordinating board, private donations, state matching moneys, and funds received from any other source may be deposited into the endowment fund. ~~((All moneys deposited in the endowment fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances of the endowment fund shall be credited to the endowment fund.))~~ At the request of the higher education coordinating board, the treasurer shall release earnings from the endowment fund to the board for scholarships. No appropriation is required for expenditures from the endowment fund.

The principal of the endowment fund shall not be invaded. The earnings on the fund shall be used solely for the purposes set forth in RCW 28B.108.040.

Sec. 112. RCW 41.48.065 and 1983 1st ex.s. c 6 s 1 are each amended to read as follows:

There is hereby established a separate fund in the custody of the state treasurer to be known as the OASI revolving fund. The fund shall consist of all moneys designated for deposit in the fund ~~((and the interest earnings therefrom))~~. The OASI revolving fund shall be used exclusively for the purpose of this section. Withdrawals from the fund shall be made for the payment of amounts the state may be obligated to pay or forfeit by reason of any failure of any public agency to pay assessments on contributions or interest assessments required under the federal-state agreement under this chapter or federal regulations.

The treasurer of the state shall be ex officio treasurer and custodian of the fund and shall administer the fund in accordance with this chapter and the directions of the

governor and shall pay all amounts drawn upon it in accordance with this section and with the regulations the governor may prescribe under this section.

Sec. 113. RCW 41.48.060 and 1973 c 126 s 14 are each amended to read as follows:

(1) There is hereby established a special ~~((fund))~~ account in the state treasury to be known as the OASI contribution ~~((fund. All interest earnings presently in and all interest earnings accruing to this fund in accordance with RCW 39.58.120 shall be deposited in the state's general fund))~~ account. Such ~~((fund))~~ account shall consist of and there shall be deposited in such ~~((fund))~~ account: (a) All contributions and penalties collected under RCW 41.48.040 and 41.48.050; (b) all moneys appropriated thereto under this chapter; (c) any property or securities belonging to the ~~((fund))~~ account; and (d) all sums recovered upon the bond of the custodian or otherwise for losses sustained by the ~~((fund))~~ account and all other moneys received for the ~~((fund))~~ account from any other source. All moneys in the ~~((fund))~~ account shall be mingled and undivided. Subject to the provisions of this chapter, the governor is vested with full power, authority and jurisdiction over the ~~((fund))~~ account, including all moneys and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof and are consistent with the provisions of this chapter.

(2) The OASI contribution ~~((fund))~~ account shall be established and held separate and apart from any other funds of the state and shall be used and administered exclusively for the purpose of this chapter. Withdrawals from such ~~((fund))~~ account shall be made for, and solely for (a) payment of amounts required to be paid to the secretary of the treasury pursuant to an agreement entered into under RCW 41.48.030; (b) payment of refunds provided for in RCW 41.48.040(3); and (c) refunds of overpayments, not otherwise adjustable, made by a political subdivision or instrumentality.

(3) From the OASI contribution ~~((fund))~~ account the custodian of the fund shall pay to the secretary of the treasury such amounts and at such time or times as may be directed by the governor in accordance with any agreement entered into under RCW 41.48.030 and the social security act.

(4) The treasurer of the state shall be ex officio treasurer and custodian of the OASI contribution ~~((fund))~~ account and shall administer such ~~((fund))~~ account in accordance with the provisions of this chapter and the directions of the governor and shall pay all warrants drawn upon it in accordance with the provisions of this section and with the regulations as the governor may prescribe pursuant thereto.

Sec. 114. RCW 28A.520.020 and 1990 c 33 s 430 are each amended to read as follows:

(1) There shall be a fund known as the federal forest revolving ~~((fund))~~ account. The state treasurer, who shall be custodian of the revolving ~~((fund))~~ account, shall deposit into the revolving ~~((fund))~~ account the funds for each county received by the state in accordance with Title 16, section 500, United States Code. The state treasurer shall distribute these moneys to the counties according to the determined proportional area. The county legislative authority shall expend fifty percent of the money for the benefit of the public roads and other public purposes as authorized by federal statute or public schools of such county and not otherwise. Disbursements by the counties of the remaining fifty percent of the money shall be as authorized by the superintendent of public instruction, or the superintendent's designee, and shall occur in the manner provided in subsection (2) of this section.

(2) No later than thirty days following receipt of the funds from the federal government, the superintendent of public instruction shall apportion moneys distributed to counties for schools to public school districts in the respective counties in proportion to the number of full time equivalent students enrolled in each public school district to the number of full time equivalent students enrolled in public schools in the county.

In apportioning these funds, the superintendent of public instruction shall utilize the October enrollment count.

(3) If the amount received by any public school district pursuant to subsection (2) of this section is less than the basic education allocation to which the district would otherwise be entitled, the superintendent of public instruction shall apportion to the district, in the manner provided by RCW 28A.510.250, an amount which shall be the difference between the amount received pursuant to subsection (2) of this section and the basic education allocation to which the district would otherwise be entitled.

(4) All federal forest funds shall be expended in accordance with the requirements of Title 16, section 500, United States Code, as now existing or hereafter amended.

Sec. 115. RCW 2.10.080 and 1981 c 3 s 22 are each amended to read as follows:

(1) The state treasurer shall be the custodian of all funds and securities of the retirement system. Disbursements from this fund shall be made by the state treasurer upon receipt of duly authorized vouchers.

(2) The state treasurer is hereby authorized and directed to deposit any portion of the funds of the retirement system not needed for immediate use in the same manner and subject to all the provisions of law with respect to the deposit of state funds by such treasurer (~~(and)~~). All ((interest)) investment income earned by such portion of the retirement system's funds as may be deposited by the state treasurer in pursuance of authority herewith given shall be collected by him or her and placed to the credit of the retirement fund, less the allocation to the state investment board expense account pursuant to RCW 43.33A.160 and to the state treasurer's service fund pursuant to RCW 43.08.190.

(3) The state investment board established by RCW 43.33A.020 has full power to invest or reinvest the funds of this system in those classes of investments authorized by RCW 43.84.150.

(4) For the purpose of providing amounts to be used to defray the cost of administration, the judicial retirement board shall ascertain at the beginning of each biennium and request from the legislature an appropriation sufficient to cover estimated expenses for the said biennium.

Sec. 116. RCW 43.160.080 and 1987 c 422 s 6 are each amended to read as follows:

There shall be a fund known as the public facilities construction loan revolving ~~((fund))~~ account, which shall consist of all moneys collected under this chapter, except moneys of the board collected in connection with the issuance of industrial development revenue bonds, and any moneys appropriated to it by law: PROVIDED, That seventy-five percent of all principal and interest payments on loans made with the proceeds deposited in the ~~((fund))~~ account under section 901, chapter 57, Laws of 1983 1st ex. sess. shall be deposited in the general fund as reimbursement for debt service payments on the bonds authorized in RCW 43.83.184. The state treasurer shall be custodian of the revolving ~~((fund))~~ account. Disbursements from the revolving ~~((fund))~~ account shall be on authorization of the board. In order to maintain an effective expenditure and revenue control, the public facilities construction loan revolving ~~((fund))~~ account shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the ~~((fund))~~.

~~Moneys in this fund not needed to meet the current expenses and obligations of the board shall be invested in the manner authorized for moneys in revolving funds. Any interest earned shall be deposited in this fund and shall be used for the purposes specified in this chapter. The state treasurer shall render reports to the board advising of the status of any funds invested, the market value of the assets as of the date the statement is rendered, and the income received from the investments during the period covered by the report))~~ account.

Sec. 117. RCW 74.18.230 and 1985 c 97 s 2 and 1985 c 57 s 72 are each reenacted and amended to read as follows:

(1) There is established in the state treasury an account known as the business enterprises revolving account.

(2) The net proceeds from any vending machine operation in a public building, other than an operation managed by a licensee, shall be made payable to the business enterprises revolving fund. Net proceeds, for purposes of this section, means the gross amount received less the costs of the operation, including a fair minimum return to the vending machine owner, which return shall not exceed a reasonable amount to be determined by the department.

(3) All moneys in the business enterprises revolving fund shall be expended only for development and expansion of locations, equipment, management services, and payments to licensees in the business enterprises program.

(4) The business enterprises program shall be supported by the business enterprises revolving fund and by income which may accrue to the department pursuant to the federal Randolph-Sheppard Act.

(5) Vocational rehabilitation funds may be spent in connection with the business enterprises program for training persons to become licensees and for other services that are required to complete an individual written rehabilitation program.

~~((6) All earnings of investments of balances in the business enterprises revolving account shall be credited to the business enterprises revolving account.))~~

Sec. 118. RCW 28B.20.253 and 1975-'76 2nd ex.s. c 12 s 2 are each amended to read as follows:

(1) A self-insurance revolving fund in the custody of the treasurer is hereby created to be used solely and exclusively by the board of regents of the University of Washington for the following purposes:

(a) The payment of judgments against the university, its schools, colleges, departments, and hospitals and against its regents, officers, employees, agents, and students for whom the defense of an action, claim, or proceeding has been provided pursuant to RCW 28B.20.250.

(b) The payment of claims against the university, its schools, colleges, departments, and hospitals and against its regents, officers, employees, agents, and students for whom the defense of an action, claim, or proceeding has been provided pursuant to RCW 28B.20.250: PROVIDED, That payment of claims in excess of twenty-five hundred dollars must be approved by the state attorney general.

(c) For the cost of investigation, administration, and defense of actions, claims, or proceedings, and other purposes essential to its liability program.

(2) Said self-insurance revolving fund shall consist of periodic payments by the University of Washington from any source available to it in such amounts as are deemed reasonably necessary to maintain the fund at levels adequate to provide for the anticipated cost of payments of incurred claims and other costs to be charged against the fund.

(3) No money shall be paid from the self-insurance revolving fund unless first approved by the board of regents, and unless all proceeds available to the claimant from any valid and collectible liability insurance shall have been exhausted.

(4) The state investment board shall invest moneys in the self-insurance revolving fund. Moneys invested by the investment board shall be invested in accordance with RCW 43.84.150.

NEW SECTION. **Sec. 119.** The following acts or parts of acts are each repealed:

(1) RCW 43.84.090 and 1990 2nd ex.s. c 1 s 203, 1990 c 106 s 5, 1985 c 233 s 5, 1981 c 242 s 2, 1975-'76 2nd ex.s. c 123 s 1, 1969 c 50 s 1, 1967 c 66 s 1, 1965 ex.s. c 82 s 1, & 1965 c 8 s 43.84.090;

(2) RCW 43.185.040 and 1986 c 298 s 5;

- (3) RCW 46.09.290 and 1986 c 206 s 14;
 (4) RCW 70.48.120 and 1987 c 462 s 8, 1986 c 118 s 8, 1981 c 276 s 1, & 1977 ex.s. c 316 s 12;
 (5) RCW 43.31.958 and 1985 c 57 s 31 & 1979 ex.s. c 260 s 2;
 (6) RCW 43.99C.040 and 1985 c 57 s 55 & 1979 ex.s. c 221 s 7;
 (7) RCW 27.60.060 and 1985 c 291 s 3, 1985 c 57 s 8, & 1984 c 120 s 2;
 (8) RCW 28B.31.040 and 1985 c 57 s 14 & 1977 ex.s. c 344 s 4;
 (9) RCW 75.48.030 and 1985 c 57 s 73, 1983 1st ex.s. c 46 s 163, & 1977 ex.s. c 308 s 3;
 (10) RCW 28B.56.030 and 1985 c 57 s 17 & 1972 ex.s. c 133 s 3;
 (11) RCW 43.831.166 and 1985 c 57 s 50 & 1979 ex.s. c 224 s 4;
 (12) RCW 36.22.180 and 1989 c 204 s 4;
 (13) RCW 43.79.415 and 1984 ex.s. c 53 s 1 & 1973 1st ex.s. c 129 s 1; and
 (14) RCW 79.64.055 and 1967 ex.s. c 63 s 3.

NEW SECTION. Sec. 120. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 121. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions.

(1) On or before June 30, 1991, the balances remaining in the local jail improvement and construction account, the 1979 handicapped facilities construction account, the salmon enhancement construction account, the community college capital improvements accounts, and the fisheries capital projects account shall be transferred to the state building construction account and the balance remaining in the Washington State University construction account shall be transferred to the Washington State University building account.

(2) Except for subsection (1) of this section, this act shall take effect July 1, 1991, but shall not be effective for earnings on balances prior to July 1, 1991, regardless of when a distribution is made.

MOTION

Senator Metcalf moved that the following amendment to the Committee on Ways and Means striking amendment be adopted:

On page 110, after line 5, insert the following:

NEW SECTION. Sec. 120. This amendatory act shall expire on July 1, 1993.
 Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Metcalf on page 110, after line 5, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1058.

The amendment by Senator Metcalf to the Committee on Ways and Means striking amendment was adopted on a rising vote.

MOTION

Senator McMullen moved that the following amendments by Senators Owen and McMullen to the Committee on Ways and Means striking amendment be considered simultaneously and be adopted:

On page 33, line 2 of the amendment, strike all of "Sec. 32." and renumber the remaining sections accordingly.

On page 52, line 25 of the amendment, following the first "account," insert "landowner contingency forest fire suppression account,"

On page 77, line 23 of the amendment, following "account," insert "forest fire protection assessment account,"

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to the roll call on the adoption of the amendments by Senators Owen and McMullen on page 33, line 2; page 52, line 25; and page 77, line 23; to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1058.

ROLL CALL

The Secretary called the roll and the amendments to the committee amendment were not adopted, the President voting 'nay,' by the following vote: Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 24.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, L. Smith, Thorsness, von Reichbauer, West - 24.

Excused: Senator Sellar - 1.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Engrossed Substitute House Bill No. 1058.

The Committee on Ways and Means amendment, as amended, was adopted by voice vote.

MOTIONS

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 1 of the title, after "accounts;" strike the remainder of the title and insert "amending RCW 70.39.170, 18.08.240, 43.79.330, 43.51.280, 40.14.025, 43.51.310, 43.140.030, 28B.14D.040, 46.10.075, 72.72.030, 67.40.040, 28B.10.821, 43.88.525, 58.24.060, 82.14.200, 82.14.210, 18.72.390, 43.70.320, 18.04.105, 43.79.445, 47.76.030, 43.51.200, 86.26.007, 43.08.250, 84.33.041, 43.31A.400, 70.94.656, 18.43.150, 51.44.170, 82.14.320, 43.33A.160, 43.83B.360, 82.14.050, 43.19.610, 27.34.090, 82.42.090, 47.68.236, 43.79.201, 70.93.180, 46.08.172, 43.99.040, 43.83A.030, 43.99F.030, 28B.10.851, 43.83.020, 28B.30.730, 28B.57.050, 43.99.060, 43.83B.030, 43.83C.030, 43.83D.030, 43.83H.030, 43.84.092, 28A.515.320, 28A.550.010, 50.16.010, 43.200.080, 70.164.030, 79.90.555, 70.94.483, 47.78.010, 22.09.411, 70.47.030, 70.105D.070, 2.14.070, 70.170.080, 90.76.100, 70.95.800, 59.21.050, 70.95E.080, 28B.30.741, 28B.30.742, 28B.20.810, 28B.14C.060, 43.79A.020, 43.79A.040, 43.08.190, 28C.10.082, 43.250.030, 43.185.030, 28B.10.882, 59.22.030, 70.148.020, 4.92.220, 4.92.130, 41.40.080, 43.84.051, 43.79.130, 28B.35.751, 43.79.110, 28B.20.800, 28B.10.868, 41.05.120, 90.50A.020, 2.14.080, 46.68.210, 81.100.070, 28B.20.468, 28B.108.050, 28B.50.837, 41.26.070, 28B.108.060, 41.48.065, 41.48.060, 28A.520.020, 2.10.080, 43.160.080, and 28B.20.253; reenacting and amending RCW 74.18.230, 76.04.630, 28B.50.360, 28B.35.370, 70.146.030, 90.48.390, 41.24.030,

41.04.260, and 74.18.230; adding a new section to chapter 43.63A RCW; repealing RCW 43.84.090, 43.185.040, 46.09.290, 70.48.120, 43.31.958, 43.99C.040, 27.60.060, 28B.31.040, 75.48.030, 28B.56.030, 43.83I.166, 36.22.180, 43.79.415, and 79.64.055; providing an effective date; and declaring an emergency."

On motion of Senator McDonald, the rules were suspended, Engrossed Substitute House Bill No. 1058, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bauer: "Senator McDonald, how about the retirement fund interest account? Is that out or in?"

Senator McDonald: "Retirement funds are out."

Senator Bauer: "Out?"

Senator McDonald: "Yes."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1058, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1058, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Roach, Saling, L. Smith, Thorsness, von Reichbauer, West - 25.

Voting nay: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, L. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 23.

Excused: Senator Sellar - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1058, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

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

SENATE RESOLUTION 1991-8654

By Senators Oke, Sutherland, Metcalf, Skratek, Erwin, Amondson, Roach and Thorsness

WHEREAS, The citizens of Washington State recognize many beneficial uses and values of our oak forests including wildlife, wood products, fuel wood, grazing, biological diversity, outdoor recreation, soil conservation, and aesthetics; and

WHEREAS, Our rapidly dwindling oak forests are known to provide a habitat for over three hundred twenty-one species of wildlife throughout central and western Washington; and

WHEREAS, Oak forest habitat provides for a great diversity and species richness of both flora and fauna; and

WHEREAS, Oak forests, if properly managed, provide for economic benefits from fuel wood, wildlife harvest, and forest products for private and state forest owners and managers; and

WHEREAS, Good multipurpose forest management shows that oak forests can be very beneficial for oak and conifer production; and

WHEREAS, Oak forest/bunch grass range levels are known to create a high yield for livestock production in central Washington State; and

WHEREAS, Oak forest lands are under increasing threat from suburban encroachment and unwise shortsighted forest practices; and

WHEREAS, The state of Washington seeks an oak forest policy incorporating a strong conservation ethic in forest management decisions; and

WHEREAS, Sound forest management practices include emphasis on multipurpose land management uses on state oak forest land;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, That the Washington State natural resource agencies are encouraged and requested to cooperatively work together to develop an enlightened multipurpose oak forest management program designed to:

(1) Recommend public policy and forest use regulations to the Legislature that will promote good oak forest management practices to ensure long-term viability of our oak resources;

(2) Provide land owners with information designed to increase commercial oak forest revenues;

(3) Enhance wildlife habitat and maintain biological diversity in oak forest lands;

(4) Develop educational programs to improve and enhance livestock grazing in the oak forest/bunch grass land of south central Washington;

(5) Quantify the amount of oak forest that presently exists in Washington State;

(6) Design management techniques that will help landowners develop reforestation and natural regeneration of their oak forest levels;

(7) Initiate public education and information programs for landowners, recreational users, and school children about the many benefits of oak forests; and

BE IT FURTHER RESOLVED, That it is the policy of the state of Washington to manage our oak forest lands to provide for the long-term maximum beneficial multipurpose uses of these unique forests; and

BE IT FURTHER RESOLVED, That it is the objective of the state of Washington to ensure that oak forest lands and their ecological and economic functions are maintained and enhanced for future generations to use, enjoy, and profit from; and

BE IT FURTHER RESOLVED, That 1991 be declared the Year of the Oak in the state of Washington.

Senate Oke spoke to Senate Resolution 1991-8654.

MOTION

At 12:48 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Thursday, April 18, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

NINETY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 18, 1991

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Barr, Hansen, Pelz, Roach, Sellar and Williams. On motion of Senator Anderson, Senators Amondson, Barr, Roach and Sellar were excused. On motion of Senator Murray, Senators Hansen, Pelz and Williams were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jean-Maria Center-Howden and Rachel Halley, presented the Colors. Reverend Larry Neufeld, pastor of the Timberline Baptist Church of Lacey, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

April 17, 1991

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

I have the honor to advise you that on April 17, 1991, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 5036

Relating to livestock market net worth.

Substitute Senate Bill No. 5090

Relating to foster family home licenses.

Senate Bill No. 5103

Relating to registration of engineers.

Substitute Senate Bill No. 5106

Relating to transportation appropriations.

Senate Bill No. 5219

Relating to the limits on liability for loss or damage to baggage by common carriers.

Substitute Senate Bill No. 5276

Relating to impounded vehicles.

Substitute Senate Bill No. 5357

Relating to individuals or water purveyors identified as qualified satellite system management agencies.

Substitute Senate Bill No. 5383

Relating to procedures for approving statements of intent to pay prevailing wages.

Substitute Senate Bill No. 5796

Relating to the certification and registration of nursing assistants.

Sincerely,
THOMAS J. FELNAGLE, Legal Counsel to the Governor

MESSAGE FROM THE HOUSE

April 17, 1991

MR. PRESIDENT:

The House has passed SUBSTITUTE HOUSE BILL NO. 2187, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5971 by Senators Conner and Rasmussen

AN ACT Relating to the reorganization of the natural resource agencies of the state of Washington; amending RCW 43.17.010, 43.51.020, 43.99.010, 43.99.025, 43.99.110, 43.99.130, 77.04.020, 77.04.030, and 77.04.055; adding a new section to chapter 43.30 RCW; and creating new sections.

Referred to Committee on Environment and Natural Resources.

SB 5972 by Senators Metcalf and Owen

AN ACT Relating to the establishment of a stewardship account for the management of the state's fish and wildlife resources and maintenance and operation of state-owned fish and wildlife habitat, natural areas, parks, and other recreation sites; amending RCW 82.08.020, 82.12.020, and 82.12.045; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SB 5973 by Senator Metcalf

AN ACT Relating to licenses and fees the proceeds of which are deposited in the state wildlife fund.

Referred to Committee on Environment and Natural Resources.

SB 5974 by Senator Metcalf

AN ACT Relating to funding the department of fisheries.

Referred to Committee on Environment and Natural Resources.

SB 5975 by Senator Metcalf

AN ACT Relating to funding the capital needs of the department of wildlife.

Referred to Committee on Environment and Natural Resources.

SB 5976 by Senator Metcalf

AN ACT Relating to the organization and funding of the natural resource agencies of the state of Washington.

Referred to Committee on Environment and Natural Resources.

SB 5977 by Senator Metcalf

AN ACT Relating to the funding of the natural resource agencies of the state of Washington.

Referred to Committee on Environment and Natural Resources.

SB 5978 by Senator Metcalf

AN ACT Relating to the organization and funding of the department of wildlife.

Referred to Committee on Environment and Natural Resources.

SB 5979 by Senator Metcalf

AN ACT Relating to the wildlife commission; and amending RCW 77.04.030.

Referred to Committee on Environment and Natural Resources.

SB 5980 by Senator Metcalf

AN ACT Relating to hunter education; and amending RCW 77.32.155.

Referred to Committee on Environment and Natural Resources.

SB 5981 by Senators Gaspard, Rinehart, Murray, Vognild, Rasmussen, Conner, Wojahn, Moore, Snyder, Pelz, Skratek, McMullen, Madsen, Talmadge, Bauer, Owen and M. Kreidler

AN ACT Relating to education; amending RCW 28A.240.010, 28A.240.020, 28A.240.030, 28A.150.250, 28A.150.260, and 28A.500.010; reenacting and amending RCW 28A.400.200; adding a new section to chapter 84.52 RCW; adding a new section to chapter 28A.500 RCW; adding a new section to chapter 28A.150 RCW; creating new sections; repealing RCW 28A.150.410 and 84.52.0531; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SCR 8409 by Senators Metcalf and Owen

Creating a joint select committee on the department of wildlife.

Referred to Committee on Environment and Natural Resources.

SCR 8410 by Senators Snyder, Metcalf, Oke, Hansen, Bauer, Jesernig, Sutherland, Bluechel and Johnson

Recommending commensurate salaries for fishery patrol and wildlife officers.

Referred to Committee on Ways and Means.

FIRST READING OF HOUSE BILL

SHB 2187 by House Committee on Revenue (originally sponsored by Representatives O'Brien, Dellwo, Brough, Anderson, May, Kremen, Beck, Zellinsky, Miller, Day, Basich, Riley, R. King, Rasmussen, Prentice, Ferguson, Padden, Broback, Ballard, Edmondson, Brumsickle, P. Johnson, Bowman, Wynne, Mielke, Casada, Nealey, Van Luven, Fuhrman, Holland, Wilson, Schmidt, Neher, Lisk, Rayburn, Scott, Roland, Ogden, Orr, Haugen, Jacobsen, Cole, Pruitt, McLean, Tate, Morton, Valle, Dorn, Heavey, Franklin, Cantwell and Leonard)

Exempting nonprofit organization auctions from excise tax.

Referred to Committee on Ways and Means.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9167, Connie Crawley, as a member of the Juvenile Disposition Standards Commission, was confirmed.

APPOINTMENT OF CONNIE CRAWLEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.
Voting yea: Senators Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen,

Patterson, Rasmussen, Rinehart, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Wojahn - 42.

Excused: Senators Amondson, Barr, Hansen, Pelz, Roach, Sellar, Williams - 7.

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9169, Carolyn Pinkett, as a member of the Juvenile Disposition Standards Commission, was confirmed.

APPOINTMENT OF CAROLYN PINKETT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Wojahn - 43.

Excused: Senators Amondson, Barr, Hansen, Pelz, Sellar, Williams - 6.

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE SENATE BILL NO. 5341.

LETTER OF RESIGNATION

WASHINGTON STATE SENATE
SENATOR LELA KREIDLER
22nd Legislative District

April 15, 1991

Gordon Golob
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504

Dear Gordon:

Please accept this as official notification that my temporary appointment to the Washington State Senate, pursuant to RCW 73.16.041, will come to an end as of April 18, 1991.

I am very happy to report that Lieutenant Colonel Mike Kreidler has been released from active duty in the United States Army and will be resuming his duties as Senator for the 22nd Legislative District. I look forward to having our family and our lives back to "normal" once again.

However, it is with very mixed emotions that I submit this letter. I never in a million years thought I would have reservations of relinquishing the position, but have realized a greater respect and appreciation for the process and the people who dedicate their time and talent to develop public policy.

I am honored that I was given the trust and confidence of the Thurston County Democrats, the Thurston County Commissioners and the members of the Senate. This was an experience I will always cherish and feel very fortunate to have been able to do my part for the conflict known as Desert Storm.

I have learned about critical issues, made some important decisions and have encountered many wonderful people -- all of which will remain as special memories of this unique time in my life.

Sincerely,
LELA KREIDLER, State Senator

LETTER OF NOTIFICATION OF RETURNING TO SENATE

WASHINGTON STATE SENATE
SENATOR MIKE KREIDLER
22nd Legislative District

April 16, 1991

Gordon Golob
Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504

Dear Gordon:

This letter is to officially notify you that I have been released from active duty in the United States Army in support of Operation Desert Storm, effective April 18, 1991.

Therefore, pursuant to Chapter 73.16 RCW, I respectfully request to be restored to the office of State Senator representing the people of the 22nd Legislative District.

The process used to assure representation to the citizens of our district during this legislative session was unprecedented. The actions of the Thurston County Democratic Central Committee, the Thurston County Board of Commissioners and the State Senate, guaranteed continuity of legislative representation to all affected constituents. I am truly grateful for all of those efforts.

I take this opportunity to publicly thank my wife, Senator Lela Kreidler, for the outstanding job she has done as a legislator, wife and mother during a very trying time. She has long been my adviser and confidant and now both of us are more aware than ever of all the pressures associated with the legislative life.

My family and I appreciate all the kind words and support we received from everyone and I thank you for your courtesy and consideration during my term of active duty.

Sincerely,
MIKE KREIDLER, State Senator

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Gaspard and Hayner to escort Senator Lela Kreidler to join with her husband, Mike Kreidler, seated on the rostrum.

OATH OF OFFICE

Judge Richard A. Strophy administered the oath of office of State Senator to Mike Kreidler.

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

MOTION

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

SENATE RESOLUTION 1991-8667

By Senators Gaspard, Snyder, Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams and Wojahn

WHEREAS, On January 8, 1991, Senator Mike Kreidler was called to active duty in the United States Army in support of Operation Desert Storm, becoming one of seven legislators in the nation forced to seek a leave of absence from their legislative duties in order to serve their country; and

WHEREAS, During his absence, Lela Lopez Kreidler was temporarily appointed to her husband's vacant seat in the Washington State Senate on January 14, 1991; and

WHEREAS, The use of this particular appointment process is unprecedented in our state's history, applying a law which has been on our books since the Korean War; and

WHEREAS, Senator Lela Kreidler has the added distinction of being the first Mexican-American to serve in the Washington State Senate; and

WHEREAS, Lela was a quick study on the complex issues before the Legislature, and in particular, the Senate Committees on Health and Long-Term Care, Law and Justice, and Ways and Means, and on the intricacies of the legislative process itself; and

WHEREAS, She has shown compassion for the needs and concerns of the indigent, and she has been tough in negotiating for the interests of her constituents; and

WHEREAS, As a result, she has won the respect and admiration of legislators, staff, and other participants in the Legislature; and
WHEREAS, Lela has provided the constituents of the Twenty-second Legislative District with uninterrupted representation and excellent and dedicated service; and

WHEREAS, It would serve the citizens of Thurston County well to encourage Lela Kreidler to seek elective office in the future, possibly even that of State Senator; and

WHEREAS, Having fulfilled his duties with honor and fortitude, Lieutenant Colonel Mike Kreidler has been formally returned to reserve status, and state law (which many members are now reviewing) requires Lela to relinquish the office of State Senator to him; and

WHEREAS, Senator Lela Kreidler and her staff can attest, but not under oath, that he seldom gave a second thought to what was happening in Olympia; and

WHEREAS, Lieutenant Colonel Kreidler might not want the members of the Washington State Senate to vote on whom they would like to retain this Senate seat; and

WHEREAS, The women of the Senate appreciated the insight of yet another woman serving in this body, will miss her presence, and regret their reduction in force;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, That we congratulate Senator Lela Kreidler for her courage and outstanding service to the state of Washington, thank her for her friendship, and wish her well as she returns to "normal" family life and her position at Chinook Middle School; and

BE IT FURTHER RESOLVED, That Senator Lela Kreidler be added to the Legislative Old Timers list as a former member so that we may enjoy her company for many years to come; and

BE IT FURTHER RESOLVED, That having paused many times this session to commemorate the women and men who took part in Operation Desert Storm, we express special pride in the exemplary military service of one of our own members, Lieutenant Colonel Mike Kreidler, and welcome him back to the Washington State Senate.

Senators Gaspard and Hayner spoke to Senate Resolution 1991-8667.

PRESENTATION OF GIFTS

The President of the Senate presented Senator Lela Kreidler with a Washington State Distinguished Citizen certificate and an Honorary President of the Senate gavel.

Senator Lela Kreidler thanked the President of the Senate, the members of the Senate and the staff for their assistance and support during her stay in the State Senate.

Senator Mike Kreidler thanked the President of the Senate, his wife, Lela, the members of the Senate and the staff for their help and concern

during his absence from legislative duties while on active duty with the United States Army in support of Operation Desert Storm.

POINT OF INQUIRY

Senator Saling: "Senator Vognild, as the keeper of statistics of those newly elected or appointed Senators who give their first speech on the floor, are we in line now for some favor from the new Senator Kreidler for his speech that he just delivered?"

Senator Vognild: "I would think that is very appropriate. He was just sworn in; it was his first speech."

The Committee of Honor, Senators Gaspard and Hayner, escorted Senator Lela Kreidler, Senator Mike Kreidler and Judge Richard Strophy from the Senate Rostrum.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329, by House Committee on Education (originally sponsored by Representatives H. Sommers, Holland, Locke, Silver, Brekke, Peery, Ebersole, Fuhrman, Cole, Phillips, and R. King) (by request of Legislative Budget Committee)

Authorizing special educational services demonstration projects.

The bill was read the second time.

MOTIONS

Senator Bailey moved that the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature to (1) encourage school districts, individually and cooperatively, to develop innovative special services demonstration projects that use resources efficiently and increase student learning; (2) promote noncategorical approaches to special services program design, funding, and administration; (3) develop efficient and cost-effective means for identifying students as specific learning disabled, in order to increase the proportion of resources devoted to classroom instruction; and (4) provide a means to grant waivers from state rules.

NEW SECTION. Sec. 2. The superintendent of public instruction shall:

- (1) Make ten to twenty-five awards for demonstration projects in individual school districts and cooperatives;
- (2) Make awards for in-service training of teachers and other staff;
- (3) Provide technical assistance;
- (4) Grant waivers from state rules needed to implement the projects, or request such waivers to be granted by the appropriate agency;
- (5) Contract with school districts for demonstration projects and make contract payments in accordance with sections 1 through 5 of this act;
- (6) Perform or contract for an evaluation of the projects;
- (7) Confer on the evaluation design with the selection advisory committee; and

(8) Submit to the legislature an interim report on the evaluation by December 31, 1993, and a final report by December 31, 1995.

NEW SECTION. Sec. 3. (1) The selection advisory committee is created. The committee shall be composed of up to three members from the house of representatives, up to three members from the senate, up to two members from the office of the superintendent of public instruction, and one member from each of the following: The office of financial management, Washington state special education coalition, transitional bilingual instruction educators, and Washington education association.

(2) The legislative budget committee and the superintendent of public instruction shall provide staff for the selection advisory committee.

(3) The selection advisory committee shall:

(a) Develop appropriate criteria for selecting demonstration projects;

(b) Issue requests for proposals in accordance with sections 1 through 5 of this act for demonstration projects to commence during the 1991-92 and 1992-93 school years;

(c) Review proposals and recommend demonstration projects for approval by the superintendent of public instruction;

(d) Advise the superintendent of public instruction on the evaluation design; and

(e) Report each year by December 1st on the status of the demonstration projects to the legislative budget committee and the appropriate policy and fiscal committees of the house of representatives and the senate.

NEW SECTION. Sec. 4. School districts with demonstration projects shall:

(1) Confer on a regular basis during project planning and implementation with teachers, support staff, parents of handicapped students, and parents of other students served in the project;

(2) Administer annual achievement tests to all students served in the project if required in the project contract; and

(3) Cooperate in providing all information needed for the evaluation.

NEW SECTION. Sec. 5. (1) Project funding may include state, federal, and local funds, as specified by the district in its approved project cost proposal. The superintendent of public instruction shall include all project funding for a participating district in a project contract and disburse the funds as contract payments.

(2) As a general guideline, subject to refinements in the district cost proposal and approval by the superintendent of public instruction, the portion of state handicapped funding included as project funding shall be determined as follows:

(a) If the district serves specific learning disabled students in the project, the portion of the handicapped allocation attributed to specific learning disabled students shall be included, with proportional adjustments if the project serves only part of the district's specific learning disabled population;

(b) If other handicapped students are served in the project, the portions of the handicapped allocation attributed to those students shall be included, with proportional adjustments if the project serves only part of the district's population in those categories of handicapped students.

(3) State handicapped allocations shall be calculated for project districts according to the handicapped funding formula in use for other districts, but with the following changes:

(a) Except as provided in (b) of this subsection, funding for specific learning disabled and other handicapped students served in a project shall be based for the duration of the project on the average percentage of the kindergarten through twelfth grade enrollment in the particular handicapped category during the two years before the award.

(b) Project funding for school districts that had pilot projects approved under section 13, chapter 233, Laws of 1989, shall be based for the duration of a project

under sections 1 through 5 of this act on four percent of the kindergarten through twelfth grade enrollment considered as specific learning disabled, without regard to the actual number of students so identified. The legislature recognizes the importance of continuing and developing the pilot projects.

(c) The funding percentages for demonstration projects specified in (a) and (b) of this subsection shall be used to adjust basic education allocations under RCW 28A.150.260 and learning assistance program allocations under RCW 28A.165.070.

(d) State handicapped allocations under subsection (2) of this section up to the level required by federal maintenance of effort rules shall be expended for services to handicapped students in the project. Allocations greater than the amount needed to comply with federal maintenance of effort rules shall be designated as noncategorical project funds and may be expended on services to any student served in the project.

(4) Federal handicapped allocations may be designated in whole or in part for project use, if the amounts are included in the district's approved cost proposal and the project contract.

(5) Learning assistance program allocations may be designated in whole or in part for project use, if the amounts are included in the district's approved cost proposal and the project contract. These allocations shall be calculated for project districts according to the funding formula in use for other districts, except that any increases in the district allocation above the fiscal year 1991 amount shall be designated as noncategorical project funds and may be expended on services to any student served in the project.

(6) Transitional bilingual program allocations may be designated in whole or in part for project use, if the amounts are included in the district's approved cost proposal and the project contract. These allocations shall be calculated for project districts according to the funding formula in use for other districts, except that any increases in the district allocation above the fiscal year 1991 amount shall be designated as noncategorical project funds and may be expended on services to any student served in the project.

(7) Funding under the federal elementary and secondary school improvement amendments may be designated in whole or in part for project use, if the amounts are included in the district's approved cost proposal and the project contract.

(8) Funding from local sources may be designated for project use, if the amounts are included in the district's approved cost proposal and the project contract.

(9) Expenditures of noncategorical project funds under subsections (3)(d), (5), and (6) of this section shall be accounted for in new and discrete program or subprogram codes designated by the superintendent of public instruction. The codes shall take effect by September 1, 1991.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act are each added to chapter 28A.630 RCW.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act shall expire January 1, 1996.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

On motion of Senator Rinehart, the following amendment by Senators McDonald, Rinehart and Bailey to the Committee on Education striking amendment was adopted:

On page 4 of the amendment, line 9, after "subsection," strike all material down through line 13 and insert "funding in each school year for specific learning disabled

and other handicapped students served in a project shall be based on the average percentage of the kindergarten through twelfth grade enrollment in the particular handicapped category during the prior three years."

MOTION

On motion of Senator Bailey, the following amendment to the Committee on Education amendment was adopted:

On page 5, line 22 of the amendment, strike "elementary and secondary school improvement amendments" and insert "remediation program allocations"

The President declared the question before the Senate to be the adoption of the Committee on Education striking amendment, as amended, to Engrossed Substitute House Bill No. 1329.

The motion by Senator Bailey carried and the Committee on Education amendment, as amended, was adopted.

MOTIONS

On motion of Senator Bailey, the following title amendment was adopted:

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "adding new sections to chapter 28A.630 RCW; creating a new section; providing an expiration date; and declaring an emergency."

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute House Bill No. 1329, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Linda Smith, Senator Anderson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1329, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1329, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senator Talmadge - 1.

Absent: Senator McDonald - 1.

Excused: Senators Anderson, Sellar - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1142, by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Rasmussen, Bowman, Chandler, Kremen, Spanel, Roland, Tate, Sprenkle, McLean, Dorn, Rayburn, Haugen, Riley, R. Johnson, Grant, Jones, Phillips, Orr, Brumsickle, Ferguson, Ballard, P. Johnson, Sheldon, Hochstatter, Paris, Fuhrman, Morton, Padden, Edmondson, Lisk, Betrozoff, Wynne, Nealey and Moyer)

Redefining the agricultural products for which processor liens may be established.

The bill was read the second time.

MOTIONS

On motion of Senator Barr, the following Committee on Agriculture and Water Resources amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 20.01.010 and 1989 c 354 s 37 are each amended to read as follows:

As used in this title the terms defined in this section have the meanings indicated unless the context clearly requires otherwise.

(1) "Director" means the director of agriculture or his duly authorized representative.

(2) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

(3) "Agricultural product" means any unprocessed horticultural, vermicultural and its byproducts, viticultural, berry, poultry, poultry product, grain, bee, or other agricultural products, and includes mint or mint oil processed by or for the producer thereof and hay and straw baled or prepared for market in any manner or form and livestock. ~~((When used in RCW 60.13.020, "agricultural product" means horticultural, viticultural, and berry products, hay and straw, and turf and forage seed and applies only when such products are delivered to a processor or conditioner in an unprocessed form.))~~

(4) "Producer" means any person engaged in the business of growing or producing any agricultural product, whether as the owner of the products, or producing the products for others holding the title thereof.

(5) "Consignor" means any producer, person, or his agent who sells, ships, or delivers to any commission merchant, dealer, cash buyer, or agent, any agricultural product for processing, handling, sale, or resale.

(6) "Commission merchant" means any person who receives on consignment for sale or processing and sale from the consignor thereof any agricultural product for sale on commission on behalf of the consignor, or who accepts any farm product in trust

from the consignor thereof for the purpose of resale, or who sells or offers for sale on commission any agricultural product, or who in any way handles for the account of or as an agent of the consignor thereof, any agricultural product.

(7) "Dealer" means any person other than a cash buyer, as defined in subsection (10) of this section, who solicits, contracts for, or obtains from the consignor thereof for reselling or processing, title, possession, or control of any agricultural product, or who buys or agrees to buy any agricultural product from the consignor thereof for sale or processing and includes any person, other than one who acts solely as a producer, who retains title in an agricultural product and delivers it to a producer for further production or increase. For the purposes of this chapter, the term dealer includes any person who purchases livestock on behalf of and for the account of another, or who purchases cattle in another state or country and imports these cattle into this state for resale.

(8) "Limited dealer" means any person operating under the alternative bonding provision in RCW 20.01.211.

(9) "Broker" means any person other than a commission merchant, dealer, or cash buyer who negotiates the purchase or sale of any agricultural product, but no broker may handle the agricultural products involved or proceeds of the sale.

(10) "Cash buyer" means any person other than a commission merchant, dealer, or broker, who obtains from the consignor thereof for the purpose of resale or processing, title, possession, or control of any agricultural product or who contracts for the title, possession, or control of any agricultural product, or who buys or agrees to buy for resale any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of the agricultural product, in coin or currency, lawful money of the United States. However, a cashier's check, certified check, or bankdraft may be used for the payment. For the purposes of this subsection, "agricultural product," does not include hay, grain, straw, or livestock.

(11) "Agent" means any person who, on behalf of any commission merchant, dealer, broker, or cash buyer, acts as liaison between a consignor and a principal, or receives, contracts for, or solicits any agricultural product from the consignor thereof or who negotiates the consignment or purchase of any agricultural product on behalf of any commission merchant, dealer, broker, or cash buyer and who transacts all or a portion of that business at any location other than at the principal place of business of his employer. With the exception of an agent for a commission merchant or dealer handling horticultural products, an agent may operate only in the name of one principal and only to the account of that principal.

(12) "Retail merchant" means any person operating from a bona fide or established place of business selling agricultural products twelve months of each year.

(13) "Fixed or established place of business" for the purpose of this chapter means any permanent warehouse, building, or structure, at which necessary and appropriate equipment and fixtures are maintained for properly handling those agricultural products generally dealt in, and at which supplies of the agricultural products being usually transported are stored, offered for sale, sold, delivered, and generally dealt ~~((in))~~ with in quantities reasonably adequate for and usually carried for the requirements of such a business, and that is recognized as a permanent business at such place, and carried on as such in good faith and not for the purpose of evading this chapter, and where specifically designated personnel are available to handle transactions concerning those agricultural products generally dealt in, which personnel are available during designated and appropriate hours to that business, and shall not mean a residence, barn, garage, tent, temporary stand or other temporary quarters, any railway car, or permanent quarters occupied pursuant to any temporary arrangement.

(14) "Processor" means any person, firm, company, or other organization that purchases agricultural crops from a consignor and that cans, freezes, dries, dehydrates,

cooks, presses, powders, or otherwise processes those crops in any manner whatsoever for eventual resale.

(15) "Pooling contract" means any written agreement whereby a consignor delivers a horticultural product to a commission merchant under terms whereby the commission merchant may commingle the consignor's horticultural products for sale with others similarly agreeing, which must include all of the following:

(a) A delivery receipt for the consignor that indicates the variety of horticultural product delivered, the number of containers, or the weight and tare thereof;

(b) Horticultural products received for handling and sale in the fresh market shall be accounted for to the consignor with individual pack-out records that shall include variety, grade, size, and date of delivery. Individual daily packing summaries shall be available within forty-eight hours after packing occurs. However, platform inspection shall be acceptable by mutual contract agreement on small deliveries to determine variety, grade, size, and date of delivery;

(c) Terms under which the commission merchant may use his judgment in regard to the sale of the pooled horticultural product;

(d) The charges to be paid by the consignor as filed with the state of Washington;

(e) A provision that the consignor shall be paid for his pool contribution when the pool is in the process of being marketed in direct proportion, not less than eighty percent of his interest less expenses directly incurred, prior liens, and other advances on the grower's crop unless otherwise mutually agreed upon between grower and commission merchant.

(16) "Date of sale" means the date agricultural products are delivered to the person buying the products.

(17) "Conditioner" means any person, firm, company, or other organization that receives turf, forage, or vegetable seeds from a consignor for drying or cleaning.

(18) "Seed bailment contract" means any contract meeting the requirements of chapter 15.48 RCW.

(19) "Proprietary seed" means any seed that is protected under the Federal Plant Variety Protection Act.

(20) "Licensed public weighmaster" means any person, licensed under the provisions of chapter 15.80 RCW, who weighs, measures, or counts any commodity or thing and issues therefor a signed certified statement, ticket, or memorandum of weight, measure, or count upon which the purchase or sale of any commodity or upon which the basic charge of payment for services rendered is based.

(21) "Certified weight" means any signed certified statement or memorandum of weight, measure or count issued by a licensed public weighmaster in accordance with the provisions of chapter 15.80 RCW.

Sec. 2. RCW 60.13.010 and 1987 c 148 s 1 are each amended to read as follows:

As used in this chapter, the terms defined in this section have the meanings indicated unless the context clearly requires otherwise.

(1) "Agricultural product(,;)" means any unprocessed horticultural, vermicultural and its byproducts, viticultural, berry, poultry, poultry product, grain, bee, or other agricultural products, and includes mint or mint oil processed by or for the producer thereof and hay and straw baled or prepared for market in any manner or form and livestock. When used in RCW 60.13.020, "agricultural product" means horticultural, viticultural, aquacultural, or berry products, hay and straw, milk and milk products, or turf and forage seed and applies only when such products are delivered to a processor or conditioner in an unprocessed form.

(2) "Conditioner," "consignor," "person," (~~("processor,")~~) and "producer" have the meanings defined in RCW 20.01.010.

((2)) (3) "Delivers" means that a producer completes the performance of all contractual obligations with reference to the transfer of actual or constructive possession or control of an agricultural product to a processor or conditioner or preparer, regardless of whether the processor or conditioner or preparer takes physical possession.

(4) "Preparer" means a person engaged in the business of feeding livestock or preparing livestock products for market.

((3)) (5) "Processor" means any person, firm, company, or other organization that purchases agricultural products except milk and milk products from a consignor and that cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner whatsoever for eventual resale, or that purchases or markets milk from a dairy producer and is obligated to remit payment to such dairy producer directly.

(6) "Commercial fisherman" means a person licensed to fish commercially for or to take food fish or shellfish or steelhead legally caught pursuant to executive order, treaty right, or federal statute.

((4)) (7) "Fish" means food fish or shellfish or steelhead legally caught pursuant to executive order, treaty right, or federal statute."

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 1 of the title, after "liens;" strike the remainder of the title and insert "and amending RCW 20.01.010 and 60.13.010."

MOTION

On motion of Senator Barr, the rules were suspended, Substitute House Bill No. 1142, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Barr: "Senator Newhouse, in relation to the processor preparer lien, as it was it related to the Commission Merchant's Act in the past, could you clarify for the body how this came about and why it is needed?"

Senator Newhouse: "Mr. President, ladies and gentlemen, when we created the processor preparer lien in the 1983 legislation, I believe, we used the definition from the Commission Merchant's Act of Agricultural Products. Inadvertently, then, we left out, I think, dairy products as being a farm product and when the processor had financial difficulties last year--about six months ago--we found that the producer had no claim against that product, because we had neglected to include dairy products in the definition of farm products. Therefore, this legislation is necessary to correct what was missing in the previous law."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1142, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1142, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Wojahn - 47.

Absent: Senator Williams - 1.

Excused: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 1142, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1194, by House Committee on Local Government (originally sponsored by Representatives Zellinsky, Wynne, Cooper, Rayburn, Roland, Wood, Edmondson, Mitchell, Nealey, Bray, Franklin and Haugen)

Revising and adding provisions on special districts.

The bill was read the second time.

MOTIONS

On motion of Senator McCaslin, the following Committee on Governmental Operations amendment was adopted:

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

NEW SECTION. Sec. 20. A new section is added to chapter 56.12 RCW to read as follows:

(1) An established sewer district having fifty or fewer residents may, by resolution of its board of commissioners, expand the electorate of the district to include:

(a) All persons who hold title to real property within the district; and

(b) Any domestic corporation or domestic partnership that holds title to real property within the district.

(2) Persons described in subsection (1)(a) of this section shall be eligible to vote in a district election if they have held title to real property within the district for a period of at least sixty days preceding the election.

(3) Authorized agents of entities described in subsection (1)(b) of this section shall be eligible to vote in a district election if the entity has held title to real property within the district for a period of at least sixty days preceding the election. Any entity described in subsection (1)(b) of this section shall be entitled to one vote, which may be cast by the authorized agent of the entity if they submit their instrument of authority

with the county auditor accompanying their request for a district absentee ballot at least thirty days prior to the date of any district election.

(4) Persons and authorized agents of entities described in subsection (1) of this section shall vote by requesting an absentee district ballot from the auditor of the county in which all or most of the district is located. Such request must be presented to or received by the county auditor at least thirty days prior to the election. The county auditor may require evidence of eligibility to vote.

(5) Persons and authorized agents of entities described in subsection (1) of this section are eligible to seek the office of district commissioner if they have held title to property in the district for at least sixty days at the time of the filing of their declaration of candidacy. Representatives of entities described in subsection (1)(b) of this section must file an instrument recognizing their authority to represent the entity with their declaration of candidacy. The county auditor may require evidence of eligibility to file the declaration of candidacy.

(6) Persons and authorized agents of entities described in subsection (1) of this section may cast votes and be eligible to hold district office only so long as the resident population of the district is fifty or fewer residents. If the number of residents within the district increases to more than fifty residents, the commissioner position or positions held by nonresident electors shall be deemed vacant and shall be filled in the manner provided in RCW 56.12.020.

NEW SECTION. Sec. 21. A new section is added to chapter 56.12 RCW to read as follows:

A sewer district that expands its electorate under the provisions of section 20 of this act shall prepare and maintain a list of presumed eligible voters. The list shall include the assessor's tax number for each lot or parcel in the district, the name or the names of the owners of such lots and parcels, the extent of the ownership interest of such persons, and if such persons are natural persons, whether they are known to be registered voters in the state of Washington. Whenever such a list is prepared, the district shall attempt to notify each owner of the requirements necessary to establish their authority to vote. Whenever lots or parcels in the district are sold, the district shall attempt to notify the purchasers of the requirements necessary to establish their authority to vote. Each special district shall provide a copy of this list, and any revised list, to the auditor of the county within which all or most of the special district is located.

NEW SECTION. Sec. 22. A new section is added to chapter 57.12 RCW to read as follows:

(1) An established water district having fifty or fewer residents may, by resolution of its board of commissioners, expand the electorate of the district to include:

(a) All persons who hold title to real property within the district; and

(b) Any domestic corporation or domestic partnership that holds title to real property within the district.

(2) Persons described in subsection (1)(a) of this section shall be eligible to vote in a district election if they have held title to real property within the district for a period of at least sixty days preceding the election.

(3) Authorized agents of entities described in subsection (1)(b) of this section shall be eligible to vote in a district election if the entity has held title to real property within the district for a period of at least sixty days preceding the election. Any entity described in subsection (1)(b) of this section shall be entitled to one vote, which may be cast by the authorized agent of the entity if they submit their instrument of authority with the county auditor accompanying their request for a district absentee ballot at least thirty days prior to the date of any district election.

(4) Persons and authorized agents of entities described in subsection (1) of this section shall vote by requesting an absentee district ballot from the auditor of the county in which all or most of the district is located. Such request must be presented

to or received by the county auditor at least thirty days prior to the election. The county auditor may require evidence of eligibility to vote.

(5) Persons and authorized agents of entities described in subsection (1) of this section are eligible to seek the office of district commissioner if they have held title to property in the district for at least sixty days at the time of the filing of their declaration of candidacy. Representatives of entities described in subsection (1)(b) of this section must file an instrument recognizing their authority to represent the entity with their declaration of candidacy. The county auditor may require evidence of eligibility to file the declaration of candidacy.

(6) Persons and authorized agents of entities described in subsection (1) of this section may cast votes and be eligible to hold district office only so long as the resident population of the district is fifty or fewer residents. If the number of residents within the district increases to more than fifty residents, the commissioner position or positions held by nonresident electors shall be deemed vacant and shall be filled in the manner provided in RCW 57.12.020.

NEW SECTION. Sec. 23. A new section is added to chapter 57.12 RCW to read as follows:

A water district that expands its electorate under the provisions of section 22 of this act shall prepare and maintain a list of presumed eligible voters. The list shall include the assessor's tax number for each lot or parcel in the district, the name or the names of the owners of such lots and parcels, the extent of the ownership interest of such persons, and if such persons are natural persons. Whenever such a list is prepared, the district shall attempt to notify each owner of the requirements necessary to establish their authority to vote. Whenever lots or parcels in the district are sold, the district shall attempt to notify the purchasers of the requirements necessary to establish their authority to vote. Each special district shall provide a copy of this list, and any revised list, to the auditor of the county within which all or most of the special district is located.

On motion of Senator Bailey, the following amendments by Senators Bailey and McCaslin were considered simultaneously and were adopted: ND page 11, line 21, after "district," insert "it shall, within sixty days, be filled by appointment of a district voter by a vote of the remaining members of the governing body. If the governing body fails to fill the vacancy within the sixty-day period,"

On page 11, line 23, after "shall" strike "appoint a district voter to" and insert "~~((appoint a district voter to))~~ make the appointment. If the number of vacancies is such that there is not a majority of the full number of members of the governing body in office as fixed by law, the county legislative authority of the county in which all, or the largest portion, of the district is located shall appoint a district voter to fill each vacancy, within thirty days of each vacancy, that is sufficient to create a majority as prescribed by law. An appointee shall"

MOTIONS

On motion of Senator McCaslin, the following amendment by Senators Sutherland, McCaslin and Linda Smith was adopted:

On page 19, after line 2, insert the following:

Sec. 18. RCW 29.18.022 and 1987 c 110 s 1 are each amended to read as follows:

The names of all candidates for partisan office, for the office of superintendent of public instruction, for public utility district office, and for all judicial offices shall be rotated in each precinct in the manner specified by RCW 29.30.040, 29.30.340, and

29.30.440. The order of names of candidates for such offices on sample ballots and on absentee ballots in primaries shall be determined in the following manner:

(1) After the close of business on the last day for candidates to file for office, the officer with whom declarations of candidacy are filed shall, from among those filings made in person and by mail in accordance with RCW 29.18.045(2), determine by lot the order in which the names of those candidates shall appear on the sample and absentee ballots under the appropriate office heading. The determination shall be done publicly, and may be witnessed by the media and by any candidate desiring to do so.

(2) For the purposes of this section and RCW 29.18.045, "filing officer" means the officer with whom declarations of candidacy for an office must be filed.

Renumber the sections consecutively and correct internal references accordingly.

On motion of Senator Linda Smith, the following amendment was adopted:

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

Sec. 20. RCW 85.05.410 and 1985 c 396 s 39 are each amended to read as follows:

Members of the board of diking commissioners of any diking district in this state may receive as compensation the sum of up to ~~((twenty-five))~~ fifty dollars for attendance at official meetings of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as commissioners, and shall receive the same compensation as other labor of a like character for all other necessary work or services performed in connection with their duties: PROVIDED, That such compensation shall not exceed ~~((three))~~ four thousand eight hundred dollars in one calendar year, except when the commissioners declare an emergency. Allowance of such compensation shall be established and approved at regular meetings of the board, and when a copy of the extracts of minutes of the board meeting relative thereto showing such approval is certified by the secretary of such board and filed with the county auditor, the allowance made shall be paid as are other claims against the district.

Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Sec. 21. RCW 85.06.380 and 1985 c 396 s 43 are each amended to read as follows:

In performing their duties under the provisions of this title the board and members of the board of drainage commissioners shall receive as compensation up to ~~((twenty-five))~~ fifty dollars for attendance at official meetings of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as commissioners: PROVIDED, That such compensation shall not exceed four thousand eight hundred dollars in one calendar year: PROVIDED FURTHER, That such services and compensation are allowed and approved at a regular meeting of the board. Upon the submission of a copy, certified by the secretary, of the extracts of the relevant minutes of the board showing such approval, to the county auditor, the same shall be paid as other claims against the district are paid. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including ~~((his))~~ subsistence and lodging, while away from the commissioner's place of residence and mileage for use of a privately-owned vehicle in accordance with chapter 42.24 RCW.

Sec. 22. RCW 85.08.320 and 1986 c 278 s 32 are each amended to read as follows:

The compensation of the superintendent of construction, the board of appraisers hereinafter provided for, and any special engineer, attorney or agent employed by the district in connection with the improvement, the maximum wages to be paid, and the maximum price of materials to be used, shall be fixed by the district board of supervisors. Members of the board of supervisors may receive compensation up to ~~((twenty-five))~~ fifty dollars for attending each official meeting of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as supervisors: PROVIDED, That such compensation shall not exceed four thousand eight hundred dollars in one calendar year. Each supervisor shall be entitled to reimbursement for reasonable expenses actually incurred in connection with business, including subsistence and lodging while away from the supervisor's place of residence and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. All costs of construction or maintenance done under the direction of the board of supervisors shall be paid upon vouchers or payrolls verified by two of the said supervisors. All costs of construction and all other expenses, fees and charges on account of such improvement shall be paid by warrants drawn by the county auditor upon the county treasurer upon the proper fund, and shall draw interest at a rate determined by the county legislative authority until paid or called by the county treasurer as warrants of the county are called.

Sec. 23. RCW 85.24.080 and 1985 c 396 s 54 are each amended to read as follows:

The members of the board shall receive as compensation up to ~~((twenty-five))~~ fifty dollars for attendance at official meetings of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as commissioners: PROVIDED, That such compensation shall not exceed four thousand eight hundred dollars in one calendar year. PROVIDED FURTHER, That the board may fix a different salary for the secretary thereof in lieu of the per diem. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. The salary and expenses shall be paid by the treasurer of the fund, upon orders made by the board. Each member of the board must before being paid for expenses, take vouchers therefore from the person or persons to whom the particular amount was paid, and must also make affidavit that the amounts were necessarily incurred and expended in the performance of his or her duties.

MOTIONS

On motion of Senator McCaslin, the following title amendments were considered simultaneously and were adopted:

On page 1, line 3 of the title, after "85.38.130," strike "and 85.38.180" and insert "85.38.180, and 29.18.022"

On page 1, line 3 of the title, after "85.38.130," strike "and" and on line 4, after "85.38.180" insert ", 85.05.410, 85.06.380, 85.08.320, and 85.24.080"

On page 1, line 5 of the title, after "85.08 RCW;" insert "adding new sections to chapter 56.12 RCW; adding new sections to chapter 57.12 RCW;"

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1194, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Anderson; Senator Amondson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1194, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1194, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Amondson, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 1194, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:17 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:55 a.m. by President Pritchard.

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

MOTION

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

SENATE RESOLUTION 1991-8664

By Senators Bailey, Sellar and Johnson

WHEREAS, The state of Washington applauds those educators who promote and encourage an interest in science by providing quality science experiences for students and teachers; and

WHEREAS, Bob Sotak and Jack Brantner have been named to the 1991 National Honor Roll of Science Teachers by the Association of Science-Technology Centers and Pacific Science Center for their exemplary use of community resources to enhance and expand the science enrichment opportunities available to students and teachers in their districts; and

WHEREAS, Bob Sotak is Curriculum Specialist for the Clover Park School District and coordinates and encourages the district's participation in several Pacific Science Center education programs, including developing teacher workshops specific to Clover Park teachers; and

WHEREAS, Jack Brantner is K-12 Science Cooperative Consultant for the North Central Educational Service District and has been instrumental in expanding Pacific Science Center resources available to rural communities in Eastern Washington and teaches Science Celebration enrichment classes for children; and

WHEREAS, Bob Sotak and Jack Brantner, along with approximately forty other persons being named to the 1991 National Honor Roll, will be honored in Washington, D.C. on April 24, before members of Congress; and

WHEREAS, The National Science Foundation has declared April 21-27, 1991, National Science and Technology Week to convey the importance of science to the nation;

NOW, THEREFORE, BE IT RESOLVED, That the Senate commends Bob Sotak and Jack Brantner for their outstanding efforts as science educators; and

BE IT FURTHER RESOLVED, That the Senate commends the Pacific Science Center for its dedication to providing interactive science, mathematics, and technology education to students and teachers throughout the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Bob Sotak, Jack Brantner, and the Directors of the Association of Science-Technology Centers and Pacific Science Center.

Senator Bailey spoke to Senate Resolution 1991-8664.

INTRODUCTION OF SPECIAL GUESTS

The President introduced Mr. Bob Sotak and Mr. Jack Brantner, educators named to the 1991 National Honor Roll of Science Teachers, who were seated in the gallery.

MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

SENATE RESOLUTION 1991-8668

By Senators von Reichbauer, Gaspard, Snyder, Talmadge, Williams, Patterson, Johnson, Erwin, Nelson, Saling, Rasmussen, Conner, Stratton, Pelz, McMullen, Bluechel, Anderson, Oke, McDonald and Newhouse

WHEREAS, Milo R. "Mike" Lude has served the University of Washington with distinction for fifteen years; and

WHEREAS, During his tenure, the University of Washington Husky Athletic teams are a reflection of his dedication and hard work; and

WHEREAS, The facilities, equipment and coaching offered to Husky athletes is among the finest in the Pacific Ten Conference and the nation, allowing the Huskies to strive for their finest personal and team achievements; and

WHEREAS, Mike Lude leaves behind an impressive legacy of accomplishment at the University of Washington including -- but not limited to -- the new Husky Stadium, the Tyee Center, the Nordstrom Tennis Center and the student counseling center in the remodeled Graves Building; and

WHEREAS, Mike has improved national intercollegiate athletics through his leadership and participation in the National Collegiate Athletic Association (NCAA), where he has served as Chairman of the Post-Season Football Committee, the Officiating Improvement Committee, and the Football Rules Committee; and

WHEREAS, Mike Lude also chaired the Budget and Finance Committee, the Television Committee and the Rose Bowl Management Committee for the Pacific Ten Conference; and

WHEREAS, The National Association of Collegiate Directors of Athletics recognized Mike Lude's contribution to intercollegiate Athletics by awarding him the prestigious James J. Corbett Award in 1988; and

WHEREAS, Such dedication has been a way of life for Mike Lude, a man who has dedicated forty-four years to student athletics -- twenty-three years as a football and baseball coach plus twenty-one as an athletic director; and

WHEREAS, It is a tribute to the integrity and ability of Mike Lude that Husky student-athletes compete and win at the highest level of intercollegiate competition in programs which are financially self-sufficient and have never been sanctioned by the NCAA;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington honor and thank Mike Lude for his ability, his achievements and his unswerving dedication to the students and student-athletes of the University of Washington; and

BE IT FURTHER RESOLVED, That the Senate recognize and honor the support and sacrifice of Mike Lude's wife, Rena, and his daughters, Cynthia, Janann, and Jill Lude -- support which helped Mike build a rich winning tradition in Husky athletics; and

BE IT FURTHER RESOLVED, Copies of this resolution be immediately transmitted by the Secretary of the Senate to Mike Lude and his family.

Senators von Reichbauer, Gaspard and Hayner spoke to Senate Resolution 1991-8668.

INTRODUCTION OF SPECIAL GUESTS

The President introduced Mike Lude and his wife, Lena, who were seated on the rostrum, and presented Mr. Lude with a Washington State Distinguished Citizen Certificate.

MOTION

At 12:05 p.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:03 p.m. by President Pritchard.

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

MESSAGE FROM THE HOUSE

April 17, 1991

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5107,

SUBSTITUTE SENATE BILL NO. 5374,

SENATE BILL NO. 5441,

SENATE BILL NO. 5779,

SUBSTITUTE SENATE BILL NO. 5835, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5107,

SUBSTITUTE SENATE BILL NO. 5374,

SENATE BILL NO. 5441,

SENATE BILL NO. 5779,

SUBSTITUTE SENATE BILL NO. 5835.

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

SECOND READING

HOUSE JOINT RESOLUTION NO. 4218, by Representative Appelwick

Amending the Constitution as to the allowable number of county court commissioners.

The joint resolution was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Joint Resolution No. 4218 was advanced to third reading, the second reading considered the third and the joint resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Resolution No. 4218.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Resolution No. 4218 and the joint resolution passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 6; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Skratek, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 42.

Absent: Senators Bauer, M. Kreidler, Matson, Moore, Saling, A. Smith - 6.

Excused: Senator Sellar - 1.

HOUSE JOINT RESOLUTION NO. 4218, having received the constitutional majority, was declared passed.

MOTIONS

On motion of Senator Linda Smith, Senators Hayner, Matson and Saling were excused.

On motion of Senator Murray, Senators Bauer, Mike Kreidler, Moore, and Adam Smith were excused.

SECOND READING

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4221, by House Committee on Judiciary (originally sponsored by Representative Appelwick)

Amending the Constitution to revise the jurisdiction of the superior court.

The joint resolution was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Joint Resolution No. 4221 was advanced to third reading, the second reading considered the third and the joint resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Joint Resolution No. 4221.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Joint Resolution No. 4221 and the joint resolution passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Johnson, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Skratek, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 41.

Excused: Senators Bauer, Hayner, M. Kreidler, Matson, Moore, Saling, Sellar, A. Smith - 8.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4221, having received the constitutional majority, was declared passed.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4016, by Representatives Ludwig, May, Bray, Moyer, Rayburn, Grant, Lisk, Neher, Edmondson, Orr, Jacobsen, Nealey, Paris, Chandler, Betrozoff and Miller

Requesting that Hanford be acknowledged as a national research and development center.

The joint memorial was read the second time.

MOTION

On motion of Senator Thorsness, the rules were suspended, House Joint Memorial No. 4016 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4016.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4016 and the joint memorial passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Skratek, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Moore, Saling, Sellar, A. Smith - 4.

HOUSE JOINT MEMORIAL NO. 4016, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1729, by House Committee on Judiciary (originally sponsored by Representatives Wineberry, Vance, Inslee, Dellwo, Wang, Forner and Anderson) (by request of Administrator for the Courts)

Preparing a plan for an expanded juror list.

The bill was read the second time.

MOTION

Senator Rasmussen moved that the following amendment be adopted:

On page 2, after line 18, insert the following:

Sec. 2. RCW 2.36.150 and 1987 c 202 s 105 are each amended to read as follows:

Jurors shall receive for each day's attendance, besides mileage at the rate determined under RCW 43.03.060, ~~((the following))~~ compensation(=

(1) ~~Grand jurors may receive up to twenty five dollars but in no case less than ten dollars;~~

(2) ~~Petit jurors may receive up to twenty five dollars but in no case less than ten dollars;~~

(3) ~~Coroner's jurors may receive up to twenty five dollars but in no case less than ten dollars;~~

(4) ~~District court jurors may receive up to twenty five dollars but in no case less than ten dollars: PROVIDED, That))~~ at not less than the state minimum wage. A person excused from jury service at his or her own request shall be allowed not more than a per diem and such mileage, if any, as to the court shall seem just and equitable under all circumstances(~~(= PROVIDED FURTHER, That))~~). The state shall fully reimburse the county in which trial is held for all jury fees and witness fees related to criminal cases which result from incidents occurring within an adult or juvenile correctional institution(= PROVIDED FURTHER, That)). The compensation paid jurors shall be determined by the county legislative authority and shall be uniformly applied within the county.

POINT OF ORDER

Senator Hayner: "Mr. President, I challenge the scope and object of this amendment. I really admire the tenacity of Senator Rasmussen. He never misses an opportunity to try and hang something on a bill when it will fit or he thinks it might fit. I don't believe this will fit here. This bill is to merge the voter list with the driver's license list in order to provide us with a larger group of people from whom to chose our jurors. It has nothing to do with the mileage or the pay of jurors, whatsoever, and I urge you to rule it out of scope and object."

Further debate ensued.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Hayner, the President finds that Engrossed Substitute House Bill No. 1729 is a measure which directs a number of entities to prepare a plan for merging registered voter lists and licensed drivers in order to compile a jury source list.

"The amendment proposed by Senator Rasmussen would provide that jurors be paid the state minimum wage.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Rasmussen on page 2, after line 18, to Engrossed Substitute House Bill No. 1729 was ruled out of order.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 1729 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1729.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1729 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 45.

Absent: Senator Wojahn - 1.

Excused: Senators Moore, Saling, Sellar - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1729, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026, by House Committee on Natural Resources and Parks (originally sponsored by Representatives Fraser, Miller, Valle, Rayburn, McLean, Belcher, Jacobsen, Nealey, Paris, Winsley and Chandler) (by request of Joint Select Committee on Water Resource Policy)

Providing for comprehensive water resources management.

The bill was read the second time.

MOTIONS

On motion of Senator Barr, the following Committee on Agriculture and Water Resources amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) It is the policy of the state of Washington to recognize and preserve water rights in accordance with RCW 90.03.010.

(2) The legislature finds that:

(a) Consistent with RCW 90.54.180, conservation and water use efficiency programs, including storage, should be the preferred methods of addressing water uses because they can relieve current critical water situations, provide for presently unmet needs, and assist in meeting future water needs. Presently unmet needs or current needs includes the water required to increase the frequency of occurrence of base or minimum flow levels in streams of the state, the water necessary to satisfy existing water rights, or the water necessary to provide full supplies to existing water systems with current supply deficiencies; and

(b) The interests of the state will be served by developing programs and regional water resource plans, in cooperation with local governments, federally recognized tribal governments, appropriate federal agencies, private citizens, and the various water users and water interests in the state, that increase the overall ability to manage the state's waters in order to better satisfy both present and future needs for water.

(3) Consistent with the findings of this section, the purposes of this chapter are to:

(a) Improve the ability of the state to work with the United States, local governments, federally recognized tribal governments, water right holders, water users, and various water interests in water conservation and water use efficiency programs designed to satisfy existing rights, presently unmet needs, and future needs, both instream and out-of-stream;

(b) Establish new incentives, enhance existing incentives, and remove disincentives for efficient water use;

(c) Establish improved means to disseminate information to the public and provide technical assistance regarding ways to improve the efficiency of water use;

(d) Create a trust water rights mechanism for the acquisition of water rights on a voluntary basis to be used to meet presently unmet needs and future needs;

(e) Accelerate the adoption of water efficiency, conservation, and recycling, including water efficient plumbing fixtures, irrigation systems and methods, landscaping techniques, conservation rates, conservation plans, and wastewater reclamation and reuse;

(f) Eliminate tax disincentives to water conservation, reuse, and improved water use efficiency;

(g) Require evaluation of state facilities and property to identify cost-effective water use efficiency improvement opportunities; and

(h) Add achievement of water conservation as a factor to be considered by water supply utilities in setting water rates.

NEW SECTION. Sec. 2. A new section is added to chapter 90.54 RCW to read as follows:

(1) State funding of water resource, supply, and quality related capital programs, both current and future, shall, to the maximum extent possible within state or federal legal requirements, be directed to assist in the resolution of current conflicts and

implementation of regional water resource plans with priority given to current needs over new requirements.

(2) Consistent with RCW 90.54.180, priority shall be given, to the maximum extent possible within state or federal legal requirements, to those water conservation projects funded by the state that will result in the greatest net water savings.

Sec. 3. RCW 90.54.045 and 1990 c 295 s 3 are each amended to read as follows:

(1) In the development and implementation of the comprehensive state water resources program required in RCW 90.54.040(1), the process described therein shall involve participation of appropriate state agencies, Indian tribes, local governments, and interested parties, and shall be applied on a regional basis pursuant to subsection (2) of this section.

(2) Prior to ~~((January))~~ July 1, 1991, the department, with advice from appropriate state agencies, Indian tribes, local government, and interested parties, shall identify regions and establish regional boundaries for water resource planning and shall designate two regions in which the process shall be initiated on a pilot basis. One region shall encompass an area within the Puget Sound basin in which critical water resource issues exist. A concurrent pilot process may encompass a region east of the Cascade mountains.

(3) The department shall report to the chairs of the appropriate legislative committees prior to July 1st each year summarizing the progress of the pilot process in the two regions. The pilot process in each region shall be completed and shall produce a regional water plan by December 31, 1993.

(4) Appropriate state agencies, Indian tribes, local governments, and interested parties in regions not selected for the pilot program are strongly encouraged to commence water resource planning within their regions.

NEW SECTION. Sec. 4. (1) The legislature finds that a need exists to develop and test a means to facilitate the voluntary transfer of water and water rights, including conserved water, to provide water for presently unmet needs and emerging needs. Further, the legislature finds that water conservation activities have the potential of affecting the quantity of return flow waters to which existing water right holders have a right to and rely upon. It is the intent of the legislature that persons holding rights to water, including return flows, not be adversely affected in the implementation of the provisions of this chapter.

The purpose of this chapter is to provide the mechanism for accomplishing this in a manner that will not impair existing rights to water and to test the mechanism in two pilot planning areas.

(2) This chapter shall only be in effect in the pilot planning areas designated pursuant to RCW 90.54.045(2).

NEW SECTION. Sec. 5. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of ecology.

(2) "Net water savings" means the amount of water that is determined to be conserved and usable within a specified stream reach or reaches for other purposes without impairment or detriment to water rights existing at the time that a water conservation project is undertaken, reducing the ability to deliver water, or reducing the supply of water that otherwise would have been available to other existing water uses.

(3) "Trust water right" means any water right acquired by the state under this chapter for management in the state's trust water rights program.

(4) "Pilot planning areas" means the geographic areas designated under RCW 90.54.045(2).

(5) "Water conservation project" means any project or program that achieves physical or operational improvements that provide for increased water use efficiency

in existing systems of diversion, conveyance, application, or use of water under water rights existing on the effective date of this section.

NEW SECTION. Sec. 6. (1) For purposes of this chapter, the state may enter into contracts to provide moneys to assist in the financing of water conservation projects located within pilot planning areas. In consideration for the financial assistance provided, the state shall obtain public benefits defined in guidelines developed under section 8 of this act.

(2) If the public benefits to be obtained require conveyance or modification of a water right, the recipient of funds shall convey to the state the recipient's interest in that part of the water right or claim constituting all or a portion of the resulting net water savings for deposit in the trust water rights program. The amount to be conveyed shall be finitely determined by the parties, in accordance with the guidelines developed under section 8 of this act, before the expenditure of state funds. Conveyance may consist of complete transfer, lease contracts, or other legally binding agreements. When negotiating for the acquisition of conserved water or net water savings, or a portion thereof, the state may require evidence of a valid water right.

(3) As part of the contract, the water right holder and the state shall specify the amount of water the water right holder would continue to be entitled to once the water conservation project is in place.

(4) The state shall cooperate fully with the United States in the implementation of this chapter. Trust water rights may be acquired through expenditure of funds provided by the United States and shall be treated in the same manner as trust water rights resulting from the expenditure of state funds.

(5) If water is proposed to be acquired by or conveyed to the state as a trust water right by an irrigation district, evidence of the district's authority to represent the water right holders shall be submitted to and for the satisfaction of the department.

(6) The state shall not contract with any person to acquire a water right served by an irrigation district without the approval of the board of directors of the irrigation district. Disapproval by a board shall be factually based on probable adverse effects on the ability of the district to deliver water to other members or on maintenance of the financial integrity of the district.

NEW SECTION. Sec. 7. (1) All trust water rights acquired by the state shall be placed in the state trust water rights program to be managed by the department. Trust water rights acquired by the state shall be held or authorized for use by the department for instream flows, irrigation, municipal, or other beneficial uses consistent with applicable regional plans for pilot planning areas.

(2) The department shall issue a water right certificate in the name of the state of Washington for each permanent trust water right conveyed to the state indicating the reach or reaches of the stream, the quantity, and the use or uses to which it may be applied. A superseding certificate shall be issued that specifies the amount of water the water right holder would continue to be entitled to as a result of the water conservation project. The superseding certificate shall retain the same priority date as the original right. For nonpermanent conveyances, the department shall issue certificates or such other instruments as are necessary to reflect the changes in purpose or place of use or point of diversion or withdrawal. Water rights for which such nonpermanent conveyances are arranged shall not be subject to relinquishment for nonuse.

(3) A trust water right retains the same priority date as the water right from which it originated, but as between them the trust right shall be deemed to be inferior in priority unless otherwise specified by an agreement between the state and the party holding the original right.

(4) Exercise of a trust water right may be authorized only if the department first determines that neither water rights existing at the time the trust water right is established, nor the public interest will be impaired. If impairment becomes apparent

during the time a trust water right is being exercised, the department shall cease or modify the use of the trust water right to eliminate the impairment.

(5) Before any trust water right is created or modified, the department shall, at a minimum, require that a notice be published in a newspaper of general circulation published in the county or counties in which the storage, diversion, and use are to be made, and in other newspapers as the department determines is necessary, once a week for two consecutive weeks. At the same time the department shall send a notice containing pertinent information to all appropriate state agencies, potentially affected local governments and federally recognized tribal governments, and other interested parties.

(6) RCW 90.14.140 through 90.14.230 have no applicability to trust water rights held by the department under this chapter or exercised under this section.

(7) RCW 90.03.380 has no applicability to trust water rights acquired by the state through the funding of water conservation projects.

NEW SECTION. Sec. 8. The department, in cooperation with federally recognized Indian tribes, local governments, state agencies, and other interested parties, shall establish guidelines by July 1, 1992, governing the acquisition, administration, and management of trust water rights. The guidelines shall address at a minimum the following:

(1) Methods for determining the net water savings resulting from water conservation projects or programs carried out in accordance with this chapter, and other factors to be considered in determining the quantity or value of water available for potential designation as a trust water right;

(2) Criteria for determining the portion of net water savings to be conveyed to the state under this chapter;

(3) Criteria for prioritizing water conservation projects;

(4) A description of potential public benefits that will affect consideration for state financial assistance in section 6 of this act;

(5) Procedures for providing notification to potentially interested parties;

(6) Criteria for the assignment of uses of trust water rights acquired in areas of the state not addressed in a regional water resource plan or critical area agreement; and

(7) Contracting procedures and other procedures not specifically addressed in this section.

These guidelines shall be submitted to the joint select committee on water resource policy before adoption.

NEW SECTION. Sec. 9. The policies and purposes of this chapter shall not be construed as replacing or amending the policies or the purposes for which funds available under chapter 43.83B or 43.99E RCW may be used.

NEW SECTION. Sec. 10. Nothing in this chapter authorizes the involuntary impairment of any existing water rights.

NEW SECTION. Sec. 11. (1) Within the pilot planning areas, the state may acquire all or portions of existing water rights, by purchase, gift, or other appropriate means other than by condemnation, from any person or entity or combination of persons or entities. Once acquired, such rights are trust water rights.

(2) The department may enter into leases, contracts, or such other arrangements with other persons or entities as appropriate, to ensure that trust water rights acquired in accordance with this chapter may be exercised to the fullest possible extent.

(3) Trust water rights may be acquired by the state on a temporary or permanent basis.

(4) The provisions of RCW 90.03.380 and 90.03.390 apply to transfers of water rights under this section.

NEW SECTION. Sec. 12. It is the intent of the legislature that jurisdictional authorities that exist in law not be expanded, diminished, or altered in any manner whatsoever by this chapter.

NEW SECTION. Sec. 13. A new section is added to chapter 90.14 RCW to read as follows:

This chapter shall not apply to trust water rights held or exercised by the department of ecology under chapter 90.38 or 90.-- RCW (sections 1 and 4 through 12 of this act).

Sec. 14. RCW 90.03.380 and 1987 c 109 s 94 are each amended to read as follows:

The right to the use of water which has been applied to a beneficial use in the state shall be and remain appurtenant to the land or place upon which the same is used: PROVIDED, HOWEVER, That said right may be transferred to another or to others and become appurtenant to any other land or place of use without loss of priority of right theretofore established if such change can be made without detriment or injury to existing rights. The point of diversion of water for beneficial use or the purpose of use may be changed, if such change can be made without detriment or injury to existing rights. Before any transfer of such right to use water or change of the point of diversion of water or change of purpose of use can be made, any person having an interest in the transfer or change, shall file a written application therefor with the department, and said application shall not be granted until notice of said application shall be published as provided in RCW 90.03.280. If it shall appear that such transfer or such change may be made without injury or detriment to existing rights, the department shall issue to the applicant a certificate in duplicate granting the right for such transfer or for such change of point of diversion or of use. The certificate so issued shall be filed and be made a record with the department and the duplicate certificate issued to the applicant may be filed with the county auditor in like manner and with the same effect as provided in the original certificate or permit to divert water.

If an application for change proposes to transfer water rights from one irrigation district to another, the department shall, before publication of notice, receive concurrence from each of the irrigation districts that such transfer or change will not adversely affect the ability to deliver water to other land owners or impair the financial integrity of either of the districts.

A change in place of use by an individual water user or users within an irrigation district need only receive approval for the change from the board of directors of the district.

This section shall not apply to trust water rights acquired by the state through the funding of water conservation projects under chapter 90.38 RCW or RCW 90.-- through 90.-- (sections 4 through 10 of this 1991 act).

Sec. 15. RCW 19.27.170 and 1989 c 348 s 8 are each amended to read as follows:

(1) The state building code council shall adopt rules under chapter 34.05 RCW that implement and incorporate the water conservation performance standards in subsections ((3)) (4) and ((4)) (5) of this section. These standards shall apply to all new construction and all remodeling involving replacement of plumbing fixtures in all residential, hotel, motel, school, industrial, commercial use, or other occupancies determined by the council to use significant quantities of water.

(2) The legislature recognizes that a phasing-in approach to these new standards is appropriate. Therefore, standards in subsection ((3)) (4) of this section shall take effect on July 1, 1990. The standards in subsection ((4)) (5) of this section shall take effect July 1, 1993.

(3) No individual, public or private corporation, firm, political subdivision, government agency, or other legal entity may, for purposes of use in this state, distribute, sell, offer for sale, import, install, or approve for installation any plumbing fixtures unless the fixtures meet the standards as provided for in this section.

(4) Standards for water use efficiency effective July 1, 1990.

(a) Standards for waterclosets. The guideline for maximum water use allowed in gallons per flush (gpf) for any of the following waterclosets is the following:

- Tank-type toilets..... 3.5 gpf.
- Flushometer-valve toilets..... 3.5 gpf.
- Flushometer-tank toilets..... 3.5 gpf.
- Electromechanical hydraulic toilets..... 3.5 gpf.

(b) Standard for urinals. The guideline for maximum water use allowed for any urinal is 3.0 gallons per flush.

(c) Standard for showerheads. The guideline for maximum water use allowed for any showerhead is 3.0 gallons per minute.

(d) Standard for faucets. The guideline for maximum water use allowed in gallons per minute (gpm) for any of the following faucets and replacement aerators is the following:

- Bathroom faucets..... 3.0 gpm.
- Lavatory faucets..... 3.0 gpm.
- Kitchen faucets..... 3.0 gpm.
- Replacement aerators..... 3.0 gpm.

(e) Except where designed and installed for use by the physically handicapped, lavatory faucets located in restrooms intended for use by the general public must be equipped with a metering valve designed to close by spring or water pressure when left unattended (self-closing).

(f) No urinal or watercloset that operates on a continuous flow or continuous flush basis shall be permitted.

~~((4))~~ (5) Standards for water use efficiency effective July 1, 1993.

(a) Standards for waterclosets. The guideline for maximum water use allowed in gallons per flush (gpf) for any of the following waterclosets is the following:

- Tank-type toilets..... 1.6 gpf.
- Flushometer-tank toilets..... 1.6 gpf.
- Electromechanical hydraulic toilets..... 1.6 gpf.

(b) Standards for urinals. The guideline for maximum water use allowed for any urinal is 1.0 gallons per flush.

(c) Standards for showerheads. The guideline for maximum water use allowed for any showerhead is 2.5 gallons per minute.

(d) Standards for faucets. The guideline for maximum water use allowed in gallons per minute for any of the following faucets and replacement aerators is the following:

- Bathroom faucets..... 2.5 gpm.
- Lavatory faucets..... 2.5 gpm.
- Kitchen faucets..... 2.5 gpm.
- Replacement aerators..... 2.5 gpm.

(e) Except where designed and installed for use by the physically handicapped, lavatory faucets located in restrooms intended for use by the general public must be equipped with a metering valve designed to close by water pressure when unattended (self-closing).

(f) No urinal or watercloset that operates on a continuous flow or continuous basis shall be permitted.

~~((5)) The building code council shall make an assessment regarding the low-volume fixtures required under subsection (4) of this section. The assessment shall consider the availability of low-volume fixtures which are technologically feasible, will operate effectively, and are economically justified. The council shall also assess the potential impact on the necessary flow or water required to insure sewerage or septic lines and treatment plants will effectively operate.~~

~~The council shall submit a report to the chief clerk of the house of representatives and the secretary of the senate by October 30, 1992, setting forth its conclusions, and any recommendations for legislative action.)~~

(6) The building code council shall establish methods and procedures for testing and identifying fixtures that meet the standards established in subsection (5) of this section. The council shall use the testing standards designated as American national standards, written under American national standards institute procedures or other widely recognized national testing standards. The council shall either review test results from independent testing laboratories that are submitted by manufacturers of plumbing fixtures or accept data submitted to and evaluated by the international association of plumbing and mechanical officials. The council shall publish and widely distribute a current list of fixtures that meet the standards established in subsection (5) of this section.

(7) The building code council shall adopt rules for marking and labeling fixtures meeting the standards established in subsection (5) of this section.

(8) This section shall not apply to fixtures installed before the effective date of this section that are removed and relocated to another room or area of the same building after the effective date of this section, nor shall it apply to fixtures, as determined by the council, that in order to perform a specialized function, cannot meet the standards specified in this section.

(9) The water conservation performance standards shall supersede all local government codes. After July 1, 1990, cities, towns, and counties shall not amend the code revisions and standards established under subsection ~~((3)-or)~~ (4) or (5) of this section.

Sec. 16. RCW 35.67.020 and 1965 c 7 s 35.67.020 are each amended to read as follows:

Every city and town may construct, condemn and purchase, acquire, add to, maintain, conduct, and operate systems of sewerage and systems and plants for refuse collection and disposal together with additions, extensions, and betterments thereto, within and without its limits, with full jurisdiction and authority to manage, regulate, and control them and to fix, alter, regulate, and control the rates and charges for the use thereof: PROVIDED, That the rates charged must be uniform for the same class of customers or service.

In classifying customers served or service furnished by such system of sewerage, the city or town legislative body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; the achievement of water conservation goals and the discouragement of wasteful water use practices; capital contributions made to the system, including but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction.

Sec. 17. RCW 35.92.010 and 1985 c 445 s 4 and 1985 c 444 s 2 are each reenacted and amended to read as follows:

A city or town may construct, condemn and purchase, purchase, acquire, add to, alter, maintain and operate waterworks, within or without its limits, for the purpose of furnishing the city and its inhabitants, and any other persons, with an ample supply of water for all purposes, public and private, including water power and other power derived therefrom, with full power to regulate and control the use, distribution, and price thereof: PROVIDED, That the rates charged must be uniform for the same class of customers or service. Such waterworks may include facilities for the generation of electricity as a byproduct and such electricity may be used by the city or town or sold

to an entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of water supply.

In classifying customers served or service furnished, the city or town governing body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water furnished; the time of its use; the achievement of water conservation goals and the discouragement of wasteful water use practices; capital contributions made to the system including, but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction. No rate shall be charged that is less than the cost of the water and service to the class of customers served.

For such purposes any city or town may take, condemn and purchase, purchase, acquire, and retain water from any public or navigable lake or watercourse, surface or ground, and, by means of aqueducts or pipe lines, conduct it to the city or town; and it may erect and build dams or other works across or at the outlet of any lake or watercourse in this state for the purpose of storing and retaining water therein up to and above high water mark; and for all the purposes of erecting such aqueducts, pipe lines, dams, or waterworks or other necessary structures in storing and retaining water, or for any of the purposes provided for by this chapter, the city or town may occupy and use the beds and shores up to the high water mark of any such watercourse or lake, and acquire the right by purchase, or by condemnation and purchase, or otherwise, to any water, water rights, easements or privileges named in this chapter, or necessary for any of said purposes, and the city or town may acquire by purchase or condemnation and purchase any properties or privileges necessary to be had to protect its water supply from pollution. Should private property be necessary for any such purposes or for storing water above high water mark, the city or town may condemn and purchase, or purchase and acquire such private property. For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a city or town that does not own or operate an electric utility system to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner.

Sec. 18. RCW 56.16.090 and 1974 ex.s. c 58 s 3 are each amended to read as follows:

The sewer commissioners of any sewer district, in the event that such sewer revenue bonds are issued, shall provide for revenues by fixing rates and charges for the furnishing of sewerage disposal service to those to whom such service is available. Such rates and charges may be combined for the furnishing of more than one type of sewer service such as but not limited to storm or surface water and sanitary. Such rates and charges are to be fixed as deemed necessary by such sewer commissioners, so that uniform charges will be made for the same class of customer or service.

In classifying customers served or service furnished by such system of sewerage, the board of commissioners may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; the achievement of water conservation goals and the discouragement of wasteful water use practices; capital contributions made to the system including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Such rates are to be made on a monthly basis and shall produce revenues sufficient to take care of the

costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for efficient and proper operation of the system.

Sec. 19. RCW 57.20.020 and 1983 c 167 s 164 are each amended to read as follows:

(1) Whenever any issue or issues of water revenue bonds have been authorized in compliance with the provisions of RCW 57.16.010 through 57.16.040, said bonds shall be in bearer form or registered as to principal or interest or both, as provided in RCW 39.46.030, and may provide for conversion between registered and coupon bonds; shall be in such denominations, shall be numbered, shall bear such date, and shall be payable at such time or times up to a maximum period of not to exceed thirty years as shall be determined by the board of water commissioners of the district; shall bear interest at such rate or rates payable at such time or times as authorized by the board; shall be payable at the office of the county treasurer of the county in which the water district is located and may also be payable at such other place or places as the board of water commissioners may determine; shall be executed by the president of the board of water commissioners and attested and sealed by the secretary thereof, one of which signatures may, with the written permission of the signator whose facsimile signature is being used, be a facsimile; and may have facsimile signatures of said president or secretary imprinted on any interest coupons in lieu of original signatures.

The water district commissioners shall have power and are required to create a special fund or funds for the sole purpose of paying the interest and principal of such bonds into which special fund or funds the said water district commissioners shall obligate and bind the water district to set aside and pay a fixed proportion of the gross revenues of the water supply system or any fixed amount out of and not exceeding a fixed proportion of such revenues, or a fixed amount or amounts without regard to any fixed proportion and such bonds and the interest thereof shall be payable only out of such special fund or funds, but shall be a lien and charge against all revenues and payments received from any utility local improvement district or districts pledged to secure such bonds, subject only to operating and maintenance expenses.

In creating any such special fund or funds the water district commissioners of such water district shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Any such bonds and interest thereon issued against any such fund as herein provided shall be a valid claim of the owner thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such water district within the meaning of the constitutional provisions and limitations. Each such bond shall state upon its face that it is payable from a special fund, naming the said fund and the resolution creating it. Said bonds shall be sold in such manner, at such price and at such rate or rates of interest as the water district commissioners shall deem for the best interests of the water district, either at public or private sale, and the said commissioners may provide in any contract for the construction and acquirement of the proposed improvement (and for the refunding of outstanding local improvement district obligations, if any) that payment therefor shall be made in such bonds at par value thereof.

When any such special fund shall have been heretofore or shall be hereafter created and any such bonds shall have been heretofore or shall hereafter be issued against the same a fixed proportion or a fixed amount out of and not to exceed such fixed proportion, or a fixed amount or amounts without regard to any fixed proportion,

of revenue shall be set aside and paid into said special fund as provided in the resolution creating such fund or authorizing such bonds, and in case any water district shall fail thus to set aside and pay said fixed proportion or amount as aforesaid, the owner of any bond payable from such special fund may bring suit or action against the water district and compel such setting aside and payment.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.

(3) The water district commissioners of any water district, in the event that such water revenue bonds are issued, shall provide for revenues by fixing rates and charges for the furnishing of water supply to those receiving such service, such rates and charges to be fixed as deemed necessary by such water district commissioners, so that uniform charges will be made for the same class of customer or service.

In classifying customers served or service furnished by such water supply system, the board of water commissioners may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water furnished; the time of its use; the achievement of water conservation goals and the discouragement of wasteful practices; capital contributions made to the system including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Such rates shall be made on a monthly basis as may be deemed proper by such commissioners and as fixed by resolution and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements and all other charges necessary for efficient and proper operation of the system.

Sec. 20. RCW 54.24.080 and 1959 c 218 s 9 are each amended to read as follows:

(1) The commission of each district which shall have revenue obligations outstanding shall have the power and shall be required to establish, maintain, and collect rates or charges for electric energy and water and other services, facilities, and commodities sold, furnished, or supplied by the district which shall be fair and nondiscriminatory and adequate to provide revenues sufficient for the payment of the principal of and interest on such revenue obligations for which the payment has not otherwise been provided and all payments which the district is obligated to set aside in any special fund or funds created for such purpose, and for the proper operation and maintenance of the public utility and all necessary repairs, replacements, and renewals thereof.

(2) In establishing rates or charges for water service, commissioners may in their discretion consider the achievement of water conservation goals and the discouragement of wasteful water use practices.

Sec. 21. RCW 80.28.010 and 1990 1st ex.s. c 1 s 5 are each amended to read as follows:

(1) All charges made, demanded or received by any gas company, electrical company or water company for gas, electricity or water, or for any service rendered or to be rendered in connection therewith, shall be just, fair, reasonable and sufficient.

(2) Every gas company, electrical company and water company shall furnish and supply such service, instrumentalities and facilities as shall be safe, adequate and efficient, and in all respects just and reasonable.

(3) All rules and regulations issued by any gas company, electrical company or water company, affecting or pertaining to the sale or distribution of its product, shall be just and reasonable.

(4) Until June 30, 1991:

(a) Utility service for residential space heating shall not be terminated between November 15 through March 15 if the customer:

(i) Notifies the utility of the inability to pay the bill, including a security deposit. This notice should be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances. If the customer fails to notify the utility within five business days and service is terminated, the customer can, by paying reconnection charges, if any, and fulfilling the requirements of this section, receive the protections of this chapter;

(ii) Provides self-certification of household income for the prior twelve months to a grantee of the department of community development which administers federally funded energy assistance programs. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and shall provide a dollar figure that is seven percent of household income. The grantee may verify information provided in the self-certification;

(iii) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(iv) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;

(v) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(vi) Agrees to pay the moneys owed even if he or she moves.

(b) The utility shall:

(i) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

(ii) Assist the customer in fulfilling the requirements under this section;

(iii) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area;

(iv) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this subsection. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected; and

(v) Advise the customer in writing at the time it disconnects service that it will restore service if the customer contacts the utility and fulfills the other requirements of this section.

(c) A payment plan implemented under this section is consistent with RCW 80.28.080.

(5) Every gas company and electrical company shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(6) Every gas company, electrical company and water company shall construct and maintain such facilities in connection with the manufacture and distribution of its product as will be efficient and safe to its employees and the public.

(7) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

(8) In establishing rates or charges for water service, water companies as defined in RCW 80.04.010 may consider the achievement of water conservation goals and the discouragement of wasteful water use practices.

Sec. 22. RCW 80.28.025 and 1980 c 149 s 2 are each amended to read as follows:

(1) In establishing rates for each gas and electric company regulated by this chapter, the commission shall adopt policies to encourage meeting or reducing energy demand through cogeneration as defined in RCW 82.35.020, measures which improve the efficiency of energy end use, and new projects which produce or generate energy from renewable resources, such as solar energy, wind energy, hydroelectric energy, geothermal energy, wood, wood waste, municipal wastes, agricultural products and wastes, and end-use waste heat. These policies shall include but are not limited to allowing a return on investment in measures to improve the efficiency of energy end use, cogeneration, or projects which produce or generate energy from renewable resources which return is established by adding an increment of two percent to the rate of return on common equity permitted on the company's other investment. Measures or projects encouraged under this section are those for which construction or installation is begun after June 12, 1980, and before January 1, 1990, and which, at the time they are placed in the rate base, are reasonably expected to save, produce, or generate energy at a total incremental system cost per unit of energy delivered to end use which is less than or equal to the incremental system cost per unit of energy delivered to end use from similarly available conventional energy resources which utilize nuclear energy or fossil fuels and which the gas or electric company could acquire to meet energy demand in the same time period. The rate of return increment shall be allowed for a period not to exceed thirty years after the measure or project is first placed in the rate base.

(2) In establishing rates for water companies regulated by this chapter, the commission may consider the achievement of water conservation goals and the discouragement of wasteful water use practices.

NEW SECTION. Sec. 23. A new section is added to chapter 82.04 RCW to read as follows:

The tax imposed by RCW 82.04.240 shall not apply to the treatment or processing of effluent water purchased for commercial use directly from a sewage treatment facility operated by any county, city, town, political subdivision, or municipal or quasi-municipal corporation of this state. This section shall expire December 31, 1993, unless extended by the legislature.

NEW SECTION. Sec. 24. A new section is added to chapter 82.12 RCW to read as follows:

This chapter shall not apply with respect to the use of treated or processed effluent water purchased for commercial use directly from a sewage treatment facility operated by any county, city, town, political subdivision, or municipal or quasi-

municipal corporation of this state. This section shall expire December 31, 1993, unless extended by the legislature.

Sec. 25. RCW 90.14.140 and 1987 c 125 s 1 are each amended to read as follows:

(1) For the purposes of RCW 90.14.130 through 90.14.180, "sufficient cause" shall be defined as the nonuse of all or a portion of the water by the owner of a water right for a period of five or more consecutive years where such nonuse occurs as a result of:

- (a) Drought, or other unavailability of water;
- (b) Active service in the armed forces of the United States during military crisis;
- (c) Nonvoluntary service in the armed forces of the United States;
- (d) The operation of legal proceedings;

(e) Federal laws imposing land or water use restrictions either directly or through the voluntary enrollment of a landowner in a federal program implementing those laws, or acreage limitations, or production quotas.

(2) Notwithstanding any other provisions of RCW 90.14.130 through 90.14.180, there shall be no relinquishment of any water right:

(a) If such right is claimed for power development purposes under chapter 90.16 RCW and annual license fees are paid in accordance with chapter 90.16 RCW, or

(b) If such right is used for a standby or reserve water supply to be used in time of drought or other low flow period so long as withdrawal or diversion facilities are maintained in good operating condition for the use of such reserve or standby water supply, or

(c) If such right is claimed for a determined future development to take place either within fifteen years of July 1, 1967, or the most recent beneficial use of the water right, whichever date is later, or

(d) If such right is claimed for municipal water supply purposes under chapter 90.03 RCW, or

(e) If such right is claimed by an irrigation district for the benefit of lands lying within such district, or

(f) If such waters are not subject to appropriation under the applicable provisions of RCW 90.40.030 as now or hereafter amended.

NEW SECTION. Sec. 26. Sections 1 and 4 through 12 of this act shall constitute a new chapter in Title 90 RCW.

NEW SECTION. Sec. 27. Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

NEW SECTION. Sec. 28. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 29. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 90.03.380, 19.27.170, 35.67.020, 56.16.090, 57.20.020, 54.24.080, 80.28.010, 80.28.025, and 90.14.140; reenacting and amending RCW 35.92.010; adding a new section to chapter 90.54 RCW; adding a new section to chapter 90.14 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.12 RCW; adding a new chapter to Title 90 RCW; creating a new section; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Barr, the rules were suspended, Engrossed Substitute House Bill No. 2026, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Barr, as I read the bill, what cost is there going to be to the individual that is using water in the cities and the counties--not your irrigation water--I'm not talking about that? Is there any more cost to those people?"

Senator Barr: "The individuals that live in towns, like yourself--the bill deals with water efficiency. You would, I believe in 1993, if you were building a new home or a major construction, you would be required to have water efficient shower heads, water efficient toilets and that sort of thing. That would be the cost to the average individual. There is no other cost related with the bill except where you deal with water conservation and efficiency." Senator Rasmussen: "There is no section of the bill that allows for potty inspection for the present system? You have your bath and toilet and things in there, they are not going to come in and inspect that like they are going to inspect your septic tanks?"

Senator Barr: "Not that I know of."

Senator Rasmussen: "Not yet."

Senator Barr: "Not yet, that would take additional legislation, I hope."

Senator Rasmussen: "And they are not going to allow you a certain amount of flushes a month?"

Senator Barr: "Well, I don't know, the way controls are coming down on this state, I wouldn't be surprised for anything to happen coming from the bureaucracy."

Senator Rasmussen: "That's what I am afraid of. Thank you."

MOTION

On motion of Senator Anderson, Senator Bluechel was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2026, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2026, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 12; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Thorsness, von Reichbauer, West, Williams - 34.

Voting nay: Senators M. Kreidler, Matson, McCaslin, Murray, Niemi, Pelz, Rasmussen, Rinehart, Sutherland, Talmadge, Vognild, Wojahn - 12.

Excused: Senators Bluechel, Moore, Sellar - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1936, by House Committee on Higher Education (originally sponsored by Representatives Dorn, Ferguson, Jacobsen, Orr, Grant, Roland, Rasmussen, Winsley, Broback and Rayburn)

Allowing high school graduation requirements to satisfy coursework requirements for undergraduate admissions.

The bill was read the second time.

MOTIONS

On motion of Senator Saling, the following Committee on Higher Education amendment was adopted:

On page 1, line 5, after "higher education coordinating board" insert ", the state board of education"

On motion of Senator Saling, the rules were suspended, Substitute House Bill No. 1936, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1936, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1936, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Moore, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 1936, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023, by House Committee on Education (originally sponsored by Representatives Peery, Brough, G. Fisher Heavey, Basich, Wineberry, H. Myers, Phillips, R. Johnson, Sprenkle, Spanel, Sheldon, Wood, Ogden, Rayburn, Jones, Prentice, Kremen, Leonard, Inslee, Bray, Dorn, Cantwell, Jacobsen, Valle, Roland, Hine, Winsley, Rasmussen and Brekke) (by request of Governor Gardner)

Enhancing student performance.

The bill was read the second time.

MOTIONS

Senator Bailey moved that the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Academic achievement of Washington students can and should be improved;

(b) Student success, in large part, depends on parents' involvement, both at home and at school, in the education of their child;

(c) Many school districts across the state are engaged in efforts to reevaluate and restructure their local education programs;

(d) State support can help sustain and accelerate the momentum of educational restructuring initiatives.

(2) The legislature recognizes that the public education system, as the foundation of our society, faces critical issues that reflect the public's increasing concern regarding the effectiveness and accountability of our public schools. The legislature finds that these issues can be addressed by:

(a) Establishing rights and responsibilities of parents to knowledgeably participate in the education of their children;

(b) Increasing the broad powers of school boards;

(c) Measuring and reporting student achievement in a manner that encourages accountability to and understanding by the public;

(d) Increasing public confidence in the professional preparation and training of educators; and

(e) Providing funding support for initiatives to restructure schools, meet the special needs of students, and enhance vocational education.

"PART I

PARENTS' RIGHTS AND RESPONSIBILITIES"

NEW SECTION. Sec. 101. The legislature finds that parents have the primary responsibility for the welfare of their children and that the successful education of children is the product of a responsive and rigorous educational system that depends on the participation of informed and concerned parents and citizens. To this end, RCW 28A.605.020 and sections 102 through 104 of this act are intended to define certain rights of parents to be informed of, and participate in, the education of their children.

"Parents" as used in this act, includes one or both parents and any legal guardian.

NEW SECTION. Sec. 102. A new section is added to chapter 28A.615 RCW to read as follows:

Parents have the right to know what their child is being taught and are encouraged to exercise their responsibility to participate in their child's education.

(1) School district boards of directors shall adopt policies to ensure the implementation of the requirements that public records be made available under RCW 42.17.250 through 42.17.340. The board of directors of a school district shall develop specific policies providing for the inspection and review of any type of materials used in association with the district's educational program. The district may charge a nominal cost to cover any costs of reproduction.

(2) Districts shall inform parents annually through the report required under section 105 of this act of parents' right to inspect and review any type of materials used in association with the district's educational program.

(3) Innovation and educational reform should be encouraged in public schools. To that end, parents and the community at large should be encouraged to participate in the development and implementation of experimental or pilot education programs. Before implementation of any experimental or pilot education program, the school district shall consult and communicate with parents regarding the proposed program.

(4) No child may be placed in an experimental or pilot program in a school district without prior written notification to the parent. The notification shall include a detailed description of the program.

(5) A site-based council established under section 202 of this act may veto implementation of an experimental or pilot education program adopted by the district's board of directors. At least three-fourths of the members of the site-based council shall support the motion to veto.

(6) A school district shall not perform psychological testing of a student without the written permission of the parents.

Sec. 103. RCW 28A.605.020 and 1979 ex.s. c 250 s 8 are each amended to read as follows:

Every school district board of directors shall, ~~((after following established procedure))~~ in cooperation with teacher and parent organizations, adopt a policy assuring parents access to their child's classroom and/or school sponsored activities for purposes of observing class procedure, teaching material, and class conduct: PROVIDED, That such observation shall not disrupt the classroom procedure or learning activity. The policy adopted under this section is not subject to collective bargaining. The right of parents to visit their child's classroom, as established under this section, is in addition to any parent/teacher conferences offered by the school district.

Sec. 104. RCW 28A.150.040 and 1990 c 33 s 101 are each amended to read as follows:

(1) The school year shall begin on the first day of September and end with the last day of August: PROVIDED, That any school district may elect to commence the minimum annual school term as required under RCW 28A.150.220 in the month of August of any calendar year and in such case the operation of a school district for such period in August shall be credited by the superintendent of public instruction to the succeeding school year for the purpose of the allocation and distribution of state funds for the support of such school district.

(2) By May 30 of each year, the board of directors of each school district shall, following a public hearing, establish the schedule of days for students to attend school during the succeeding school year. The days so designated shall be employee work days and shall not be subject to collective bargaining. However, employee work days beyond those scheduled for student attendance may be a subject of collective bargaining.

NEW SECTION. **Sec. 105.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) In keeping with the accountability purpose expressed in section 101, chapter ..., Laws of 1991 (section 101 of this act) and to ensure that the local community and electorate have access to information on the educational programs in the school districts, each school district's board of directors shall publish annually a school district accountability report. School districts shall have a copy of the accountability report available for public inspection at each school in the district, at the district office, and in public libraries.

(2) The accountability report shall include a brief statement of the mission of the school district, enrollment statistics including student demographics, expenditures per pupil for the school year, the average compensation for teachers, a summary of student scores on all mandated tests and college entrance examination scores, a concise annual budget report, the student drop-out, absenteeism, and graduation rates, an invitation to all citizens to participate in site-based councils and other school planning activities. The published accountability report shall compare district, state, and national data whenever appropriate.

Sec. 106. RCW 28A.150.230 and 1990 c 33 s 106 are each amended to read as follows:

(1) It is the intent and purpose of this section to guarantee that each common school district board of directors, whether or not acting through its respective administrative staff, be held accountable for the proper operation of their district to the local community and its electorate. In accordance with the provisions of Title 28A RCW, as now or hereafter amended, each common school district board of directors shall be vested with the final responsibility for the setting of policies ensuring quality in the content and extent of its educational program and that such program provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning.

(2) In conformance with the provisions of Title 28A RCW, as now or hereafter amended, it shall be the responsibility of each common school district board of directors, acting through its respective administrative staff, to:

(a) Establish performance criteria and an evaluation process for its certificated personnel, including administrative staff, and for all programs constituting a part of such district's curriculum;

(b) Determine the final assignment of staff, certificated or classified, according to board enumerated classroom and program needs;

(c) Determine the amount of instructional hours necessary for any student to acquire a quality education in such district, in not less than an amount otherwise required in RCW 28A.150.220, or rules and regulations of the state board of education;

(d) Determine the allocation of staff time, whether certificated or classified;

(e) Establish final curriculum standards consistent with law and rules and regulations of the state board of education, relevant to the particular needs of district students or the unusual characteristics of the district, and ensuring a quality education for each student in the district; and

(f) Evaluate teaching materials, including text books, teaching aids, handouts, or other printed material, in public hearing upon complaint by parents, guardians or custodians of students who consider dissemination of such material to students objectionable.

~~((3) In keeping with the accountability purpose expressed in this section and to insure that the local community and electorate have access to information on the educational programs in the school districts, each school district's board of directors shall annually publish a descriptive guide to the district's common schools. This guide shall be made available at each school in the district for examination by the public. The guide shall include, but not be limited to, the following:~~

~~(a) Criteria used for written evaluations of staff members pursuant to RCW 28A.405.100;~~

- ~~(b) A summary of program objectives pursuant to RCW 28A.320.210;~~
~~(c) Results of comparable testing for all schools within the district; and~~
~~(d) Budget information which will include the following:~~
~~(i) Student enrollment;~~
~~(ii) Number of full time equivalent personnel per school in the district itemized according to classroom teachers, instructional support, and building administration and support services, including itemization of such personnel by program;~~
~~(iii) Number of full time equivalent personnel assigned in the district to central administrative offices, itemized according to instructional support, building and central administration, and support services, including itemization of such personnel by program;~~
~~(iv) Total number of full time equivalent personnel itemized by classroom teachers, instructional support, building and central administration, and support services, including itemization of such personnel by program; and~~
~~(v) Special levy budget request presented by program and expenditure for purposes over and above those requirements identified in RCW 28A.150.220.))~~

Sec. 107. RCW 28A.225.220 and 1990 1st ex.s. c 9 s 201 are each amended to read as follows:

(1) Any board of directors may make agreements with adults choosing to attend school: PROVIDED, That unless such arrangements are approved by the state superintendent of public instruction, a reasonable tuition charge, fixed by the state superintendent of public instruction, shall be paid by such students as best may be accommodated therein.

(2) A district is strongly encouraged to honor the request of a parent or guardian for his or her child to attend a school in another district.

(3) A district shall release a student to a nonresident district that agrees to accept the student if:

(a) A financial, educational, safety, or health condition affecting the student would likely be reasonably improved as a result of the transfer; or

(b) Attendance at the school in the nonresident district is more accessible to the parent's place of work or to the location of child care; or

(c) There is a special hardship or detrimental condition.

(4) A district may deny the request of a resident student to transfer to a nonresident district if the release of the student would adversely affect the district's existing desegregation plan.

(5) For the purpose of helping a district assess the quality of its education program, a resident school district may request an optional exit interview or questionnaire with the parents or guardians of a child transferring to another district. No parent or guardian may be forced to attend such an interview or complete the questionnaire.

(6) School districts may establish annual transfer fees for nonresident students enrolled under subsection (3) of this section and RCW 28A.225.225. However, the school district may not charge tuition if the student is attending a nonresident school district because of the location of child care. Until rules are adopted under section 202, chapter 9, Laws of 1990 1st ex. sess. for the calculation of the transfer fee, the transfer fee shall be calculated by the same formula as the fees authorized under section 10, chapter 130, Laws of 1969. These fees, if applied, shall be applied uniformly for all such nonresident students except as provided in this section. The superintendent of public instruction, from available funds, shall pay any transfer fees for low-income students assessed by districts under this section. All transfer fees must be paid over to the county treasurer within thirty days of its collection for the credit of the district in which such students attend. Reimbursement of a high school district for cost of educating high school pupils of a nonhigh school district shall not be deemed a transfer fee as affecting the apportionment of current state school funds.

"PART II
SCHOOL SITE-BASED COUNCILS"

NEW SECTION. Sec. 201. The legislature finds that in order to achieve the goal of reforming the public schools, each citizen of the state must accept the commitment of developing our most important resource, our children. The legislature further finds that part of building this commitment includes having persons in the field of education form partnerships with other persons in the community. To build a learning community, and develop this commitment, the legislature intends:

(1) That school boards of directors, school administrators, teachers, employee unions, and members of the community find new ways of working collaboratively, changing existing policies and agreements where appropriate;

(2) To encourage the creation of site-based councils, where parents, teachers, and citizens will join to make decisions for our schools; and

(3) To give school districts and schools broad discretion in establishing their site-based councils but consistent with the limitations under section 202 of this act.

NEW SECTION. Sec. 202. (1) A site-based council may be established at one or more schools if the school district board of directors has adopted a policy authorizing site-based councils. The policy is not subject to collective bargaining. The school district board of directors has final authority in establishing the parameters and areas of involvement accorded to school site-based councils.

(2) The policy adopted by a school district board of directors may include but is not limited to:

(a) Procedures for forming a site-based council and official recognition of the council by the district;

(b) Membership of the site-based council including the principal, certificated and classified staff, students in secondary schools, parents, and persons in the community. A majority of the site-based council shall be parents. Existing organizations may be used to form the site-based council;

(c) Designation of activities with which site-based councils may become involved, such as: Student assessment, parent involvement, and developing community schools; and

(d) Delegation of authority to site-based councils to adopt their own bylaws and charter.

(3) School district boards of directors shall not delegate to site-based councils the authority to make personnel decisions regarding either instructional, administrative or classified staff.

(4) A school board shall only delegate authority over budget decisions to a site-based council if the authority is clearly defined in writing, if the authority is limited to a one-year period but may be renewed annually with the approval of the board, and if the authority of the site-based council is limited to decisions at the building level.

(5) Each school district board of directors deciding to adopt a policy authorizing site-based councils shall provide, by resolution, plans for attendance policies that are consistent with the requirements of any desegregation plan in order to promote stability for schools with site-based councils.

NEW SECTION. Sec. 203. If modifications to existing local bargaining agreements are necessary to implement school site-based councils, those modifications shall be clearly stated in the written agreement between the school district board of directors and the exclusive bargaining representative for district certificated instructional staff.

NEW SECTION. Sec. 204. (1) Schools with site-based councils may receive funds to provide resources for restructuring their educational programs. The

superintendent of public instruction shall allocate funds, as are appropriated for this purpose, to school districts to distribute to the schools with site-based councils.

(2) School districts shall submit reports about the plans and use of funds to the superintendent of public instruction. The superintendent of public instruction may transmit information to other schools and school districts through the state clearinghouse for educational information and assistance.

(3) The superintendent of public instruction may provide technical assistance under this section to any school or school district establishing or using a site-based council.

"PART III SCHOOL BOARD POWERS"

NEW SECTION. **Sec. 301.** A new section is added to chapter 28A.320 RCW to read as follows:

The board of directors of each school district may exercise the following powers:

(1) Such powers as expressly authorized by law;

(2) Such powers as are necessary or fairly implied in powers expressly authorized by law; and

(3) The additional broad discretionary power to determine and adopt written policies and rules not in conflict with other law that provide for the development and implementation of programs, activities, services, or practices that the board determines will:

(a) Benefit the education of citizens; or

(b) Promote the effective, efficient, or safe maintenance and operation of school district programs, activities, services, or practices.

The adoption of any such policy or rule shall be preceded by notice in accordance with the open public meeting law of chapter 42.30 RCW which furthermore sets forth or reasonably describes the proposed policy or regulation, plus a reasonable opportunity for public written and oral comment and consideration of the comment by the board of directors.

NEW SECTION. **Sec. 302.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction shall adopt rules clearly allowing districts to blend funds for the basic education, learning assistance, special education, and transitional bilingual education programs to the maximum extent possible for the continued receipt of federal funds.

(2) The superintendent of public instruction may create a new program code in the accounting manual for public school districts to track revenues and expenditures under subsection (1) of this section.

"PART IV PLANNING AND IMPLEMENTATION GRANTS FOR RESTRUCTURING"

NEW SECTION. **Sec. 401.** (1) The legislature believes that attaining the state vision for excellence in education under Senate Concurrent Resolution No. 8400 will require new state-supported opportunities for schools to implement strategies to improve student learning and skills. It is the intent of the legislature to provide additional support to schools or school districts to:

(a) Encourage students, parents, teachers, principals, classified school staff, school district personnel, the school board, and other citizens to become more active partners in the learning community of their school or district;

(b) Encourage schools or districts to select and compete against goals and educational outcomes tailored to their own learning community; and

(c) Foster improvements in instruction, curriculum, and assessment.

(2) It is the further intent of the legislature that what is learned from local projects under the reach for excellence grant program established under section 403 of this act shall be considered as a basis for the development of new goals, standards, and assessments for the state education system.

(3) The reach for excellence grant program shall be:

(a) Responsive to local educational concerns and desires;

(b) Educational, focusing on improving student learning and skills and encouraging the development of new measures to assess student performance;

(c) Accountable, so that projects earn reach achievement awards linked directly to progress made toward identified educational outcomes;

(d) Collaborative, with projects reflecting a partnership between students, parents, teachers, principals, and others; and

(e) Home-based, tailored to the needs of each participating school.

NEW SECTION. Sec. 402. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 403 through 414 of this act.

(1) "Educational outcomes" and "target educational outcomes" mean expected levels of student performance and achievement, including student learning objectives required under RCW 28A.320.210.

(2) "Indicators" means institutional factors that may bear a relationship to student learning and can be used to help assess students' progress toward identified educational outcomes.

(3) "Context indicators" means variables that characterize the setting in which educational programs are delivered and generally are items over which schools have little control.

(4) "Process indicators" means variables that characterize how educational programs are delivered and generally are items over which schools have some control.

(5) "Grant" means state funds provided to a district with a selected reach for excellence project for use in the planning and initial implementation of the project.

(6) "Award" or "reach achievement award" means state funds provided to a reach project for progress made toward target educational outcomes.

(7) "Superintendent" means the superintendent of public instruction.

NEW SECTION. Sec. 403. (1) From funds appropriated by the legislature, the state board of education shall establish the reach for excellence grant program to assist schools and school districts in local efforts to improve student learning and skills. Participation in the program shall be voluntary.

(2) Schools or districts selected to participate in the reach for excellence grant program shall be required to match the state funds under section 406(2) of this act at fifty percent. The district match may consist of funds under section 1101 of this act.

(3) The state board of education shall be responsible for final decisions regarding selection and funding levels of projects and for the manner in which reach achievement awards shall be distributed. Reach projects may be conducted for up to six years subject to funding and annual approval by the state board. No project may receive continued funding for additional planning or reach achievement awards without approval from the state board. The state board shall use the benchmark data for the target educational outcomes required under section 406(2)(f) of this act in annually assessing the progress made toward the target educational outcomes to determine project eligibility for annual reach achievement awards. In evaluating projects to determine their continuation the state board shall emphasize giving projects maximum flexibility and time to be successful.

(4) The superintendent shall be responsible for administration of the reach for excellence program once projects and funding levels have been determined by the state board.

(5) The state board shall establish a working committee to assist it with:

(a) The development of any additional grant application criteria;

(b) Selecting reach applicants for grant awards;

(c) Determining the manner in which reach achievement awards will be distributed; and

(d) Monitoring the development and use of measures of assessing student performance in addition to standardized tests, as required under section 406 of this act.

NEW SECTION. Sec. 404. (1) The superintendent shall assure that the sum total of all funds allocated for planning grants and for reach achievement awards does not exceed the amount appropriated by the legislature for the reach for excellence grant program.

(2) The superintendent shall award funds appropriated for the reach for excellence grant program to the selected projects as follows. The initial grant shall be awarded to projects for planning activities relating to implementation of the local reach project and for initial implementation of the project. Planning and initial implementation grants shall be for the 1991-92 and 1992-93 school years. These grants may be used for the following purposes:

(a) Planning;

(b) Staff development and training;

(c) Purchase of instructional materials, supplies, and resources;

(d) Development of new measures to assess student performance; and

(e) Initial implementation of the reach project.

(3)(a) Commencing with the end of the 1993-94 school year, and each school year thereafter, projects receiving initial reach grants shall be evaluated by the state board to determine their eligibility for reach achievement awards as determined under section 403(3) of this act.

(b) School staff shall have the final authority to determine how the reach achievement awards will be used and, if applicable to the project, how much each staff member shall receive.

(4) Reach achievement awards may be used for the following purposes:

(a) Any of the purposes authorized under subsection (2) of this section;

(b) Stipends or salary and compensation increases for certificated or classified staff under RCW 28A.400.200(4). Nothing in sections 402 through 414 of this act precludes the use of reach achievement awards for providing stipends or salary and compensation increases through a compensation model characterized by differentiated levels of employment classification for certificated staff and differentiated responsibilities for each level of employment classification; or

(c) Any combination of (a) and (b) of this subsection.

(5) A site-based council may use planning grant funds under subsection (2) of this section for planning, staff and community development and training, and materials and supplies: PROVIDED, That these activities are related directly to the reach project.

NEW SECTION. Sec. 405. Use of reach achievement awards for the purpose of section 404(4)(b) of this act is not an increase in salary or compensation for the purposes of RCW 28A.400.200, nor may such compensation be applied to the district's salary schedule or be provided in a manner that would increase the state's basic education funding obligation.

NEW SECTION. Sec. 406. (1) Schools or school districts interested in implementing or enhancing existing local projects for educational excellence shall submit a grant application to the state board of education. All applications shall be submitted by the district's board of directors. If possible, applicants should develop their reach projects as part of the self-study process under RCW 28A.320.200, or otherwise link the proposed reach project to the self-study results of the school or district.

(2) Grant applications shall include:

(a) Documentation that at least one public hearing was held on the proposed reach project or projects. The public hearing required under this subsection, and other public hearings as may be held, may be conducted as part of the public hearings required under chapter 28A.505 RCW;

(b) Documentation that all parties are committed to work cooperatively during the term of the project;

(c) A statement indicating how the proposed reach project supports the state vision for excellence in education endorsed under Senate Concurrent Resolution No. 8400;

(d) A description of how the reach for excellence grant program funds will be expended. The expenditure plan may be included as part of the district's annual budget required under chapter 28A.505 RCW;

(e) Target educational outcomes for the selected basic academic, workplace, and life and family skills under section 407 (1) through (3) of this act. Student learning objectives required under RCW 28A.320.210 may be used for target educational outcomes if applicable for the purposes of the reach project;

(f) Benchmark data for the target educational outcomes identified for the selected skills under section 407 (1) through (3) of this act;

(g) Benchmark data for context and process indicators as provided under section 408 of this act;

(h) Identification of the evaluation and accountability procedures and activities, including potential use of context and process indicators, that may be used to: (i) Assess progress toward the target educational outcomes; (ii) evaluate additional educational benefits received by students, building staff, and parents from implementation of the reach project; and (iii) assess the overall effectiveness of the project. Applicants may use evaluation and accountability procedures and activities established under the state self-study program under RCW 28A.320.200. Applicants shall identify at least one measure of assessing student performance other than standardized testing that will be developed or used as part of the reach project. Applicants are encouraged to seek information from state higher education institutions regarding potential alternatives to standardized testing;

(i) A written statement that school directors and administrators are willing to exempt the reach project or projects from specifically identified local rules, as needed;

(j) A written statement that the school directors and the local bargaining agents will modify those portions of their local agreements as applicable for the reach project or projects;

(k) Written statements of support from the district's board of directors, the district superintendent, and the principal and staff of the school or schools requesting to implement a reach project, and statements of support, willingness to participate, or concerns from any interested persons or organizations; and

(l) Other information as may be determined necessary by the state board of education.

NEW SECTION. Sec. 407. (1) Grant applications under section 406 of this act shall include target educational outcomes for at least three of the following basic academic skill areas:

(a) Reading and writing of the English language;

(b) Speaking and listening;

(c) Observing and questioning;

(d) Studying;

(e) Reasoning and problem solving;

(f) Mathematics; and

(g) Computer competency.

(2) Grant applications under section 406 of this act shall include educational outcomes for at least two of the following workplace skill areas:

- (a) Decision making;
- (b) Cooperation and teamwork;
- (c) Self-directed learning; and
- (d) Positive work habits.

(3) Grant applications under section 406 of this act shall include educational outcomes for at least two of the following life and family skill areas:

- (a) Home and family life;
- (b) Career planning;
- (c) Life-long learning;
- (d) Responsible and ethical behavior;
- (e) Concern for others;
- (f) Interpersonal relationships; and
- (g) The arts, performing arts, and music.

(4) Grant applications shall indicate for subsections (1) through (3) of this section the grade levels and subject matter areas in which the identified skills will be addressed.

NEW SECTION. Sec. 408. (1) If possible, grant applications under section 406 of this act should include benchmark data for the context and process indicators listed under subsections (2) and (3) of this section. However, as a condition to receiving reach for excellence program grant funds, applicants selected for the reach program shall submit to the state board of education the benchmark data for the context and process indicators listed under subsections (2) and (3) of this section.

(2) Applicants shall provide benchmark data for the following context indicators developed by the educational outcomes and measurement committee and reported to the legislature by the superintendent in 1989:

- (a) The average percent of students absent from school each day;
- (b) Student mobility rate;
- (c) School growth rate;
- (d) Teacher mobility rate;
- (e) Administrator mobility rate;
- (f) The percent of students from low-income families; and
- (g) The percent of students who speak English as a second language; plus
- (h) The average percent of teachers absent from school each day.

(3) Applicants shall provide benchmark data for the following process indicators developed by the educational outcomes and measurement committee and reported to the legislature by the superintendent in 1989:

- (a) Student-teacher ratio;
- (b) Student-counselor ratio;
- (c) Student-staff specialist ratio;
- (d) The average expenditure per student;
- (e) The average expenditure per staff member for in-service for staff development;
- (f) School accreditation status;
- (g) The percent of students served by compensatory education programs;
- (h) The percent of students served by chapter 1 migrant education programs;
- (i) The percent of students served by special education programs; and
- (j) The percent of students served by gifted-talented programs.

(4) If possible and appropriate, benchmark data required under section 406(2)(f) of this act and subsections (2) and (3) of this section shall be provided on a by-school basis. If this is not possible, the benchmark data shall be provided on a district-level basis.

NEW SECTION. Sec. 409. (1) Grant applications may be submitted jointly by two or more school districts or by an educational service district on behalf of one or more school districts. An application may include a proposal for two or more school buildings to implement jointly a reach for excellence project.

(2) Upon request from a school district, the superintendent or the educational service district shall provide the district with technical assistance to develop the grant application.

(3) Upon request from a reach for excellence project, the superintendent or the educational service district shall provide the project with technical assistance to develop a measure of assessing student performance as required under section 406(2)(h) of this act.

NEW SECTION. Sec. 410. Applicants selected for the reach for excellence grant program may request from the state board of education or the superintendent a waiver from the statutory or regulatory requirements relating to:

(1) Teacher contact hour requirements under RCW 28A.150.260;

(2) Basic education program hours offering requirements under RCW 28A.150.200 through 28A.150.220;

(3) Student learning objectives under RCW 28A.320.210; and

(4) Mandatory school building self-study under RCW 28A.320.200.

The waivers may be renewed subject to continued funding and approval by the state board of education under section 403 of this act.

NEW SECTION. Sec. 411. If modifications to existing local bargaining agreements are necessary to implement grant proposals, those modifications shall be clearly stated in the written agreement between the school district board of directors and the exclusive bargaining representative for district certificated instructional staff. The requirement is not necessary if a previously written agreement to waive the provisions of chapter 41.59 RCW for schools with reach projects has been reached by the same two parties.

NEW SECTION. Sec. 412. (1) Each school district shall report to the state board of education by October 1, 1993, and annually thereafter pursuant to section 414(4) of this act, the following information:

(a) The educational excellence activities supported by reach for excellence grant funds;

(b) Updated information relating to the required benchmark data;

(c) Progress made toward the target educational outcomes; and

(d) The means and the results of evaluating the target educational outcomes and additional benefits received by students, building staff, and parents from implementation of the local reach project.

(2) By December 1, 1993, and by December 1st of each subsequent even-numbered calendar year, the state board of education shall provide the legislature and the governor a report on the reach for excellence grant program. The reports shall include information on the items required under subsection (1) of this section.

(3) In the report due December 1, 1996, the state board shall:

(a) Indicate the most common basic academic, workplace, and life and family skills and accompanying target educational outcomes identified by the reach projects;

(b) Indicate the development or use of measures to assess student performance other than standardized tests;

(c) Indicate the number of projects that implemented the waivers authorized under section 410 of this act;

(d) Include recommendations on the feasibility of implementing basic academic, workplace, and life and family skills, educational outcomes, and context and process indicators state-wide; and

(e) Comment on or recommend how the salary allocation schedule developed by the legislative evaluation and accountability program committee might reflect a school performance assessment model based on basic academic, workplace, and life and family skills, educational outcomes, and context and process indicators.

(4) The state board of education shall submit a final report on the reach for excellence grant program to the legislature and the governor not later than December 1, 1998.

NEW SECTION. Sec. 413. The superintendent shall provide for the sharing of information between reach projects and with schools and districts not selected or not participating in the reach for excellence grant program.

NEW SECTION. Sec. 414. (1) The state board of education and the superintendent shall adopt rules as necessary under chapter 34.05 RCW to implement sections 402 through 414 of this act. The rules shall be adopted not later than December 1, 1991.

(2) The rules shall include the following dates to govern administration of the reach for excellence grant program:

(a) Initial applications must be received by the state board of education not later than March 15, 1992;

(b) The state board of education shall evaluate the applications and select the initial projects for grants by May 31, 1992; and

(c) After planning, initial implementation of the first reach projects shall commence no later than the start of the 1993-94 school year.

(3) The state board shall establish an annual date by which subsequent applications must be submitted.

(4) The state board shall establish a date by which the annual report required under section 412(1) of this act shall be submitted.

(5) The state board shall establish an annual date by which the board shall notify each project of the amount of any eligible reach achievement award and status to continue.

"PART V STUDENT ACHIEVEMENT TESTS"

Sec. 501. RCW 28A.230.190 and 1990 c 101 s 6 are each amended to read as follows:

(1) Every school district is encouraged to test pupils in grade two by an assessment device designed or selected by the school district. This test shall be used to help teachers in identifying those pupils in need of assistance in the skills of reading, writing, mathematics, and language arts. The test results are not to be compiled by the superintendent of public instruction, but are only to be used by the local school district.

(2) The superintendent of public instruction shall prepare and conduct, with the assistance of school districts, a standardized achievement test to be given annually to all pupils in grade four. The test shall assess students' skill in reading, mathematics, writing, science, history, geography, and language arts and shall focus upon appropriate input variables. Results of such tests shall be compiled by the superintendent of public instruction, who shall make those results available annually to the legislature, to all local school districts and subsequently to parents of those children tested. The results shall allow parents to ascertain the achievement levels and input variables of their children as compared with the other students within the district, the state and, if applicable, the nation.

(3) The superintendent of public instruction shall report annually to the legislature on the achievement levels of students in grade four.

Sec. 502. RCW 28A.230.230 and 1990 c 101 s 2 are each amended to read as follows:

The superintendent of public instruction shall prepare and conduct, with the assistance of school districts, an annual assessment of all students in the eighth grade. The purposes of the assessment are to assist students, parents, and teachers in the planning and selection of appropriate high school courses for students and to provide

information about students' current academic proficiencies both in the basic skills of reading, writing, science, mathematics, economics, history, geography, and language, and in the reasoning and thinking skills essential for successful entry into those courses required for high school graduation. The assessment shall also include the collection of information about students' interests and plans for high school and beyond and may include the collection of other related student and school information. The superintendent of public instruction shall make the results of the assessment available to all school districts which shall in turn make them available to students, parents, and teachers in a timely fashion and in a manner consistent with the purposes of RCW 28A.230.220 through 28A.230.260.

Sec. 503. RCW 28A.230.240 and 1990 c 101 s 3 are each amended to read as follows:

The superintendent of public instruction shall prepare and conduct, with the assistance of local school districts, an annual assessment of all students in the eleventh grade beginning with the 1991-92 school year. The purposes of the assessment are to provide achievement and guidance information to students, parents, and teachers that will assist in reviewing students' current performance and planning effectively for their initial years beyond high school. The achievement measures shall assess students' strengths and deficiencies in the broad content areas common to the high school curriculum and those thinking and reasoning skills essential for completing high school graduation requirements and for success beyond high school. The assessment shall include measurements of the students' skills in reading, writing, mathematics, language, history, geography, economics, and science and technology. The assessment shall also collect information about students' career interests and plans and other related student and school information including students' high school course selection patterns, course credits, and grades. The superintendent of public instruction shall make the results of the assessment available to all local school districts which shall in turn make them available to students, parents, and teachers in a timely fashion and in a manner consistent with the purposes of RCW 28A.230.220 through 28A.230.260. No grade ten students shall be tested in the fall of 1990 and the funds already appropriated for such testing shall be used for the planning and preliminary development work necessary to implement RCW 28A.230.220 through 28A.230.260.

NEW SECTION. **Sec. 504.** A new section is added to chapter 28A.230 RCW to read as follows:

The superintendent of public instruction shall prepare and conduct, with the assistance of local school districts, an annual assessment of all students in grade twelve. The purpose of the assessment is to determine the competence of students in the subject matters of reading, writing, mathematics, language, science, technology, economics, history, geography, and reasoning and thinking skills.

NEW SECTION. **Sec. 505.** A new section is added to chapter 28A.230 RCW to read as follows:

(1) The superintendent of public instruction shall establish standards by which successful completion of the achievement assessments and tests under this chapter are to be measured. In preparing the assessments, tests, and standards, the superintendent of public instruction shall consider the special needs of students in programs such as the handicapped and bilingual education programs. Each school district shall notify the parents of each student of their child's performance on the assessments and tests conducted under this chapter.

(2) A school district shall not advance a student beyond the fourth, eighth, or eleventh grade without the student having successfully completed the respective assessment or test under this chapter, unless the school district determines that the educational interests of the student are best served by advancement to the next grade. In making this determination, the school district shall consult with the parents of the

student. If the parents, in writing, desire that the student not be advanced, the school district shall not advance the student.

(3) After October 1, 1997, no student may graduate from a high school in this state unless the student has successfully completed the assessment conducted under section 504 of this act.

(4) If a student fails to successfully complete a test or assessment under this chapter, the school district shall offer additional educational opportunities to prepare the student to successfully retake all or part of the test or assessment. Such educational opportunities may include learning assistance programs, tutoring, summer school, or after-school classes.

**"PART VI
ENHANCING THE TEACHING PROFESSION"**

NEW SECTION. Sec. 601. The legislature recognizes that total compensation for educational employees should take into account job performance and reflect public expectations for both educational employees and the public education system. The legislature further believes that any examination of total compensation for educational employees should consider how total compensation levels are:

- (1) Commensurate with public expectations;
- (2) Comparable to other professions requiring similar educational experience; and
- (3) Comparable to other states.

NEW SECTION. Sec. 602. (1) The department of personnel, in consultation with teachers, classified employees, administrators, school directors, business, labor, parents, and legislators shall conduct a study of total compensation for educational employees in Washington. The study shall include, but is not limited to, a review of the relationship between total compensation for educational employees and:

- (a) Total compensation paid:
 - (i) In other professions requiring comparable educational experience and preparation; and
 - (ii) To teachers, administrators, and classified employees in other states;
- (b) The in-service training act of 1977, RCW 28A.415.030 and 28A.415.040;
- (c) In-service and staff development opportunities sponsored by school districts, educational service districts, or other providers of in-service and staff development programs;
- (d) The provisions of RCW 28A.215.020 that allow credit on the salary schedule developed by the legislative evaluation and accountability program committee for approved in-service and continuing education;
- (e) The state board of education's continuing education requirement for certificated instructional staff with continuing certificates;
- (f) The length of the school year for contracted certificated and classified employees;
- (g) The teacher assistance program under RCW 28A.405.450;
- (h) The self-study program under RCW 28A.320.200;
- (i) The schools for the twenty-first century program under RCW 28A.630.100 through 28A.630.290;
- (j) The evaluation of certificated employees under RCW 28A.405.100;
- (k) State board of education teacher assignment and certificate endorsement policies;
- (l) Certification requirements under chapter 28A.410 RCW;
- (m) The Washington award for excellence in education program under RCW 28A.625.020 through 28A.625.070, and particularly the Christa McAuliffe award under RCW 28A.625.030;
- (n) Local education program enhancement funds; and

(o) The results of the studies by the state board of education on internships and alternative classification.

(2) A review of the relationship between staffing and total compensation levels for certificated and classified positions.

(3) Based on the results of the study findings, the department of personnel shall submit to the legislature and the governor not later than December 1, 1991, a plan to bring educational employees' total compensation to a level that places Washington in the top ten states by the beginning of the 1997-98 school year.

NEW SECTION. Sec. 603. The department of personnel, in consultation with teachers, classified employees, administrators, school directors, business, labor, parents, and legislators shall study and recommend to the legislature and the governor not later than December 1, 1991, a plan to maintain total compensation for educational employees in Washington at the levels to be established under section 602(2) of this act. The plan may include the use of peer states or peer professions.

NEW SECTION. Sec. 604. The definitions in this section apply throughout sections 605 through 608 of this act.

(1) "Teacher" means a certificated instructional staff person employed in a public school in this state. The term includes persons holding a certificate under sections 609 through 611 of this act.

(2) "Certificated staff" means teachers and certificated administrative staff.

(3) "School building" means a discrete school operated by a school district.

NEW SECTION. Sec. 605. The superintendent of public instruction, from available funds, shall allocate to school districts funds to effectuate an optional performance-based salary enhancement program for the teachers and certificated administrative staff of the state. Funds appropriated by the legislature for optional, performance-based salary enhancements shall be separate from and in addition to funds appropriated by the legislature for salary increases for certificated staff.

Funds provided for the optional, performance-based salary enhancement program under this section shall be allocated by the superintendent of public instruction to school buildings in the state on a grant basis.

NEW SECTION. Sec. 606. (1) In order to apply for a performance-based salary enhancement grant, a majority vote by the certificated staff of the building is required.

(2) Schools, through the school district, shall submit a grant application to the superintendent of public instruction. The grant application shall include the following information:

(a) Documentation that a performance-based salary enhancement plan has been adopted by a committee established in the school building. The committee shall be a school site-based council under sections 201 through 204 of this act; and

(b) Documentation that the performance-based salary enhancement plan identifies the criteria to be used to evaluate the performance of those certificated staff participating in the program, the levels of salary enhancement that can be earned under the plan, and the person or persons responsible for evaluating the performance of participating staff to determine eligibility for a salary enhancement.

(3) The criteria under subsection (2)(b) of this section for the performance-based salary enhancement plan may include the following criteria:

(a) Demonstration of improved competency of students leaving grades four, eight, eleven, and twelve in the subject matters of reading, writing, mathematics, science, history, and geography. The improved competency shall be measured by the assessments and tests administered under chapter 28A.230 RCW;

(b) Development of lesson plans with understandable student learning objectives that provide for measurement of student achievement against those objectives, and evaluation of improved student achievement resulting from the plans;

(c) Demonstration of staff competency in theory and content of assigned subject matter, as well as principles and methods of instruction;

(d) Maintenance of a clearly understood grading procedure that is administered fairly and consistently, and is directly related to student learning objective improvement;

(e) Demonstration of increased student motivation, self-direction, and self-discipline;

(f) Demonstration of communication skills for improvement in parent/staff relationships that effectively contribute to improved student performance; and

(g) Decreasing rates of student absenteeism and, in the case of high school buildings, demonstration of an increased graduation rate for students. The plan shall include a methodology for calculating the graduation rate that reflects the rate of student drop-outs as well as student transfers into and out of the school.

(4) In developing the performance-based salary enhancement plan, the committee shall seek input from appropriate groups, including parents, teachers, administrators, students, and the public. Prior to adoption of the plan, the committee shall present the plan in a public hearing with prior public notice.

(5) It is the intent of the legislature that the performance-based salary enhancement program reward those educators whose performance is exemplary and is not intended to result in across-the-board salary increases for all certificated staff in the school building. However, the committee under subsection (2) of this section, by a vote of at least three-fourths of its members, may adopt a performance-based salary enhancement program that results in uniform across-the-board salary increases.

NEW SECTION. Sec. 607. Performance-based salary enhancement grants for certificated staff do not constitute an increase in salary or compensation for purposes of RCW 28A.400.200, nor may such compensation be applied to the district's salary schedule or be provided in a manner that would increase the state's basic education funding obligation.

NEW SECTION. Sec. 608. Schools or districts accepting performance-based salary enhancement grant funds shall be required to match the state funds at fifty percent. The match may consist of funds under section 1101 of this act.

NEW SECTION. Sec. 609. It is the intent of the legislature to attract career professionals from diverse backgrounds into the teaching profession and prevent teacher shortages by making alternate teacher certification available to persons with baccalaureate degrees and extensive, relevant work experience. The alternate certificate established under section 610 of this act shall allow eligible persons to qualify for initial teacher certification upon satisfactory completion of limited preservice coursework and two years of full-time teaching under the guidance and supervision of an employee of a school district in Washington state.

NEW SECTION. Sec. 610. The state board of education shall by December 15, 1991, adopt rules to implement an alternate teacher certificate having the following standards:

(1) Each candidate for the alternate teacher's certificate shall:

(a) Possess a baccalaureate degree in the arts, sciences, or humanities from an accredited college or university;

(b) Have completed a minimum number of years, as determined by the state board of education, of occupational experience relevant to the subject area in which he or she is seeking endorsement;

(c) Meet the age and character requirements established by the state board of education for all certificated school staff, including compliance with the background check through the Washington state patrol criminal investigation system as required under RCW 28A.410.010; and

(d) Possess a contract for employment in a school district of the state.

(2) Prior to beginning teaching under the alternate teacher certificate, the candidate shall:

(a) Have satisfied preservice coursework requirements established by the state board of education for this purpose. These requirements shall be limited to no more

than fifteen quarter hours or ten semester hours of postbaccalaureate coursework, or the equivalent in state board of education approved in-service clock hours. In establishing the requirements, the state board shall select courses available during the summer as well as the school year;

(b) Have developed with their employing school district a written plan for supervision, guidance, and support to be provided to the candidate by the district for the duration of the alternate certificate. The plan shall include but not be limited to assignment by the district of a mentor teacher according to criteria established for the teacher assistance program under RCW 28A.405.450 and evaluation under the school district's teacher evaluation procedures.

(3) The alternate teacher certificate allows the holder full authority to serve as a part-time or full-time teacher. The certificate shall be valid for not more than two years of full-time teaching or its equivalent. A person desiring to teach beyond the expiration date of his or her alternate certificate shall apply for initial or professional certification with the superintendent of public instruction. Such certification shall be conditioned upon the satisfaction of all requirements in this section and recommendation by the school district employing the candidate under alternate certification. Initial certification shall not require additional coursework or experience.

(4) The alternate certification developed under this section shall be available not later than the 1992-93 school year.

NEW SECTION. Sec. 611. (1) The state board of education shall report to the legislature by December 15, 1991, on:

(a) The standards adopted pursuant to section 610 of this act; and

(b) Recommendations for placement of teachers with alternate certification as provided for in section 610 of this act on the state-wide salary allocation schedule.

(2) The state board of education shall report annually to the legislature and the governor on alternate teacher certification. Each report is due by December 1st and shall include but not be limited to: The number of alternate certification teachers hired by school districts; the grade level and subject areas to which they have been assigned; the number of instructional hours they have taught; the number who have applied for initial or professional certification; and the number who have been granted initial or professional certification.

Sec. 612. RCW 28A.410.030 and 1987 c 525 s 203 are each amended to read as follows:

(1) The state board of education shall require a uniform state ((exit)) entry to practice examination for teacher certification candidates.

(2) Commencing August 31, 1993, ((teacher certification)) for initial teacher certification or alternative certification under sections 609 through 611 of this 1991 act candidates completing a teacher preparation program shall be required to pass an ((exit)) entry to practice examination before being granted an initial certificate. The examination shall test knowledge and competence in: (a) The subjects ((including, but not limited to,)) for which the candidate has an endorsement; and (b) instructional skills, classroom management, and student behavior and development. The examination for (b) of this subsection shall consist primarily of essay questions.

(3) Candidates shall pass the examinations in subsection (2) (a) and (b) of this section. However, if a candidate passes only the examination in subsection (2)(b) of this section, the candidate may teach for one school year if the candidate retakes the examination in subsection (2)(a) of this section once each six months while teaching.

(4) The state board of education shall adopt such rules as may be necessary to implement this section.

Sec. 613. RCW 28A.405.220 and 1990 c 33 s 391 are each amended to read as follows:

Notwithstanding the provisions of RCW 28A.405.210, every person employed by a school district in a teaching or other nonsupervisory certificated position shall be

subject to nonrenewal of employment contract as provided in this section during the first three years of employment by such district, unless the employee has previously completed at least three years of certificated employment in another school district in the state of Washington, in which case the employee shall be subject to nonrenewal of employment contract pursuant to this section during the first year of employment with the new district. Employees as defined in this section shall hereinafter be referred to as "provisional employees".

In the event the superintendent of the school district determines that the employment contract of any provisional employee should not be renewed by the district for the next ensuing term such provisional employee shall be notified thereof in writing on or before May 15th preceding the commencement of such school term, which notification shall state the reason or reasons for such determination. Such notice shall be served upon the provisional employee personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein. The determination of the superintendent shall be subject to the evaluation requirements of RCW 28A.405.100.

Every such provisional employee so notified, at his or her request made in writing and filed with the superintendent of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the superintendent for the purpose of requesting the superintendent to reconsider his or her decision. Such meeting shall be held no later than ten days following the receipt of such request, and the provisional employee shall be given written notice of the date, time and place of meeting at least three days prior thereto. At such meeting the provisional employee shall be given the opportunity to refute any facts upon which the superintendent's determination was based and to make any argument in support of his or her request for reconsideration.

Within ten days following the meeting with the provisional employee, the superintendent shall either reinstate the provisional employee or shall submit to the school district board of directors for consideration at its next regular meeting a written report recommending that the employment contract of the provisional employee be nonrenewed and stating the reason or reasons therefor. A copy of such report shall be delivered to the provisional employee at least three days prior to the scheduled meeting of the board of directors. In taking action upon the recommendation of the superintendent, the board of directors shall consider any written communication which the provisional employee may file with the secretary of the board at any time prior to that meeting.

The board of directors shall notify the provisional employee in writing of its final decision within ten days following the meeting at which the superintendent's recommendation was considered. The decision of the board of directors to nonrenew the contract of a provisional employee shall be final and not subject to appeal.

This section applies to any person employed by a school district in a teaching or other nonsupervisory certificated position after June 25, 1976. This section provides the exclusive means for nonrenewing the employment contract of a provisional employee and no other provision of law shall be applicable thereto, including, without limitation, RCW 28A.405.210 and chapter 28A.645 RCW.

Sec. 614. RCW 28A.410.040 and 1990 c 33 s 406 are each amended to read as follows:

(1) The state board of education shall adopt rules providing that, except as provided in this section, all individuals qualifying for an initial-level teaching certificate after August 31, 1992, shall possess a baccalaureate degree in the arts, sciences, and/or humanities and have fulfilled the requirements for teacher certification pursuant to RCW 28A.305.130 (1) and (2). ~~((The state board of education shall develop and adopt rules establishing baccalaureate degree equivalency standards for certification of vocational instructors performing instructional duties and acquiring initial level~~

certification after August 31, 1992.) However, candidates for grades preschool through eight certificates shall have fulfilled the requirements for a major as part of their baccalaureate degree. If the major is in early childhood education, elementary education, or special education, the candidate must have at least thirty quarter hours or twenty semester hours in one academic field.

~~(2) ((The state board of education shall study the impact of eliminating the major in education under subsection (1) of this section and submit a report to the legislature by January 15, 1990. The report shall include a recommendation on whether the major in education under subsection (1) of this section should be eliminated.~~

~~(3)) The initial certificate shall be valid for ((two years.~~

~~(4) Certificate holders may renew the certificate for a three year period by providing proof of acceptance and enrollment in an approved masters degree program. A second renewal, for a period of two years, may be granted upon recommendation of the degree granting institution and if the certificate holder can demonstrate substantial progress toward the completion of the masters degree and that the degree will be completed within the two year extension period. Under no circumstances may an initial certificate be valid for)) a period of no more than seven years. The initial certificate may be reinstated pursuant to state board of education rules.~~

Sec. 615. RCW 28A.410.050 and 1989 c 29 s 2 are each amended to read as follows:

~~((1) The state board of education shall implement rules providing that all teachers performing instructional duties and acquiring professional level certificate status after August 31, 1992, shall possess, as a requirement of professional status, a masters degree in teaching, or a masters degree in the arts, sciences, and/or humanities.~~

~~(2)) The state board of education shall develop and adopt rules establishing baccalaureate and masters degree equivalency standards for vocational instructors performing instructional duties and acquiring ((professional level)) certification after August 31, 1992.~~

"PART VII

PRIMARY GRADES SPECIAL EMPHASIS GRANT PROGRAM"

NEW SECTION. Sec. 701. (1) A student's ability to learn can be affected by a number of both positive and negative factors, including but not limited to: Level of parent involvement and support; child abuse and neglect; poverty, including parental unemployment or underemployment; family transiency and homelessness; drug and alcohol abuse; poor health and nutrition; crime; and peer influence. Such factors can be manifested in forms such as underachievement and failure, absenteeism and truancy, drug and alcohol abuse, delinquency, suicide, disruption of the classroom learning environment, dropping out, teen pregnancy, and, later in life, unemployment, a need for public assistance, treatment or institutionalization for mental health reasons, involvement with the judicial system, and possible imprisonment for criminal convictions.

(2) The legislature finds that:

(a) Prevention and intervention services at the elementary level can offer early identification, encouragement, and follow-up of each child's special interests, creative talents, and particular abilities as well as identification of and cooperative assistance with learning, emotional, environmental, social, or physical obstacles to normal child growth and development; and

(b) The provision of counseling and related prevention and intervention services at the elementary level can contribute to enhancement of the classroom environment for students and teachers, and better enable students to realize their academic and personal potential.

NEW SECTION. Sec. 702. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 702 through 710 of this act.

(1) "Child intervention specialist" means:

(a) An educational staff associate who holds certification as a school counselor, a school psychologist, a school nurse, or a school social worker under state board of education rules adopted pursuant to RCW 28A.305.130; or

(b)(i) An appropriate public or private provider of professional health care as defined under RCW 18.120.020(4), including providers employed by the state of Washington;

(ii) A mental health professional as defined under RCW 71.05.020(12), including mental health professionals employed by the state of Washington; or

(iii) A child psychiatrist or children's mental health specialist as defined under RCW 71.34.020, including child psychiatrists or children's mental health specialists employed by the state of Washington, whose services may be requested by a school district pursuant to a prevention and intervention program for elementary students implemented under sections 703 through 705 of this act.

(2) "Early grades," "elementary grades," and "elementary level" mean kindergarten through grade six and may include preschool age children served by the school district.

(3) "Elementary grades prevention and intervention program" means a program of services and activities or events developed pursuant to sections 703 through 705 of this act.

(4) "Superintendent" means the superintendent of public instruction.

NEW SECTION. Sec. 703. (1) From funds appropriated by the legislature, the superintendent shall establish a voluntary program to assist school districts in providing prevention and intervention programs for elementary grade students. This program shall be called the fair start program. The fair start program shall not become a part of the state's basic program of education obligation as set forth under Article IX of the state Constitution.

(2) Any district currently providing elementary students with prevention and intervention services which loses the source of funding for those services, for reasons beyond the control of the district, may use fair start funds to continue or enhance the existing level of prevention and intervention services.

NEW SECTION. Sec. 704. The superintendent shall distribute funds equitably to all school districts based on the district's enrollment in grades kindergarten through six. Districts accepting fair start allocations shall be required to match the state funds at fifty percent. In addition to the funds under section 1101 of this act, the district match may consist of:

(1) Federal funds;

(2) Other funds available to districts, including funds from state programs with prevention and intervention components, such as:

(a) The substance abuse awareness program under RCW 28A.170.010 through 28A.170.070;

(b) The substance abuse prevention and intervention program under RCW 28A.170.075 through 28A.170.100;

(c) The community mobilization against substance abuse program under RCW 43.270.010 through 43.270.080;

(d) The learning assistance program under RCW 28A.165.010 through 28A.165.090;

(e) The dropout prevention program under RCW 28A.175.020 through 28A.175.070;

(3) District funds currently used for elementary prevention and intervention services;

(4) Contributions of or contractual arrangements for services, including the use of a child intervention specialist licensed or employed by the state of Washington, materials, supplies, or physical facilities; or

(5) Any combination of funds under subsections (1) through (4) of this section.

NEW SECTION. Sec. 705. (1) School districts interested in implementing or enhancing an elementary grades prevention and intervention program shall submit the following information to the superintendent of public instruction:

(a) Documentation that the district board of directors has adopted a written policy regarding the district's role and responsibility relating to prevention and intervention services for elementary students or a letter of commitment from the board of directors that a written policy will be adopted within six months of receipt of state funding under this chapter;

(b) District goals relating to prevention and intervention services for elementary students;

(c) Procedures for notifying parents or guardians regarding:

(i) The referral of students for prevention and intervention services; and

(ii) Liability issues relating to the provision of prevention and intervention services to students outside school buildings;

(d) Use of grant funds for prevention and intervention related in-service purposes, including, as necessary and appropriate, multicultural in-service training for child intervention specialists;

(e) How the services of child intervention specialists may be integrated into the district's elementary grades prevention and intervention program;

(f) Evaluation procedures the district will implement to assess the effectiveness of the district's early grades prevention and intervention program; and

(g) Other information as requested by the superintendent.

(2) The district's plan for providing prevention and intervention services to students shall be based on the district's identified goals under subsection (1)(b) of this section. The plan shall be developed with the participation of, but not limited to, district and building-level staff and administrators, child intervention specialists, and parents.

(3) In addition to the information required under subsection (1) of this section, school districts and educational service districts accepting moneys under the fair start program shall be required to establish formal agreements for coordinated case management with lead mental health agencies or other public or private social service agencies that are present in the community with an emphasis on the most efficient and cost-effective use of fair start funds.

(4) Two or more school districts may submit a joint application for the purpose of establishing or enhancing a cooperative prevention and intervention program for elementary grades students.

(5) An educational service district may submit an application on behalf of one or more school districts for the purpose of establishing or enhancing an elementary grades prevention and intervention program.

NEW SECTION. Sec. 706. (1) Districts shall use fair start funds to provide prevention and intervention services to students in grades preschool through six with priority given to students based on need. Districts shall establish the criteria determining need and include this information in the reports required under section 709 of this act.

(2) In developing their elementary grades prevention and intervention programs, districts shall, as appropriate, take into consideration the multicultural background and needs of students and, as necessary, provide appropriate multicultural curriculum materials.

(3) In developing their elementary grades prevention and intervention programs, districts shall emphasize the delivery of services using child intervention specialists as defined in section 702(1)(a) of this act. Districts are encouraged to have child intervention specialists as defined in section 702(1)(b) of this act deliver services in the district and under the supervision of a child intervention specialist as defined in section 702(1)(a) of this act under the district's prevention and intervention program.

(4) Nothing under sections 702 through 710 of this act shall preclude a district from incorporating a primary intervention program model as part of the district's fair start program.

NEW SECTION. Sec. 707. The superintendent shall develop specific measures to evaluate the success of the grant projects and the fair start program. The department of social and health services shall provide the superintendent with information the superintendent may use in developing measures to evaluate the fair start program and projects.

NEW SECTION. Sec. 708. (1) The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to implement sections 702 through 707 of this act.

(a) The rules shall permit districts to contract with governmental or nongovernmental organizations or community-based professional health care providers to provide elementary students with prevention and intervention services under the local fair start program.

(b) The rules shall permit school districts to provide prevention and intervention services through the local educational service district.

(c) The rules shall assure appropriate coordination between the superintendent and the department of social and health services regarding the primary intervention program and the fair start program.

(2) The secretary of the department of social and health services shall adopt rules as necessary under chapter 34.05 RCW to assure appropriate coordination between the secretary and the superintendent regarding the fair start program and the primary intervention program.

NEW SECTION. Sec. 709. (1) School districts and educational service districts shall submit annually to the superintendent of public instruction a report on their fair start programs. The reports shall include the criteria established to determine students' needs to provide prevention and intervention services on a priority basis.

(2) The superintendent shall submit biennially a report to the governor and the legislature on the fair start program established under section 703 of this act. The first report shall be submitted not later than December 1, 1992. The first report shall include information on districts' criteria establishing students' needs to receive prevention and intervention services on a priority basis. Subsequent reports shall be submitted not later than December 1 in even-numbered years.

NEW SECTION. Sec. 710. (1) The superintendent of public instruction shall collect and disseminate to school districts information on programs established or enhanced under the fair start program.

(2) Upon request, the superintendent shall provide information to districts regarding how other districts have used fair start funds locally and how other districts have established formal agreements for coordinated case management under section 705(4) of this act or otherwise coordinated services to children.

"PART VIII WORKPLACE SKILLS GRANT PROGRAM"

NEW SECTION. Sec. 801. (1) The legislature recognizes that students now and in the future will need to acquire certain skills to be better prepared to function in a rapidly changing society, including an ever changing workplace environment. As we continue to experience the fast-paced social evolution into an information and service-oriented age, individuals' abilities to assimilate information quickly and their capacity to adjust to new circumstances are rapidly becoming new fundamental skills.

(2) New technologies are being introduced into the education system but need to be introduced more quickly and equitably across the curriculum. At the same time,

teachers and students need to become familiar with the educational technologies and to learn how to use these technologies to enhance the educational experience.

(3) The legislature finds that providing for the integration of technology in education, providing resources to enhance vocational education programs, facilitating the integration of academics and vocational education, and encouraging innovative developments in the use of technology and vocational education will make students better prepared to meet the challenges of the twenty-first century.

NEW SECTION. Sec. 802. The voc ed works 2000 program is created. The program shall encourage the development of new and the improvement of existing vocational projects to help students learn the skills necessary to meet the challenges of an increasingly technological and ever-changing workplace. Goals of projects within the program shall include but not be limited to:

(1) Encouraging the integration between academic and vocational programs with the following specific items addressed:

(a) Revision of instructional strategies and materials used in vocational courses to establish higher academic standards and expectations for students;

(b) Development of a challenging multiyear program of study that combines academic and vocational elements designed both to prepare students for employment after high school and for further education;

(c) Access to rewarding and demanding vocational programs and academic courses for underachieving students and methods of providing needed extra assistance;

(d) Coordination among secondary and postsecondary vocational education programs;

(e) Coordination among vocational and academic administrators and teachers and school counselors, business, and labor, and representatives of postsecondary education to identify, specify, and develop methods to assess minimum levels of academic achievement and technical competencies;

(f) Providing assistance to students in selecting courses and choosing careers;

(g) Expanding efforts to assist students in finding employment or entering an institution of postsecondary education;

(h) Establishing performance indicators both to track and report annual progress;

(i) Providing information about the program throughout the state; and

(j) Identifying the professional development needed by teachers and administrators to assist in the integration of academic and vocational skills;

(2) Encouraging collaborative models among schools and school districts, educational service districts, interdistrict cooperatives, skills centers, public vocational technical institutes, community colleges, business, labor, and industry;

(3) Encouraging the development of workplace competencies and concepts that transcend particular occupational skills;

(4) Encouraging the effective administration of vocational programs; and

(5) Developing modifications in curriculum, instruction, and program delivery to address changing technology and changing students' needs.

NEW SECTION. Sec. 803. (1) The superintendent of public instruction, with the assistance of the state board of education and in consultation with the state board for vocational education and the state board for community college education, shall develop a process for public schools or school districts, educational service districts, interdistrict cooperatives, skills centers, public vocational technical institutes, and community colleges to participate in the voc ed works 2000 program.

(2) The superintendent of public instruction shall review and select projects for the grant awards, and monitor and evaluate programs operated by grant recipients.

(3) The superintendent of public instruction shall evaluate the program on a state-wide basis.

NEW SECTION. Sec. 804. The superintendent of public instruction, after reviewing project proposals, shall, subject to money being appropriated by the

legislature for this purpose, select not more than twenty-one projects during each biennium for the vocational works 2000 program. The projects should reflect a balance among rural and urban areas, geographical areas, and school characteristics and sizes. The projects may be awarded to a public high school, a school district containing one or more high schools, a skills center, an educational service district, an interdistrict cooperative, a public vocational technical institute, or a community college. An award to a community college shall be made only if the project involves a school or school district, educational service district, interdistrict cooperative, public vocational technical institute, or skills center. Applications from two or more school districts, educational service districts, combinations of school districts and community college districts through an agreement under RCW 28B.50.530, or any combination are encouraged.

NEW SECTION. Sec. 805. Initial applications to participate in the vocational works 2000 program shall be submitted to the office of the superintendent of public instruction not later than September 30, 1991, for implementation beginning December 30, 1991. Subject to available funding, additional applications may be submitted to the superintendent of public instruction for consideration by November 1st of subsequent years. Each application shall contain a proposed plan that:

- (1) Describes specific activities to be carried out as part of the project;
- (2) Provides for all parties to work cooperatively during the term of the project;
- (3) Includes provisions for certificated school staff providing instruction in vocational education programs, and classified school employees with primary roles in implementing and conducting the plan, to be employed on supplemental contracts with additional compensation for an average of ten additional days beyond the general state-funded school year allocations for each participating employee, and staff development time as provided by legislative appropriation. Notwithstanding the provisions of RCW 28A.400.200, district resources may be used to fund the employment of school district staff beyond the average of ten additional days for the purposes of the project;
- (4) Includes budget plans for the project and additional anticipated sources of funding, including private grants and contributions, if any;
- (5) Identifies the technical resources desired, the potential costs of those resources, and the institutions of higher education, businesses, industries, labor organizations, educational service districts, or consultants available to provide such resources;
- (6) Identifies the evaluation and accountability processes to be used to measure student, project, and staff performance;
- (7) Justifies each request for waiver of specific state statutes or administrative rules during at least the first two years of the program;
- (8) Includes a written statement that school directors and administrators and community college boards of trustees, if applicable, are willing to exempt the projects from specifically identified local rules, as needed;
- (9) Includes a written statement that the school directors and community college board of trustees and the local bargaining agents will modify those portions of their local agreements as applicable for the projects;
- (10) Includes a written statement that model curriculum programs developed under RCW 28A.300.110 have been considered, if applicable;
- (11) Includes written statements of support from the school district board of directors, the school district superintendent, and the principal and staff of the building requesting to become a project, and statements of support, willingness to participate, or concerns from any interested parent, business, or community organization; and
- (12) Includes written statements of support from the community college board of trustees and the community college president and staff of the community college requesting to become a project, if applicable.

NEW SECTION. Sec. 806. (1) The superintendent of public instruction shall administer sections 802 through 812 of this act and is authorized to award grant funding, subject to money being appropriated by the legislature for this purpose, for

projects selected by the superintendent of public instruction under section 804 of this act.

(2) The superintendent of public instruction shall distribute the initial award grants by December 1, 1991. The initial projects under the voc ed works 2000 program shall begin during the 1991-92 school year.

(3) The projects for the voc ed works 2000 program may be conducted for up to six years, if funds are so provided. Subject to approval by the superintendent of public instruction and continued state funding, projects initially funded for two years may be extended for a total period not to exceed six years. Future funding shall be conditioned on a positive evaluation of the project.

NEW SECTION. Sec. 807. (1) The superintendent of public instruction may accept, receive, and administer for the purposes of sections 802 through 812 of this act such gifts, grants, and contributions as may be provided from public and private sources for the purposes of sections 802 through 812 of this act.

(2) The voc ed works 2000 program account is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received under this section. Moneys in the account may be spent only for the purposes of sections 802 through 812 of this act. Disbursements from this account shall be on the authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

NEW SECTION. Sec. 808. (1) The superintendent of public instruction, where appropriate, or the state board of education, where appropriate, is authorized to grant waivers to project applicants from the provisions of statutes or administrative rules relating to: Graduation requirements under RCW 28A.230.090; student to teacher ratios; teacher contact hour requirements under RCW 28A.150.260; teacher certification requirements; program approval standards; the commingling of funds appropriated by the legislature for vocational education programs and basic education programs if not inconsistent with federal laws or regulations; and other administrative rules which in the opinion of the superintendent of public instruction or the state board of education may need to be waived to implement a project proposal.

(2) State rules dealing with public health, safety, and civil rights, including accessibility by the handicapped, shall not be waived.

(3) A school district may request the state board of education or superintendent of public instruction to ask the United States department of education, the United States department of labor, or other federal agencies to waive certain federal regulations necessary to implement the proposed project.

(4) The superintendent of public instruction and the state board of education shall work with the state board for community college education and the higher education coordinating board for the waiver of applicable college entrance requirements and for the establishment of course equivalency requirements for students participating in projects under sections 802 through 812 of this act.

(5) The superintendent of public instruction and the state board of education shall seek the waiver of any applicable provisions of the job skills program under RCW 28C.04.400 through 28C.04.480.

NEW SECTION. Sec. 809. The superintendent of public instruction shall ensure that successful applicants will be afforded resources and special support assistance, as specified in legislative appropriations, in undertaking activities for the voc ed works 2000 program. The superintendent of public instruction shall develop a process that coordinates and facilitates linkages among participating school districts, community colleges, business, labor, and industry. Staff from schools or school districts, public vocational technical institutes, educational service districts, skills centers, and community colleges selected to participate in the voc ed works 2000 program shall be given priority consideration for participation in state sponsored staff development

programs and summer institutes which are directly related to the goals of the selected projects.

NEW SECTION. Sec. 810. (1) The superintendent of public instruction may adopt rules under chapter 34.05 RCW as necessary to implement the superintendent's duties under sections 802 through 812 of this act.

(2) The state board of education may adopt rules under chapter 34.05 RCW as necessary to implement its duties under sections 802 through 812 of this act.

NEW SECTION. Sec. 811. (1) The superintendent of public instruction shall report to the legislature on the progress of the voc ed works 2000 program by January 15th of each odd-numbered year, including a recommendation on the number of additional projects that should be authorized and funded. The first report shall be submitted by January 15, 1993.

(2) Each applicant selected to participate in the voc ed works 2000 program shall submit an annual report to the superintendent of public instruction on the progress of the project as a condition of receipt of continued funding.

NEW SECTION. Sec. 812. The superintendent of public instruction, through the state clearinghouse for education information, shall collect and disseminate to all school districts and other interested parties information about the voc ed works 2000 program.

NEW SECTION. Sec. 813. A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board shall review the entrance requirements for the state institutions of higher education and shall work with the boards of trustees and the boards of regents of the state universities, the regional universities, and The Evergreen State College and the superintendent of public instruction and the state board of education regarding waiving certain entrance requirements or developing course equivalencies for students enrolled in a program under sections 802 through 812 of this act.

NEW SECTION. Sec. 814. A new section is added to chapter 28B.50 RCW to read as follows:

The state board for community college education may adopt rules under chapter 34.05 RCW as necessary to implement the board's duties under sections 802 through 812 of this act.

NEW SECTION. Sec. 815. A new section is added to chapter 28A.150 RCW to read as follows:

The superintendent of public instruction shall adopt rules that establish general program approval standards for determining the terms and conditions under which school districts are eligible to receive state funds for secondary vocational education. The standards shall include a provision regarding the use of extended or supplemental contracts for certificated vocational education instructors in vocational fields and provide assistance to districts in determining when to offer such contracts.

NEW SECTION. Sec. 816. (1) Each school district, skills center, educational service district, interdistrict cooperative, or public vocational technical institute receiving state funds for vocational programs shall consult with a local advisory council on vocational education. The district may create a council or may use an existing entity that meets the requirements of this section and sections 817 and 818 of this act. Joint councils may be established.

(2) The councils shall be composed of members who are representative of the population found in the area that the council serves. The council shall be composed of representatives of the general public including at a minimum representatives of business, industry, labor, and spokespersons for persons with disabilities.

NEW SECTION. Sec. 817. The local advisory council shall provide advice and assistance to the school district, skills center, educational service district, interdistrict cooperative, or public vocational technical institute on:

(1) Selecting equipment and instructional materials and establishing specifications for training areas. The council shall suggest ways to provide for the efficient and effective use of equipment and insure maximum use of the equipment;

(2) Determining training needs;

(3) Determining content and length of courses;

(4) Determining current and future employment opportunities and requirements;

(5) Making recommendations to help provide for experienced and knowledgeable instructors; and

(6) Providing support for the entire vocational education program.

NEW SECTION. Sec. 818. A school district shall only be eligible to receive funds to upgrade or to acquire equipment for vocational education programs if the district in consultation with the local advisory council has developed a vocational education program improvement component within their plan. The improvement component shall describe: Methods for strengthening vocational education; business and industry partnerships; the potential to aid local economic development; staff training; the need for extended or supplemental contracts for specific certificated instructional staff in vocational programs; job placement; consistency with the state plan for vocational education; and the basic skills and core competencies required for successful employment. In developing the plan, coordination with community colleges, business and industry, and other school districts, educational service districts, interdistrict cooperatives, skills centers, and public vocational technical institutes shall be considered. The plan shall be revised at least once every two years.

NEW SECTION. Sec. 819. The entity in the state of Washington qualifying as the entity for the receipt of federal funds shall, with available funds, provide technical assistance to local vocational education advisory committees.

NEW SECTION. Sec. 820. Each vocational agriculture education service area shall encourage greater student and teacher knowledge of environmentally sensitive and low-input agricultural and landscaping practices, water conservation, and agricultural worker protections.

NEW SECTION. Sec. 821. A new section is added to chapter 28B.10 RCW to read as follows:

In developing admission standards, each four-year institution of higher education shall recognize the relevance of vocational education courses and the competencies taught in such courses and shall make every effort to designate applicable vocational education courses as course equivalencies.

Sec. 822. RCW 28B.80.350 and 1988 c 172 s 4 are each amended to read as follows:

The board shall coordinate educational activities among all segments of higher education taking into account the educational programs, facilities, and other resources of both public and independent two and four-year colleges and universities. The four-year institutions and the state board for community college education shall coordinate information and activities with the board. The board shall have the following additional responsibilities:

(1) Promote interinstitutional cooperation;

(2) Establish minimum admission standards for four-year institutions, including a requirement that coursework in sign language shall satisfy any foreign language requirement the board or the institutions may establish as a general undergraduate admissions requirement. The standards shall include recognition of the relevance of vocational education courses and the competencies taught in such courses and the use of vocational education courses having academic equivalencies to meet admission requirements to four-year institutions;

(3) Establish transfer policies;

(4) Adopt rules implementing statutory residency requirements;

(5) Develop and administer reciprocity agreements with bordering states and the province of British Columbia;

(6) Review and recommend compensation practices and levels for administrative employees, exempt under chapter 28B.16 RCW, and faculty using comparative data from peer institutions;

(7) Monitor higher education activities for compliance with all relevant state policies for higher education;

(8) Arbitrate disputes between and among four-year institutions or between and among four-year institutions and community colleges at the request of one or more of the institutions involved, or at the request of the governor, or from a resolution adopted by the legislature. The decision of the board shall be binding on the participants in the dispute;

(9) Establish and implement a state system for collecting, analyzing, and distributing information;

(10) Recommend to the governor and the legislature ways to remove any economic incentives to use off-campus program funds for on-campus activities; and

(11) Make recommendations to increase minority participation, and monitor and report on the progress of minority participation in higher education.

NEW SECTION. Sec. 823. By November 1, 1992, the higher education coordinating board shall develop recommendations for eliminating or modifying university and college entrance requirements that inhibit schools from adopting strategies that are designed to ensure that students achieve the essential knowledge, skills, and attitudes.

Sec. 824. RCW 28A.230.100 and 1990 c 33 s 239 are each amended to read as follows:

The state board of education shall adopt rules pursuant to chapter 34.05 RCW, to implement the course requirements set forth ~~((in))~~ pursuant to RCW 28A.230.090. Such rules shall include, as the state board deems necessary, granting equivalencies for and temporary exemptions from the course requirements ~~((in RCW 28A.230.090 and special alterations of the course requirements in RCW 28A.230.090))~~ established. In developing such rules the state board shall recognize the relevance of instruction in work force skills through vocational education and applied courses and allow such courses to fulfill in whole or in part the courses required for graduation ~~((in RCW 28A.230.090))~~. Such rules may include provisions for competency testing in lieu of such courses required for graduation ~~((in))~~ pursuant to RCW 28A.230.090.

NEW SECTION. Sec. 825. The legislature finds that the needs of the work force and the economy necessitate enhanced vocational education opportunities in secondary education including curriculum which integrates vocational and academic education. In order for the state's work force to be competitive in the world market, employees need competencies in both vocational and technical skills and in essential subject areas such as English, math, science, technology, geography, history, and critical thinking. Curriculum which integrates vocational and academic education reflects that many students learn best through applied learning, and that students should be offered flexible education opportunities which prepare them for both the world of work and for higher education.

NEW SECTION. Sec. 826. A new section is added to chapter 28A.300 RCW to read as follows:

The superintendent of public instruction shall develop a model curriculum integrating vocational and academic education at the secondary level. The curriculum shall integrate vocational education for gainful employment with education in the academic subjects of English, math, science, technology, geography, and history, and with education in critical thinking. Upon completion, the model curriculum shall be provided for consideration and use by school districts.

NEW SECTION. **Sec. 827.** A new section is added to chapter 28A.320 RCW to read as follows:

School districts receiving funds for any of the programs under sections 802 through 821 of this act or RCW 28B.80.350, or for improvements in vocational equipment and the nonemployee-related costs associated with that equipment or for increasing the number of teachers to students in approved secondary vocational programs shall be required to match the funds at fifty percent. The district match may consist of funds under section 1101 of this act.

"PART IX
URBAN SCHOOLS GRANTS"

NEW SECTION. **Sec. 901.** The superintendent of public instruction shall establish and administer an urban schools grant program to provide eligible school districts an opportunity to apply for state funds that are separate from and in addition to the state funds allocated for the state's basic program of education.

NEW SECTION. **Sec. 902.** (1) The Seattle, Tacoma, Spokane, Yakima, and Pasco school districts are eligible to apply for an urban schools grant under section 901 of this act.

(2) Districts accepting urban schools grant funds shall be required to match the state funds at fifty percent. The district match may consist of funds under section 1101 of this act.

NEW SECTION. **Sec. 903.** The eligible school districts interested in applying for funds under the urban schools grant program shall submit a grant application to the superintendent of public instruction. Grant applications shall include the following:

(1) Documentation that the district board of directors has held at least one public hearing regarding the proposed use of the grant funds. The public hearing and other public hearings held by the district may be held as part of the public hearings required pursuant to chapter 28A.505 RCW;

(2) Identified budgeted expenditures for the grant funds. The expenditure plan may be included as part of the district's annual budget required under chapter 28A.505 RCW;

(3) Documentation that the development of the expenditure plan, prior to the first public hearing, involved teachers, school and district administrators, educational staff associates and classified personnel, parents, students, and members of the community at-large;

(4) A description of the services, programs, or activities that will be funded, in whole or in part, by the grant funds;

(5) A description of the methods and procedures to be used to evaluate the effectiveness of the services, programs, or activities supported by the grant funds; and

(6) Other information as requested by the superintendent of public instruction.

NEW SECTION. **Sec. 904.** Grant funds shall be used for purposes identified by the school district in compliance with section 903 of this act. New or existing programs enhanced by funds received under the urban schools grant program shall not become a part of the state's basic program of education obligation as set forth under Article IX of the state Constitution.

NEW SECTION. **Sec. 905.** (1) Each school district receiving funds under the urban schools grant program established under section 901 of this act shall submit biennially to the superintendent of public instruction a report on the district's use of the grant funds and other information required by the superintendent of public instruction. The superintendent of public instruction shall establish the date for submittal of reports.

(2) The superintendent of public instruction shall submit biennially to the legislature a report on the urban schools grant program. The first report shall be submitted not later than December 1, 1992.

NEW SECTION. Sec. 906. The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to implement the provisions of sections 901 through 905 of this act.

"PART X
SMALL SCHOOLS GRANTS"

NEW SECTION. Sec. 1001. (1) The superintendent of public instruction shall establish and administer a small schools grant program to assist eligible school districts in meeting special needs of the districts.

(2) Funds appropriated by the legislature for the purposes of the small schools grant program and new or existing programs enhanced by funds received under the small schools grant program shall not become a part of the state's basic program of education obligation as set forth under Article IX of the state Constitution.

(3) School districts shall be eligible to apply for additional state funds under the small schools grant program if the school district meets the criteria under section 1002 of this act.

(4) Districts accepting small schools grant funds shall be required to match the state funds at fifty percent. The district match may consist of funds under section 1101 of this act.

NEW SECTION. Sec. 1002. (1) A school district of the second class under RCW 28A.315.230 may apply for funds under the small schools grant program established under section 1001 of this act, to help meet the special needs of the district, if the school district meets all of the criteria in this section:

(a) The median household income is at least twenty percent below the state average;

(b) The number of families receiving aid to families with dependent children exceeds the state-wide average by twenty percent or more;

(c) The number of persons unemployed exceeds the state-wide average by twenty percent;

(d) The assessed valuation of property for excess levy purposes would require a levy rate of more than two dollars per one thousand dollars of valuation to raise a ten percent levy;

(e) The district does not receive federal impact aid in excess of the maximum amount the district would be eligible to raise with a ten percent levy; and

(f) The district does not receive federal forest moneys in excess of their basic education allocation.

(2) If a second class school district is a joint district under RCW 28A.315.350, the criteria under subsection (1) of this section shall be applied based upon the county which comes closest to meeting the criteria under subsection (1) of this section.

NEW SECTION. Sec. 1003. Eligible school districts interested in applying for funds under the grant program established under section 1001 of this act shall submit a grant application to the superintendent of public instruction. Grant applications shall include the following:

(1) Documentation that the district board of directors has held at least one public hearing regarding the proposed use of the grant funds. The public hearing and other public hearings held by the district may be held as part of the public hearings required pursuant to chapter 28A.505 RCW;

(2) Identified budgeted expenditures for the grant funds. The expenditure plan may be included as part of the district's annual budget required under chapter 28A.505 RCW;

(3) Documentation that the development of the expenditure plan prior to the first public hearing involved teachers, school and district administrators, educational staff associates and classified personnel, parents, students, and members of the community at-large;

(4) A description of the services, programs, or activities that will be funded in whole or in part by the grant funds; and

(5) A description of the methods and procedures to be used to evaluate the effectiveness of the services, programs, or activities supported by the grant funds.

NEW SECTION. Sec. 1004. (1) Each school district receiving funds under the grant program established under section 1001 of this act shall submit biennially to the superintendent of public instruction a report on the district's use of the grant funds. The report shall include an assessment of the effectiveness of the services, programs, or activities supported by the grant funds and other information required by the superintendent of public instruction.

(2) The superintendent of public instruction shall establish the date for submittal of reports. The superintendent of public instruction shall work with the eligible districts in developing reporting requirements that do not create excessive paperwork but which provide information necessary for the legislature to evaluate the impact of the grant program on the educational programs of the eligible school districts.

(3) The superintendent of public instruction shall submit biennially to the legislature a report on the grant program established under section 1001 of this act. The first report shall be submitted not later than December 1, 1992.

NEW SECTION. Sec. 1005. The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to implement sections 1001 through 1004 of this act.

"PART XI FUNDING MATCHING REQUIREMENTS"

NEW SECTION. Sec. 1101. A new section is added to chapter 28A.320 RCW to read as follows:

Districts or schools may use the following fund sources to meet the fifty percent funding matching requirements for sections 402 through 414 of this act, sections 604 through 608 of this act, sections 702 through 710 of this act, sections 802 through 821 of this act, sections 901 through 906 of this act, and sections 1001 through 1005 of this act:

- (1) Local education program enhancement funds appropriated by the legislature;
- (2) The district's regular levy;
- (3) Municipal funds;
- (4) Other nonstate funds; or
- (5) Any combination of (1) through (4) of this subsection.

"PART XII COLLECTIVE BARGAINING"

Sec. 1201. RCW 41.59.020 and 1989 c 11 s 11 are each amended to read as follows:

As used in this chapter:

(1) The term "employee organization" means any organization, union, association, agency, committee, council, or group of any kind in which employees participate, and which exists for the purpose, in whole or in part, of collective bargaining with employers.

(2) The term "collective bargaining" or "bargaining" means the performance of the mutual obligation of the representatives of the employer and the exclusive

bargaining representative to meet at reasonable times in light of the time limitations of the budget-making process, and to bargain in good faith in an effort to reach agreement with respect to the wages, hours, and terms and conditions of employment: PROVIDED, That prior law, practice or interpretation shall be neither restrictive, expansive, nor determinative with respect to the scope of bargaining. A written contract incorporating any agreements reached shall be executed if requested by either party. The obligation to bargain does not compel either party to agree to a proposal or to make a concession.

In the event of a dispute between an employer and an exclusive bargaining representative over the matters that are terms and conditions of employment, the commission shall decide which item(s) are mandatory subjects for bargaining and which item(s) are nonmandatory. The following shall not be a subject of collective bargaining: (a) The school district's policy assuring parental access to the classroom under RCW 28A.605.020; (b) performance pay plans adopted under sections 604 through 608 of this 1991 act; and (c) the schedule of days for students to attend school, as established by the school district board of directors under RCW 28A.150.040.

(3) The term "commission" means the public employment relations commission established by RCW 41.58.010.

(4) The terms "employee" and "educational employee" means any certificated employee of a school district, except:

(a) The chief executive officer of the employer.

(b) The chief administrative officers of the employer, which shall mean the superintendent of the district, deputy superintendents, administrative assistants to the superintendent, assistant superintendents, and business manager. Title variation from all positions enumerated in this subsection (b) may be appealed to the commission for determination of inclusion in, or exclusion from, the term "educational employee".

(c) Confidential employees, which shall mean:

(i) Any person who participates directly on behalf of an employer in the formulation of labor relations policy, the preparation for or conduct of collective bargaining, or the administration of collective bargaining agreements, except that the role of such person is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment; and

(ii) Any person who assists and acts in a confidential capacity to such person.

(d) Unless included within a bargaining unit pursuant to RCW 41.59.080, any supervisor, which means any employee having authority, in the interest of an employer, to hire, assign, promote, transfer, layoff, recall, suspend, discipline, or discharge other employees, or to adjust their grievances, or to recommend effectively such action, if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment, and shall not include any persons solely by reason of their membership on a faculty tenure or other governance committee or body. The term "supervisor" shall include only those employees who perform a preponderance of the above-specified acts of authority.

(e) Unless included within a bargaining unit pursuant to RCW 41.59.080, principals and assistant principals in school districts.

(5) The term "employer" means any school district.

(6) The term "exclusive bargaining representative" means any employee organization which has:

(a) Been selected or designated pursuant to the provisions of this chapter as the representative of the employees in an appropriate collective bargaining unit; or

(b) Prior to January 1, 1976, been recognized under a predecessor statute as the representative of the employees in an appropriate collective bargaining or negotiations unit.

(7) The term "person" means one or more individuals, organizations, unions, associations, partnerships, corporations, boards, committees, commissions, agencies, or other entities, or their representatives.

(8) The term "nonsupervisory employee" means all educational employees other than principals, assistant principals and supervisors.

Sec. 1202. RCW 41.56.030 and 1989 c 275 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter as designated by RCW 41.56.020, or any subdivision of such public body. For the purposes of this section, the public employer of district court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (d) who is a personal assistant to a district judge or court commissioner. For the purpose of (d) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter. In the case of the Washington state patrol, "collective bargaining" shall not include wages and wage-related matters. In the case of employees of school districts, "collective bargaining" does not include:

(a) The schedule of days for students to attend school, as established by the school district board of directors under RCW 28A.150.040; (b) the school district's policy assuring parental access to the classroom under RCW 28A.605.020; or (c) performance pay plans adopted under sections 604 through 608 of this 1991 act.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Uniformed personnel" means (a) law enforcement officers as defined in RCW 41.26.030 as now or hereafter amended, of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of any county of the second class or larger, or (b) fire fighters as that term is defined in RCW 41.26.030, as now or hereafter amended.

NEW SECTION. Sec. 1301. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction shall establish a program to provide school districts, from appropriated funds, local education program enhancement funds.

(2) A school district shall be eligible to receive an allocation from appropriated funds if the school district's board of directors has:

(a) Assessed the needs of the schools within the district;

(b) Prioritized the identified needs; and

(c) Developed an expenditure plan for the allocation and an evaluation methodology to assess benefits to students.

(3) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs identified by the district within the following program areas:

(a) Prevention and intervention services in the elementary grades;

(b) Reduction of class size;

(c) Early childhood education;

(d) Student-at-risk programs, including dropout prevention and retrieval, and substance abuse awareness and prevention;

(e) Staff development and in-service programs;

(f) Student logical reasoning and analytical skill development;

(g) Programs for highly capable students;

(h) Programs involving students in community services;

(i) Senior citizen volunteer programs;

(j) Those sections under this act requiring a match of local funds to state funds; and

(k) Other purposes that enhance a school district's basic education program.

(4) Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(5)(a) Allocations to eligible school districts shall be calculated on the basis of average annual full time equivalent enrollment. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be determined as follows:

(i) Enrollment of not more than sixty average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;

(ii) Enrollment of not more than twenty average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and

(iii) Enrollment of sixty or fewer average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.

(b) Allocations shall be distributed on a school-year basis pursuant to RCW 28A.510.250.

"PART XIV MISCELLANEOUS"

NEW SECTION. Sec. 1401. This act may be known and cited as the bringing education home act.

NEW SECTION. Sec. 1402. Part headings used in this act do not constitute part of the law.

NEW SECTION. Sec. 1403. Sections 201 through 204 of this act are each added to chapter 28A.240 RCW.

NEW SECTION. Sec. 1404. Sections 402 through 414 of this act are each added to chapter 28A.630 RCW.

NEW SECTION. Sec. 1405. Sections 604 through 608 of this act are each added to chapter 28A.400 RCW.

NEW SECTION. Sec. 1406. Sections 609 through 611 of this act are each added to chapter 28A.410 RCW.

NEW SECTION. Sec. 1407. Sections 702 through 710 of this act are each added to chapter 28A.600 RCW.

NEW SECTION. Sec. 1408. Sections 802 through 812, 901 through 906, and 1001 through 1005 of this act are each added to chapter 28A.630 RCW.

NEW SECTION. Sec. 1409. Sections 816 through 820 of this act shall constitute a new chapter in Title 28C RCW.

NEW SECTION. Sec. 1410. Section 105 of this act shall take effect September 1, 1992.

NEW SECTION. Sec. 1411. Section 504 of this act shall take effect October 1, 1997.

NEW SECTION. Sec. 1412. Sections 301, 302, 401 through 414, 501 through 503, 601 through 603, 701 through 710, 802 through 822, 901 through 905, 1001 through 1005, 1201, and 1202 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 1413. Sections 401 through 414 of this act shall expire December 31, 1998.

NEW SECTION. Sec. 1414. Sections 601 through 603 of this act shall expire December 31, 1991.

NEW SECTION. Sec. 1415. If specific funding for the purposes of sections 401 through 414 of this act, referencing this act by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 401 through 414 of this act shall be null and void.

NEW SECTION. Sec. 1416. If specific funding for the purposes of sections 601 through 603 of this act, referencing this act by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 601 through 603 of this act shall be null and void.

NEW SECTION. Sec. 1417. If specific funding for the purposes of sections 604 through 608 of this act, referencing this act by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 604 through 608 of this act shall be null and void.

NEW SECTION. Sec. 1418. If specific funding for the purposes of sections 701 through 710 of this act, referencing this act by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 701 through 710 of this act shall be null and void.

NEW SECTION. Sec. 1419. If specific funding for the purposes of sections 801 through 821 of this act, referencing this act by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 801 through 821 of this act shall be null and void.

NEW SECTION. Sec. 1420. If specific funding for the purposes of sections 901 through 906 of this act, referencing this act by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 901 through 906 of this act shall be null and void.

NEW SECTION. Sec. 1421. If specific funding for the purposes of sections 1001 through 1005 of this act, referencing this act by bill and section numbers, is not

provided by June 30, 1991, in the omnibus appropriations act, sections 1001 through 1005 of this act shall be null and void.

NEW SECTION. Sec. 1422. If specific funding for the purposes of section 1301 of this act, referencing this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 1301 of this act shall be null and void.

NEW SECTION. Sec. 1423. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On motion of Senator McCaslin, the following amendment by Senators McCaslin, Bailey, Talmadge and Rinehart to the Committee on Education striking amendment was adopted:

On page 77, after line 8, insert the following:

Sec. 1403. RCW 84.52.053 and 1987 1st ex.s. c 2 s 103 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and 84.52.043 shall not prevent the levy of additional taxes by school districts, when authorized so to do by the electors of such school district in the manner and for the purposes and number of years allowable under Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 79 and as thereafter amended, at a special or general election to be held in the year in which the levy is made or, in the case of a one-year levy for the purpose of school nurse programs in an amount that does not exceed the sum necessary to provide one school nurse for every two thousand full-time equivalent students in the district which sum shall not be used to determine the levy limitations under RCW 84.52.0531, or in the case of a proposition authorizing two-year levies for maintenance and operation support of a school district or authorizing two-year through six-year levies to support the construction, modernization, or remodeling of school facilities, or both, at a special or general election to be held in the year in which the first annual levy is made: PROVIDED, That once additional tax levies have been authorized for maintenance and operation support of a school district for a two year period, no further additional tax levies for maintenance and operation support of the district for that period may be authorized.

A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no".

Sec. 1404. RCW 84.52.0531 and 1990 c 33 s 601 are each amended to read as follows:

Except as provided for in RCW 84.52.053 for one-year levies for school nurse programs, the maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For the purpose of this section, the basic education allocation shall be determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350: PROVIDED, That when determining the basic education allocation under subsection (4) of this section, nonresident full time equivalent pupils who are participating in a program provided for in chapter 28A.545 RCW or in any other program pursuant to an interdistrict agreement shall be included in the enrollment of the resident district and excluded from the enrollment of the serving district.

(2) For the purposes of subsection (5) of this section, a base year levy percentage shall be established. The base year levy percentage shall be equal to the greater of:

(a) The district's actual levy percentage for calendar year 1985, (b) the average levy percentage for all school district levies in the state in calendar year 1985, or (c) the average levy percentage for all school district levies in the educational service district of the district in calendar year 1985.

(3) For excess levies for collection in calendar year 1988 and thereafter, the maximum dollar amount shall be the total of:

(a) The district's levy base as defined in subsection (4) of this section multiplied by the district's maximum levy percentage as defined in subsections (5) and (6) of this section; plus

(b) In the case of nonhigh school districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A.545 RCW for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection (1) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.545 RCW in such computation; less

(c) The maximum amount of state matching funds under RCW 28A.500.010 for which the district is eligible in that tax collection year.

(4) For excess levies for collection in calendar year 1988 and thereafter, a district's levy base shall be the sum of the following allocations received by the district for the prior school year, including allocations for compensation increases, adjusted by the percent increase per full time equivalent student in the state basic education appropriation between the prior school year and the current school year:

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Handicapped education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) State-wide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(5) For levies to be collected in calendar year 1988, a district's maximum levy percentage shall be determined as follows:

(a) Multiply the district's base year levy percentage as defined in subsection (2) of this section by the district's levy base as determined in subsection (4) of this section;

(b) Reduce the amount in (a) of this subsection by the total estimated amount of any levy reduction funds as defined in subsection (7) of this section which are to be allocated to the district for the 1987-88 school year;

(c) Divide the amount in (b) of this subsection by the district's levy base to compute a new percentage; and

(d) The percentage in (c) of this subsection or twenty percent, whichever is greater, shall be the district's maximum levy percentage for levies collected in calendar year 1988.

(6) For excess levies for collection in calendar year 1989 and thereafter, a district's maximum levy percentage shall be determined as follows:

(a) Multiply the district's maximum levy percentage for the prior year or thirty percent, whichever is less, by the district's levy base as determined in subsection (4) of this section;

(b) Reduce the amount in (a) of this subsection by the total estimated amount of any levy reduction funds as defined in subsection (7) of this section which are to be allocated to the district for the current school year;

(c) Divide the amount in (b) of this subsection by the district's levy base to compute a new percentage; and

(d) The percentage in (c) of this subsection or twenty percent, whichever is greater, shall be the district's maximum levy percentage for levies collected in that calendar year.

(7) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsection (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(8) For the purposes of this section, "prior school year" shall mean the most recent school year completed prior to the year in which the levies are to be collected.

(9) For the purposes of this section, "current school year" shall mean the year immediately following the prior school year.

(10) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

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

MOTION

Senator Rinehart moved that the following amendment by Senators Rinehart, Murray, Pelz, Skratek, Snyder, Bauer, Moore, McMullen, Stratton, Vognild, Niemi, Williams, Conner, Jesernig, Hansen, M. Kreidler, A. Smith, Wojahn, Madsen, Sutherland, Gaspard, Rasmussen and Owen to the Committee on Education amendment be adopted:

On page 1, after line 6 of the amendment, strike the remainder of the amendment and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Academic achievement of Washington students can and should be improved;

(b) Student success, in large part, depends on parents' involvement, both at home and at school, in the education of their child;

(c) Many school districts across the state are engaged in efforts to reevaluate and restructure their local education programs;

(d) State support can help sustain and accelerate the momentum of educational restructuring initiatives.

(2) The legislature recognizes that the public education system, as the foundation of our society, faces critical issues that reflect the public's increasing concern regarding the effectiveness and accountability of our public schools. The legislature finds that these issues can be addressed by providing funding support for initiatives to restructure schools, meet the special needs of students, and enhance vocational education.

"PART I
SCHOOL BOARD POWERS"

NEW SECTION. Sec. 101. A new section is added to chapter 28A.320 RCW to read as follows:

The board of directors of each school district may exercise the following powers:

- (1) Such powers as expressly authorized by law;
- (2) Such powers as are necessary or fairly implied in powers expressly authorized by law; and
- (3) The additional broad discretionary power to determine and adopt written policies and rules not in conflict with other law that provide for the development and implementation of programs, activities, services, or practices that the board determines will:

- (a) Benefit the education of citizens; or
- (b) Promote the effective, efficient, or safe maintenance and operation of school district programs, activities, services, or practices.

The adoption of any such policy or rule shall be preceded by notice in accordance with the open public meeting law of chapter 42.30 RCW which furthermore sets forth or reasonably describes the proposed policy or regulation, plus a reasonable opportunity for public written and oral comment and consideration of the comment by the board of directors.

NEW SECTION. Sec. 102. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction shall adopt rules clearly allowing districts to blend funds for the basic education, learning assistance, special education, and transitional bilingual education programs to the maximum extent possible for the continued receipt of federal funds.

(2) The superintendent of public instruction may create a new program code in the accounting manual for public school districts to track revenues and expenditures under subsection (1) of this section.

"PART II
PLANNING AND IMPLEMENTATION GRANTS FOR RESTRUCTURING"

NEW SECTION. Sec. 201. (1) The legislature believes that attaining the state vision for excellence in education under Senate Concurrent Resolution No. 8400 will require new state-supported opportunities for schools to implement strategies to improve student learning and skills. It is the intent of the legislature to provide additional support to schools or school districts to:

(a) Encourage students, parents, teachers, principals, classified school staff, school district personnel, the school board, and other citizens to become more active partners in the learning community of their school or district;

(b) Encourage schools or districts to select and compete against goals and educational outcomes tailored to their own learning community; and

(c) Foster improvements in instruction, curriculum, and assessment.

(2) It is the further intent of the legislature that what is learned from local projects under the reach for excellence grant program established under section 203 of this act shall be considered as a basis for the development of new goals, standards, and assessments for the state education system.

(3) The reach for excellence grant program shall be:

(a) Responsive to local educational concerns and desires;

(b) Educational, focusing on improving student learning and skills and encouraging the development of new measures to assess student performance;

(c) Accountable, so that projects earn reach achievement awards linked directly to progress made toward identified educational outcomes;

(d) Collaborative, with projects reflecting a partnership between students, parents, teachers, principals, and others; and

(e) Home-based, tailored to the needs of each participating school.

NEW SECTION. Sec. 202. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 203 through 214 of this act.

(1) "Educational outcomes" and "target educational outcomes" mean expected levels of student performance and achievement, including student learning objectives required under RCW 28A.320.210.

(2) "Indicators" means institutional factors that may bear a relationship to student learning and can be used to help assess students' progress toward identified educational outcomes.

(3) "Context indicators" means variables that characterize the setting in which educational programs are delivered and generally are items over which schools have little control.

(4) "Process indicators" means variables that characterize how educational programs are delivered and generally are items over which schools have some control.

(5) "Grant" means state funds provided to a district with a selected reach for excellence project for use in the planning and initial implementation of the project.

(6) "Award" or "reach achievement award" means state funds provided to a reach project for progress made toward target educational outcomes.

(7) "Superintendent" means the superintendent of public instruction.

NEW SECTION. Sec. 203. (1) From funds appropriated by the legislature, the state board of education shall establish the reach for excellence grant program to assist schools and school districts in local efforts to improve student learning and skills. Participation in the program shall be voluntary.

(2) The state board of education shall be responsible for final decisions regarding selection and funding levels of projects and for the manner in which reach achievement awards shall be distributed. Reach projects may be conducted for up to six years subject to funding and annual approval by the state board. No project may receive continued funding for additional planning or reach achievement awards without approval from the state board. The state board shall use the benchmark data for the target educational outcomes required under section 206(2)(f) of this act in annually assessing the progress made toward the target educational outcomes to determine project eligibility for annual reach achievement awards. In evaluating projects to determine their continuation the state board shall emphasize giving projects maximum flexibility and time to be successful.

(3) The superintendent shall be responsible for administration of the reach for excellence program once projects and funding levels have been determined by the state board.

(4) The state board shall establish a working committee to assist it with:

(a) The development of any additional grant application criteria;

(b) Selecting reach applicants for grant awards;

(c) Determining the manner in which reach achievement awards will be distributed; and

(d) Monitoring the development and use of measures of assessing student performance in addition to standardized tests, as required under section 206 of this act.

NEW SECTION. Sec. 204. (1) The superintendent shall assure that the sum total of all funds allocated for planning grants and for reach achievement awards does not exceed the amount appropriated by the legislature for the reach for excellence grant program.

(2) The superintendent shall award funds appropriated for the reach for excellence grant program to the selected projects as follows. The initial grant shall be awarded to projects for planning activities relating to implementation of the local reach project and for initial implementation of the project. Planning and initial implementation grants shall be for the 1991-92 and 1992-93 school years. These grants may be used for the following purposes:

- (a) Planning;
- (b) Staff development and training;
- (c) Purchase of instructional materials, supplies, and resources;
- (d) Development of new measures to assess student performance; and
- (e) Initial implementation of the reach project.

(3)(a) Commencing with the end of the 1993-94 school year, and each school year thereafter, projects receiving initial reach grants shall be evaluated by the state board to determine their eligibility for reach achievement awards as determined under section 203(3) of this act.

(b) School staff shall have the final authority to determine how the reach achievement awards will be used and, if applicable to the project, how much each staff member shall receive.

(4) Reach achievement awards may be used for the following purposes:

- (a) Any of the purposes authorized under subsection (2) of this section;
- (b) Stipends or salary and compensation increases for certificated or classified staff under RCW 28A.400.200(4). Nothing in sections 202 through 214 of this act precludes the use of reach achievement awards for providing stipends or salary and compensation increases through a compensation model characterized by differentiated levels of employment classification for certificated staff and differentiated responsibilities for each level of employment classification; or

(c) Any combination of (a) and (b) of this subsection.

(5) A site-based council may use planning grant funds under subsection (2) of this section for planning, staff and community development and training, and materials and supplies: PROVIDED, That these activities are related directly to the reach project.

NEW SECTION. Sec. 205. Use of reach achievement awards for the purpose of section 204(4)(b) of this act is not an increase in salary or compensation for the purposes of RCW 28A.400.200, nor may such compensation be applied to the district's salary schedule or be provided in a manner that would increase the state's basic education funding obligation.

NEW SECTION. Sec. 206. (1) Schools or school districts interested in implementing or enhancing existing local projects for educational excellence shall submit a grant application to the state board of education. All applications shall be submitted by the district's board of directors. If possible, applicants should develop their reach projects as part of the self-study process under RCW 28A.320.200, or otherwise link the proposed reach project to the self-study results of the school or district.

(2) Grant applications shall include:

(a) Documentation that at least one public hearing was held on the proposed reach project or projects. The public hearing required under this subsection, and other public hearings as may be held, may be conducted as part of the public hearings required under chapter 28A.505 RCW;

(b) Documentation that all parties are committed to work cooperatively during the term of the project;

(c) A statement indicating how the proposed reach project supports the state vision for excellence in education endorsed under Senate Concurrent Resolution No. 8400;

(d) A description of how the reach for excellence grant program funds will be expended. The expenditure plan may be included as part of the district's annual budget required under chapter 28A.505 RCW;

(e) Target educational outcomes for the selected basic academic, workplace, and life and family skills under section 207 (1) through (3) of this act. Student learning objectives required under RCW 28A.320.210 may be used for target educational outcomes if applicable for the purposes of the reach project;

(f) Benchmark data for the target educational outcomes identified for the selected skills under section 207 (1) through (3) of this act;

(g) Benchmark data for context and process indicators as provided under section 208 of this act;

(h) Identification of the evaluation and accountability procedures and activities, including potential use of context and process indicators, that may be used to: (i) Assess progress toward the target educational outcomes; (ii) evaluate additional educational benefits received by students, building staff, and parents from implementation of the reach project; and (iii) assess the overall effectiveness of the project. Applicants may use evaluation and accountability procedures and activities established under the state self-study program under RCW 28A.320.200. Applicants shall identify at least one measure of assessing student performance other than standardized testing that will be developed or used as part of the reach project. Applicants are encouraged to seek information from state higher education institutions regarding potential alternatives to standardized testing;

(i) A written statement that school directors and administrators are willing to exempt the reach project or projects from specifically identified local rules, as needed;

(j) A written statement that the school directors and the local bargaining agents will modify those portions of their local agreements as applicable for the reach project or projects;

(k) Written statements of support from the district's board of directors, the district superintendent, and the principal and staff of the school or schools requesting to implement a reach project, and statements of support, willingness to participate, or concerns from any interested persons or organizations; and

(l) Other information as may be determined necessary by the state board of education.

NEW SECTION. Sec. 207. (1) Grant applications under section 206 of this act shall include target educational outcomes for at least three of the following basic academic skill areas:

(a) Reading and writing of the English language;

(b) Speaking and listening;

(c) Observing and questioning;

(d) Studying;

(e) Reasoning and problem solving;

(f) Mathematics; and

(g) Computer competency.

(2) Grant applications under section 206 of this act shall include educational outcomes for at least two of the following workplace skill areas:

(a) Decision making;

(b) Cooperation and teamwork;

(c) Self-directed learning; and

(d) Positive work habits.

(3) Grant applications under section 206 of this act shall include educational outcomes for at least two of the following life and family skill areas:

(a) Home and family life;

(b) Career planning;

(c) Life-long learning;

- (d) Responsible and ethical behavior;
- (e) Concern for others;
- (f) Interpersonal relationships; and
- (g) The arts, performing arts, and music.

(4) Grant applications shall indicate for subsections (1) through (3) of this section the grade levels and subject matter areas in which the identified skills will be addressed.

NEW SECTION. Sec. 208. (1) If possible, grant applications under section 206 of this act should include benchmark data for the context and process indicators listed under subsections (2) and (3) of this section. However, as a condition to receiving reach for excellence program grant funds, applicants selected for the reach program shall submit to the state board of education the benchmark data for the context and process indicators listed under subsections (2) and (3) of this section.

(2) Applicants shall provide benchmark data for the following context indicators developed by the educational outcomes and measurement committee and reported to the legislature by the superintendent in 1989:

- (a) The average percent of students absent from school each day;
- (b) Student mobility rate;
- (c) School growth rate;
- (d) Teacher mobility rate;
- (e) Administrator mobility rate;
- (f) The percent of students from low-income families; and
- (g) The percent of students who speak English as a second language; plus
- (h) The average percent of teachers absent from school each day.

(3) Applicants shall provide benchmark data for the following process indicators developed by the educational outcomes and measurement committee and reported to the legislature by the superintendent in 1989:

- (a) Student-teacher ratio;
- (b) Student-counselor ratio;
- (c) Student-staff specialist ratio;
- (d) The average expenditure per student;
- (e) The average expenditure per staff member for in-service for staff development;
- (f) School accreditation status;
- (g) The percent of students served by compensatory education programs;
- (h) The percent of students served by chapter 1 migrant education programs;
- (i) The percent of students served by special education programs; and
- (j) The percent of students served by gifted-talented programs.

(4) If possible and appropriate, benchmark data required under section 206(2)(f) of this act and subsections (2) and (3) of this section shall be provided on a by-school basis. If this is not possible, the benchmark data shall be provided on a district-level basis.

NEW SECTION. Sec. 209. (1) Grant applications may be submitted jointly by two or more school districts or by an educational service district on behalf of one or more school districts. An application may include a proposal for two or more school buildings to implement jointly a reach for excellence project.

(2) Upon request from a school district, the superintendent or the educational service district shall provide the district with technical assistance to develop the grant application.

(3) Upon request from a reach for excellence project, the superintendent or the educational service district shall provide the project with technical assistance to develop a measure of assessing student performance as required under section 206(2)(h) of this act.

NEW SECTION. Sec. 210. Applicants selected for the reach for excellence grant program may request from the state board of education or the superintendent a waiver from the statutory or regulatory requirements relating to:

- (1) Teacher contact hour requirements under RCW 28A.150.260;
- (2) Basic education program hours offering requirements under RCW 28A.150.200 through 28A.150.220;
- (3) Student learning objectives under RCW 28A.320.210; and
- (4) Mandatory school building self-study under RCW 28A.320.200.

The waivers may be renewed subject to continued funding and approval by the state board of education under section 203 of this act.

NEW SECTION. Sec. 211. If modifications to existing local bargaining agreements are necessary to implement grant proposals, those modifications shall be clearly stated in the written agreement between the school district board of directors and the exclusive bargaining representative for district certificated instructional staff. The requirement is not necessary if a previously written agreement to waive the provisions of chapter 41.59 RCW for schools with reach projects has been reached by the same two parties.

NEW SECTION. Sec. 212. (1) Each school district shall report to the state board of education by October 1, 1993, and annually thereafter pursuant to section 214(4) of this act, the following information:

- (a) The educational excellence activities supported by reach for excellence grant funds;
- (b) Updated information relating to the required benchmark data;
- (c) Progress made toward the target educational outcomes; and
- (d) The means and the results of evaluating the target educational outcomes and additional benefits received by students, building staff, and parents from implementation of the local reach project.

(2) By December 1, 1993, and by December 1st of each subsequent even-numbered calendar year, the state board of education shall provide the legislature and the governor a report on the reach for excellence grant program. The reports shall include information on the items required under subsection (1) of this section.

(3) In the report due December 1, 1996, the state board shall:

- (a) Indicate the most common basic academic, workplace, and life and family skills and accompanying target educational outcomes identified by the reach projects;
- (b) Indicate the development or use of measures to assess student performance other than standardized tests;
- (c) Indicate the number of projects that implemented the waivers authorized under section 210 of this act;
- (d) Include recommendations on the feasibility of implementing basic academic, workplace, and life and family skills, educational outcomes, and context and process indicators state-wide; and
- (e) Comment on or recommend how the salary allocation schedule developed by the legislative evaluation and accountability program committee might reflect a school performance assessment model based on basic academic, workplace, and life and family skills, educational outcomes, and context and process indicators.

(4) The state board of education shall submit a final report on the reach for excellence grant program to the legislature and the governor not later than December 1, 1998.

NEW SECTION. Sec. 213. The superintendent shall provide for the sharing of information between reach projects and with schools and districts not selected or not participating in the reach for excellence grant program.

NEW SECTION. Sec. 214. (1) The state board of education and the superintendent shall adopt rules as necessary under chapter 34.05 RCW to implement

sections 202 through 214 of this act. The rules shall be adopted not later than December 1, 1991.

(2) The rules shall include the following dates to govern administration of the reach for excellence grant program:

(a) Initial applications must be received by the state board of education not later than March 15, 1992;

(b) The state board of education shall evaluate the applications and select the initial projects for grants by May 31, 1992; and

(c) After planning, initial implementation of the first reach projects shall commence no later than the start of the 1993-94 school year.

(3) The state board shall establish an annual date by which subsequent applications must be submitted.

(4) The state board shall establish a date by which the annual report required under section 212(1) of this act shall be submitted.

(5) The state board shall establish an annual date by which the board shall notify each project of the amount of any eligible reach achievement award and status to continue.

"PART III PRIMARY GRADES SPECIAL EMPHASIS GRANT PROGRAM"

NEW SECTION. **Sec. 301.** Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 301 through 309 of this act.

(1) "Child intervention specialist" means:

(a) An educational staff associate who holds certification as a school counselor, a school psychologist, a school nurse, or a school social worker under state board of education rules adopted pursuant to RCW 28A.305.130; or

(b)(i) An appropriate public or private provider of professional health care as defined under RCW 18.120.020(4), including providers employed by the state of Washington;

(ii) A mental health professional as defined under RCW 71.05.020(12), including mental health professionals employed by the state of Washington; or

(iii) A child psychiatrist or children's mental health specialist as defined under RCW 71.34.020, including child psychiatrists or children's mental health specialists employed by the state of Washington, whose services may be requested by a school district pursuant to a prevention and intervention program for elementary students implemented under sections 302 through 304 of this act.

(2) "Early grades," "elementary grades," and "elementary level" mean kindergarten through grade six and may include preschool age children served by the school district.

(3) "Elementary grades prevention and intervention program" means a program of services and activities or events developed pursuant to sections 302 through 304 of this act.

(4) "Superintendent" means the superintendent of public instruction.

NEW SECTION. **Sec. 302.** (1) From funds appropriated by the legislature, the superintendent shall establish a voluntary program to assist school districts in providing prevention and intervention programs for elementary grade students. This program shall be called the fair start program. The fair start program shall not become a part of the state's basic program of education obligation as set forth under Article IX of the state Constitution.

(2) Any district currently providing elementary students with prevention and intervention services which loses the source of funding for those services, for reasons beyond the control of the district, may use fair start funds to continue or enhance the existing level of prevention and intervention services.

NEW SECTION. Sec. 303. The superintendent shall distribute funds equitably to all school districts based on the district's enrollment in grades kindergarten through six.

NEW SECTION. Sec. 304. (1) School districts interested in implementing or enhancing an elementary grades prevention and intervention program shall submit the following information to the superintendent of public instruction:

(a) Documentation that the district board of directors has adopted a written policy regarding the district's role and responsibility relating to prevention and intervention services for elementary students or a letter of commitment from the board of directors that a written policy will be adopted within six months of receipt of state funding under this chapter;

(b) District goals relating to prevention and intervention services for elementary students;

(c) Procedures for notifying parents or guardians regarding:

(i) The referral of students for prevention and intervention services; and

(ii) Liability issues relating to the provision of prevention and intervention services to students outside school buildings;

(d) Use of grant funds for prevention and intervention related in-service purposes, including, as necessary and appropriate, multicultural in-service training for child intervention specialists;

(e) How the services of child intervention specialists may be integrated into the district's elementary grades prevention and intervention program;

(f) Evaluation procedures the district will implement to assess the effectiveness of the district's early grades prevention and intervention program; and

(g) Other information as requested by the superintendent.

(2) The district's plan for providing prevention and intervention services to students shall be based on the district's identified goals under subsection (1)(b) of this section. The plan shall be developed with the participation of, but not limited to, district and building-level staff and administrators, child intervention specialists, and parents.

(3) In addition to the information required under subsection (1) of this section, school districts and educational service districts accepting moneys under the fair start program shall be required to establish formal agreements for coordinated case management with lead mental health agencies or other public or private social service agencies that are present in the community with an emphasis on the most efficient and cost-effective use of fair start funds.

(4) Two or more school districts may submit a joint application for the purpose of establishing or enhancing a cooperative prevention and intervention program for elementary grades students.

(5) An educational service district may submit an application on behalf of one or more school districts for the purpose of establishing or enhancing an elementary grades prevention and intervention program.

NEW SECTION. Sec. 305. (1) Districts shall use fair start funds to provide prevention and intervention services to students in grades preschool through six with priority given to students based on need. Districts shall establish the criteria determining need and include this information in the reports required under section 308 of this act.

(2) In developing their elementary grades prevention and intervention programs, districts shall, as appropriate, take into consideration the multicultural background and needs of students and, as necessary, provide appropriate multicultural curriculum materials.

(3) In developing their elementary grades prevention and intervention programs, districts shall emphasize the delivery of services using child intervention specialists as defined in section 301(1)(a) of this act. Districts are encouraged to have child

intervention specialists as defined in section 301(1)(b) of this act deliver services in the district and under the supervision of a child intervention specialist as defined in section 301(1)(a) of this act under the district's prevention and intervention program.

(4) Nothing under sections 301 through 309 of this act shall preclude a district from incorporating a primary intervention program model as part of the district's fair start program.

NEW SECTION. Sec. 306. The superintendent shall develop specific measures to evaluate the success of the grant projects and the fair start program. The department of social and health services shall provide the superintendent with information the superintendent may use in developing measures to evaluate the fair start program and projects.

NEW SECTION. Sec. 307. (1) The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to implement sections 301 through 306 of this act.

(a) The rules shall permit districts to contract with governmental or nongovernmental organizations or community-based professional health care providers to provide elementary students with prevention and intervention services under the local fair start program.

(b) The rules shall permit school districts to provide prevention and intervention services through the local educational service district.

(c) The rules shall assure appropriate coordination between the superintendent and the department of social and health services regarding the primary intervention program and the fair start program.

(2) The secretary of the department of social and health services shall adopt rules as necessary under chapter 34.05 RCW to assure appropriate coordination between the secretary and the superintendent regarding the fair start program and the primary intervention program.

NEW SECTION. Sec. 308. (1) School districts and educational service districts shall submit annually to the superintendent of public instruction a report on their fair start programs. The reports shall include the criteria established to determine students' needs to provide prevention and intervention services on a priority basis.

(2) The superintendent shall submit biennially a report to the governor and the legislature on the fair start program established under section 302 of this act. The first report shall be submitted not later than December 1, 1992. The first report shall include information on districts' criteria establishing students' needs to receive prevention and intervention services on a priority basis. Subsequent reports shall be submitted not later than December 1 in even-numbered years.

NEW SECTION. Sec. 309. (1) The superintendent of public instruction shall collect and disseminate to school districts information on programs established or enhanced under the fair start program.

(2) Upon request, the superintendent shall provide information to districts regarding how other districts have used fair start funds locally and how other districts have established formal agreements for coordinated case management under section 304(4) of this act or otherwise coordinated services to children.

"PART IV WORKPLACE SKILLS GRANT PROGRAM"

NEW SECTION. Sec. 401. (1) The legislature recognizes that students now and in the future will need to acquire certain skills to be better prepared to function in a rapidly changing society, including an ever changing workplace environment. As we continue to experience the fast-paced social evolution into an information and service-oriented age, individuals' abilities to assimilate information quickly and their capacity to adjust to new circumstances are rapidly becoming new fundamental skills.

(2) New technologies are being introduced into the education system but need to be introduced more quickly and equitably across the curriculum. At the same time, teachers and students need to become familiar with the educational technologies and to learn how to use these technologies to enhance the educational experience.

(3) The legislature finds that providing for the integration of technology in education, providing resources to enhance vocational education programs, facilitating the integration of academics and vocational education, and encouraging innovative developments in the use of technology and vocational education will make students better prepared to meet the challenges of the twenty-first century.

NEW SECTION. Sec. 402. The voc ed works 2000 program is created. The program shall encourage the development of new and the improvement of existing vocational projects to help students learn the skills necessary to meet the challenges of an increasingly technological and ever-changing workplace. Goals of projects within the program shall include but not be limited to:

(1) Encouraging the integration between academic and vocational programs with the following specific items addressed:

(a) Revision of instructional strategies and materials used in vocational courses to establish higher academic standards and expectations for students;

(b) Development of a challenging multiyear program of study that combines academic and vocational elements designed both to prepare students for employment after high school and for further education;

(c) Access to rewarding and demanding vocational programs and academic courses for underachieving students and methods of providing needed extra assistance;

(d) Coordination among secondary and postsecondary vocational education programs;

(e) Coordination among vocational and academic administrators and teachers and school counselors, business, and labor, and representatives of postsecondary education to identify, specify, and develop methods to assess minimum levels of academic achievement and technical competencies;

(f) Providing assistance to students in selecting courses and choosing careers;

(g) Expanding efforts to assist students in finding employment or entering an institution of postsecondary education;

(h) Establishing performance indicators both to track and report annual progress;

(i) Providing information about the program throughout the state; and

(j) Identifying the professional development needed by teachers and administrators to assist in the integration of academic and vocational skills;

(2) Encouraging collaborative models among schools and school districts, educational service districts, interdistrict cooperatives, skills centers, public vocational technical institutes, community colleges, business, labor, and industry;

(3) Encouraging the development of workplace competencies and concepts that transcend particular occupational skills;

(4) Encouraging the effective administration of vocational programs; and

(5) Developing modifications in curriculum, instruction, and program delivery to address changing technology and changing students' needs.

NEW SECTION. Sec. 403. (1) The superintendent of public instruction, with the assistance of the state board of education and in consultation with the state board for vocational education and the state board for community college education, shall develop a process for public schools or school districts, educational service districts, interdistrict cooperatives, skills centers, public vocational technical institutes, and community colleges to participate in the voc ed works 2000 program.

(2) The superintendent of public instruction shall review and select projects for the grant awards, and monitor and evaluate programs operated by grant recipients.

(3) The superintendent of public instruction shall evaluate the program on a state-wide basis.

NEW SECTION. Sec. 404. The superintendent of public instruction, after reviewing project proposals, shall, subject to money being appropriated by the legislature for this purpose, select not more than twenty-one projects during each biennium for the voc ed works 2000 program. The projects should reflect a balance among rural and urban areas, geographical areas, and school characteristics and sizes. The projects may be awarded to a public high school, a school district containing one or more high schools, a skills center, an educational service district, an interdistrict cooperative, a public vocational technical institute, or a community college. An award to a community college shall be made only if the project involves a school or school district, educational service district, interdistrict cooperative, public vocational technical institute, or skills center. Applications from two or more school districts, educational service districts, combinations of school districts and community college districts through an agreement under RCW 28B.50.530, or any combination are encouraged.

NEW SECTION. Sec. 405. Initial applications to participate in the voc ed works 2000 program shall be submitted to the office of the superintendent of public instruction not later than September 30, 1991, for implementation beginning December 30, 1991. Subject to available funding, additional applications may be submitted to the superintendent of public instruction for consideration by November 1st of subsequent years. Each application shall contain a proposed plan that:

- (1) Describes specific activities to be carried out as part of the project;
- (2) Provides for all parties to work cooperatively during the term of the project;
- (3) Includes provisions for certificated school staff providing instruction in vocational education programs, and classified school employees with primary roles in implementing and conducting the plan, to be employed on supplemental contracts with additional compensation for an average of ten additional days beyond the general state-funded school year allocations for each participating employee, and staff development time as provided by legislative appropriation. Notwithstanding the provisions of RCW 28A.400.200, district resources may be used to fund the employment of school district staff beyond the average of ten additional days for the purposes of the project;
- (4) Includes budget plans for the project and additional anticipated sources of funding, including private grants and contributions, if any;
- (5) Identifies the technical resources desired, the potential costs of those resources, and the institutions of higher education, businesses, industries, labor organizations, educational service districts, or consultants available to provide such resources;
- (6) Identifies the evaluation and accountability processes to be used to measure student, project, and staff performance;
- (7) Justifies each request for waiver of specific state statutes or administrative rules during at least the first two years of the program;
- (8) Includes a written statement that school directors and administrators and community college boards of trustees, if applicable, are willing to exempt the projects from specifically identified local rules, as needed;
- (9) Includes a written statement that the school directors and community college board of trustees and the local bargaining agents will modify those portions of their local agreements as applicable for the projects;
- (10) Includes a written statement that model curriculum programs developed under RCW 28A.300.110 have been considered, if applicable;
- (11) Includes written statements of support from the school district board of directors, the school district superintendent, and the principal and staff of the building requesting to become a project, and statements of support, willingness to participate, or concerns from any interested parent, business, or community organization; and
- (12) Includes written statements of support from the community college board of trustees and the community college president and staff of the community college requesting to become a project, if applicable.

NEW SECTION. Sec. 406. (1) The superintendent of public instruction shall administer sections 402 through 412 of this act and is authorized to award grant funding, subject to money being appropriated by the legislature for this purpose, for projects selected by the superintendent of public instruction under section 404 of this act.

(2) The superintendent of public instruction shall distribute the initial award grants by December 1, 1991. The initial projects under the voc ed works 2000 program shall begin during the 1991-92 school year.

(3) The projects for the voc ed works 2000 program may be conducted for up to six years, if funds are so provided. Subject to approval by the superintendent of public instruction and continued state funding, projects initially funded for two years may be extended for a total period not to exceed six years. Future funding shall be conditioned on a positive evaluation of the project.

NEW SECTION. Sec. 407. (1) The superintendent of public instruction may accept, receive, and administer for the purposes of sections 402 through 412 of this act such gifts, grants, and contributions as may be provided from public and private sources for the purposes of sections 402 through 412 of this act.

(2) The voc ed works 2000 program account is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received under this section. Moneys in the account may be spent only for the purposes of sections 402 through 412 of this act. Disbursements from this account shall be on the authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

NEW SECTION. Sec. 408. (1) The superintendent of public instruction, where appropriate, or the state board of education, where appropriate, is authorized to grant waivers to project applicants from the provisions of statutes or administrative rules relating to: Graduation requirements under RCW 28A.230.090; student to teacher ratios; teacher contact hour requirements under RCW 28A.150.260; teacher certification requirements; program approval standards; the commingling of funds appropriated by the legislature for vocational education programs and basic education programs if not inconsistent with federal laws or regulations; and other administrative rules which in the opinion of the superintendent of public instruction or the state board of education may need to be waived to implement a project proposal.

(2) State rules dealing with public health, safety, and civil rights, including accessibility by the handicapped, shall not be waived.

(3) A school district may request the state board of education or superintendent of public instruction to ask the United States department of education, the United States department of labor, or other federal agencies to waive certain federal regulations necessary to implement the proposed project.

(4) The superintendent of public instruction and the state board of education shall work with the state board for community college education and the higher education coordinating board for the waiver of applicable college entrance requirements and for the establishment of course equivalency requirements for students participating in projects under sections 402 through 412 of this act.

(5) The superintendent of public instruction and the state board of education shall seek the waiver of any applicable provisions of the job skills program under RCW 28C.04.400 through 28C.04.480.

NEW SECTION. Sec. 409. The superintendent of public instruction shall ensure that successful applicants will be afforded resources and special support assistance, as specified in legislative appropriations, in undertaking activities for the voc ed works 2000 program. The superintendent of public instruction shall develop a process that coordinates and facilitates linkages among participating school districts, community colleges, business, labor, and industry. Staff from schools or school districts, public

vocational technical institutes, educational service districts, skills centers, and community colleges selected to participate in the voc ed works 2000 program shall be given priority consideration for participation in state sponsored staff development programs and summer institutes which are directly related to the goals of the selected projects.

NEW SECTION. Sec. 410. (1) The superintendent of public instruction may adopt rules under chapter 34.05 RCW as necessary to implement the superintendent's duties under sections 402 through 412 of this act.

(2) The state board of education may adopt rules under chapter 34.05 RCW as necessary to implement its duties under sections 402 through 412 of this act.

NEW SECTION. Sec. 411. (1) The superintendent of public instruction shall report to the legislature on the progress of the voc ed works 2000 program by January 15th of each odd-numbered year, including a recommendation on the number of additional projects that should be authorized and funded. The first report shall be submitted by January 15, 1993.

(2) Each applicant selected to participate in the voc ed works 2000 program shall submit an annual report to the superintendent of public instruction on the progress of the project as a condition of receipt of continued funding.

NEW SECTION. Sec. 412. The superintendent of public instruction, through the state clearinghouse for education information, shall collect and disseminate to all school districts and other interested parties information about the voc ed works 2000 program.

NEW SECTION. Sec. 413. A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board shall review the entrance requirements for the state institutions of higher education and shall work with the boards of trustees and the boards of regents of the state universities, the regional universities, and The Evergreen State College and the superintendent of public instruction and the state board of education regarding waiving certain entrance requirements or developing course equivalencies for students enrolled in a program under sections 402 through 412 of this act.

NEW SECTION. Sec. 414. A new section is added to chapter 28B.50 RCW to read as follows:

The state board for community college education may adopt rules under chapter 34.05 RCW as necessary to implement the board's duties under sections 402 through 412 of this act.

NEW SECTION. Sec. 415. A new section is added to chapter 28A.150 RCW to read as follows:

The superintendent of public instruction shall adopt rules that establish general program approval standards for determining the terms and conditions under which school districts are eligible to receive state funds for secondary vocational education. The standards shall include a provision regarding the use of extended or supplemental contracts for certificated vocational education instructors in vocational fields and provide assistance to districts in determining when to offer such contracts.

NEW SECTION. Sec. 416. (1) Each school district, skills center, educational service district, interdistrict cooperative, or public vocational technical institute receiving state funds for vocational programs shall consult with a local advisory council on vocational education. The district may create a council or may use an existing entity that meets the requirements of this section and sections 417 and 418 of this act. Joint councils may be established.

(2) The councils shall be composed of members who are representative of the population found in the area that the council serves. The council shall be composed of representatives of the general public including at a minimum representatives of business, industry, labor, and spokespersons for persons with disabilities.

NEW SECTION. Sec. 417. The local advisory council shall provide advice and assistance to the school district, skills center, educational service district, interdistrict cooperative, or public vocational technical institute on:

(1) Selecting equipment and instructional materials and establishing specifications for training areas. The council shall suggest ways to provide for the efficient and effective use of equipment and insure maximum use of the equipment;

(2) Determining training needs;

(3) Determining content and length of courses;

(4) Determining current and future employment opportunities and requirements;

(5) Making recommendations to help provide for experienced and knowledgeable instructors; and

(6) Providing support for the entire vocational education program.

NEW SECTION. Sec. 418. A school district shall only be eligible to receive funds to upgrade or to acquire equipment for vocational education programs if the district in consultation with the local advisory council has developed a vocational education program improvement component within their plan. The improvement component shall describe: Methods for strengthening vocational education; business and industry partnerships; the potential to aid local economic development; staff training; the need for extended or supplemental contracts for specific certificated instructional staff in vocational programs; job placement; consistency with the state plan for vocational education; and the basic skills and core competencies required for successful employment. In developing the plan, coordination with community colleges, business and industry, and other school districts, educational service districts, interdistrict cooperatives, skills centers, and public vocational technical institutes shall be considered. The plan shall be revised at least once every two years.

NEW SECTION. Sec. 419. The entity in the state of Washington qualifying as the entity for the receipt of federal funds shall, with available funds, provide technical assistance to local vocational education advisory committees.

NEW SECTION. Sec. 420. Each vocational agriculture education service area shall encourage greater student and teacher knowledge of environmentally sensitive and low-input agricultural and landscaping practices, water conservation, and agricultural worker protections.

NEW SECTION. Sec. 421. A new section is added to chapter 28B.10 RCW to read as follows:

In developing admission standards, each four-year institution of higher education shall recognize the relevance of vocational education courses and the competencies taught in such courses and shall make every effort to designate applicable vocational education courses as course equivalencies.

Sec. 422. RCW 28B.80.350 and 1988 c 172 s 4 are each amended to read as follows:

The board shall coordinate educational activities among all segments of higher education taking into account the educational programs, facilities, and other resources of both public and independent two and four-year colleges and universities. The four-year institutions and the state board for community college education shall coordinate information and activities with the board. The board shall have the following additional responsibilities:

(1) Promote interinstitutional cooperation;

(2) Establish minimum admission standards for four-year institutions, including a requirement that coursework in sign language shall satisfy any foreign language requirement the board or the institutions may establish as a general undergraduate admissions requirement. The standards shall include recognition of the relevance of vocational education courses and the competencies taught in such courses and the use of vocational education courses having academic equivalencies to meet admission requirements to four-year institutions;

- (3) Establish transfer policies;
- (4) Adopt rules implementing statutory residency requirements;
- (5) Develop and administer reciprocity agreements with bordering states and the province of British Columbia;
- (6) Review and recommend compensation practices and levels for administrative employees, exempt under chapter 28B.16 RCW, and faculty using comparative data from peer institutions;
- (7) Monitor higher education activities for compliance with all relevant state policies for higher education;
- (8) Arbitrate disputes between and among four-year institutions or between and among four-year institutions and community colleges at the request of one or more of the institutions involved, or at the request of the governor, or from a resolution adopted by the legislature. The decision of the board shall be binding on the participants in the dispute;
- (9) Establish and implement a state system for collecting, analyzing, and distributing information;
- (10) Recommend to the governor and the legislature ways to remove any economic incentives to use off-campus program funds for on-campus activities; and
- (11) Make recommendations to increase minority participation, and monitor and report on the progress of minority participation in higher education.

NEW SECTION. Sec. 423. By November 1, 1992, the higher education coordinating board shall develop recommendations for eliminating or modifying university and college entrance requirements that inhibit schools from adopting strategies that are designed to ensure that students achieve the essential knowledge, skills, and attitudes.

Sec. 424. RCW 28A.230.100 and 1990 c 33 s 239 are each amended to read as follows:

The state board of education shall adopt rules pursuant to chapter 34.05 RCW, to implement the course requirements set forth ~~((in))~~ pursuant to RCW 28A.230.090. Such rules shall include, as the state board deems necessary, granting equivalencies for and temporary exemptions from the course requirements ~~((in RCW 28A.230.090 and special alterations of the course requirements in RCW 28A.230.090))~~ established. In developing such rules the state board shall recognize the relevance of instruction in work force skills through vocational education and applied courses and allow such courses to fulfill in whole or in part the courses required for graduation ~~((in RCW 28A.230.090))~~. Such rules may include provisions for competency testing in lieu of such courses required for graduation ~~((in))~~ pursuant to RCW 28A.230.090.

NEW SECTION. Sec. 425. The legislature finds that the needs of the work force and the economy necessitate enhanced vocational education opportunities in secondary education including curriculum which integrates vocational and academic education. In order for the state's work force to be competitive in the world market, employees need competencies in both vocational and technical skills and in essential subject areas such as English, math, science, technology, geography, history, and critical thinking. Curriculum which integrates vocational and academic education reflects that many students learn best through applied learning, and that students should be offered flexible education opportunities which prepare them for both the world of work and for higher education.

NEW SECTION. Sec. 426. A new section is added to chapter 28A.300 RCW to read as follows:

The superintendent of public instruction shall develop a model curriculum integrating vocational and academic education at the secondary level. The curriculum shall integrate vocational education for gainful employment with education in the academic subjects of English, math, science, technology, geography, and history, and

with education in critical thinking. Upon completion, the model curriculum shall be provided for consideration and use by school districts.

"PART V
URBAN SCHOOLS GRANTS"

NEW SECTION. Sec. 427. The superintendent of public instruction shall establish and administer an urban schools grant program to provide eligible school districts an opportunity to apply for state funds that are separate from and in addition to the state funds allocated for the state's basic program of education.

NEW SECTION. Sec. 428. The Seattle, Tacoma, Spokane, Yakima, and Pasco school districts are eligible to apply for an urban schools grant under section 501 of this act.

NEW SECTION. Sec. 429. The eligible school districts interested in applying for funds under the urban schools grant program shall submit a grant application to the superintendent of public instruction. Grant applications shall include the following:

(1) Documentation that the district board of directors has held at least one public hearing regarding the proposed use of the grant funds. The public hearing and other public hearings held by the district may be held as part of the public hearings required pursuant to chapter 28A.505 RCW;

(2) Identified budgeted expenditures for the grant funds. The expenditure plan may be included as part of the district's annual budget required under chapter 28A.505 RCW;

(3) Documentation that the development of the expenditure plan, prior to the first public hearing, involved teachers, school and district administrators, educational staff associates and classified personnel, parents, students, and members of the community at-large;

(4) A description of the services, programs, or activities that will be funded, in whole or in part, by the grant funds;

(5) A description of the methods and procedures to be used to evaluate the effectiveness of the services, programs, or activities supported by the grant funds; and

(6) Other information as requested by the superintendent of public instruction.

NEW SECTION. Sec. 430. Grant funds shall be used for purposes identified by the school district in compliance with section 503 of this act. New or existing programs enhanced by funds received under the urban schools grant program shall not become a part of the state's basic program of education obligation as set forth under Article IX of the state Constitution.

NEW SECTION. Sec. 431. (1) Each school district receiving funds under the urban schools grant program established under section 501 of this act shall submit biennially to the superintendent of public instruction a report on the district's use of the grant funds and other information required by the superintendent of public instruction. The superintendent of public instruction shall establish the date for submittal of reports.

(2) The superintendent of public instruction shall submit biennially to the legislature a report on the urban schools grant program. The first report shall be submitted not later than December 1, 1992.

NEW SECTION. Sec. 432. The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to implement the provisions of sections 501 through 505 of this act.

"PART VI
SMALL SCHOOLS GRANTS"

NEW SECTION. Sec. 601. (1) The superintendent of public instruction shall establish and administer a small schools grant program to assist eligible school districts in meeting special needs of the districts.

(2) Funds appropriated by the legislature for the purposes of the small schools grant program and new or existing programs enhanced by funds received under the small schools grant program shall not become a part of the state's basic program of education obligation as set forth under Article IX of the state Constitution.

(3) School districts shall be eligible to apply for additional state funds under the small schools grant program if the school district meets the criteria under section 602 of this act.

NEW SECTION. Sec. 602. (1) A school district of the second class under RCW 28A.315.230 may apply for funds under the small schools grant program established under section 601 of this act, to help meet the special needs of the district, if the school district meets all of the criteria in this section:

(a) The median household income is at least twenty percent below the state average;

(b) The number of families receiving aid to families with dependent children exceeds the state-wide average by twenty percent or more;

(c) The number of persons unemployed exceeds the state-wide average by twenty percent;

(d) The assessed valuation of property for excess levy purposes would require a levy rate of more than two dollars per one thousand dollars of valuation to raise a ten percent levy;

(e) The district does not receive federal impact aid in excess of the maximum amount the district would be eligible to raise with a ten percent levy; and

(f) The district does not receive federal forest moneys in excess of their basic education allocation.

(2) If a second class school district is a joint district under RCW 28A.315.350, the criteria under subsection (1) of this section shall be applied based upon the county which comes closest to meeting the criteria under subsection (1) of this section.

NEW SECTION. Sec. 603. Eligible school districts interested in applying for funds under the grant program established under section 601 of this act shall submit a grant application to the superintendent of public instruction. Grant applications shall include the following:

(1) Documentation that the district board of directors has held at least one public hearing regarding the proposed use of the grant funds. The public hearing and other public hearings held by the district may be held as part of the public hearings required pursuant to chapter 28A.505 RCW;

(2) Identified budgeted expenditures for the grant funds. The expenditure plan may be included as part of the district's annual budget required under chapter 28A.505 RCW;

(3) Documentation that the development of the expenditure plan prior to the first public hearing involved teachers, school and district administrators, educational staff associates and classified personnel, parents, students, and members of the community at-large;

(4) A description of the services, programs, or activities that will be funded in whole or in part by the grant funds; and

(5) A description of the methods and procedures to be used to evaluate the effectiveness of the services, programs, or activities supported by the grant funds.

NEW SECTION. Sec. 604. (1) Each school district receiving funds under the grant program established under section 601 of this act shall submit biennially to the superintendent of public instruction a report on the district's use of the grant funds. The report shall include an assessment of the effectiveness of the services, programs,

or activities supported by the grant funds and other information required by the superintendent of public instruction.

(2) The superintendent of public instruction shall establish the date for submittal of reports. The superintendent of public instruction shall work with the eligible districts in developing reporting requirements that do not create excessive paperwork but which provide information necessary for the legislature to evaluate the impact of the grant program on the educational programs of the eligible school districts.

(3) The superintendent of public instruction shall submit biennially to the legislature a report on the grant program established under section 601 of this act. The first report shall be submitted not later than December 1, 1992.

NEW SECTION. Sec. 605. The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to implement sections 601 through 604 of this act.

"PART VII SCHOOL SITE-BASED COUNCILS"

NEW SECTION. Sec. 701. The legislature finds that in order to achieve the goal of reforming the public schools, each citizen of the state must accept the commitment of developing our most important resource, our children. The legislature further finds that part of building this commitment includes having persons in the field of education form partnerships with other persons in the community. To build a learning community, and develop this commitment, the legislature intends:

(1) That school boards of directors, school administrators, teachers, employee unions, and members of the community find new ways of working collaboratively, changing existing policies and agreements where appropriate;

(2) To encourage the creation of site-based councils, where parents, teachers, and citizens will join to make decisions for our schools; and

(3) To give school districts and schools broad discretion in establishing their site-based councils but consistent with the limitations under section 702 of this act.

NEW SECTION. Sec. 702. (1) A site-based council may be established at one or more schools if the school district board of directors has adopted a policy authorizing site-based councils. The policy is not subject to collective bargaining. The school district board of directors has final authority in establishing the parameters and areas of involvement accorded to school site-based councils.

(2) The policy adopted by a school district board of directors may include but is not limited to:

(a) Procedures for forming a site-based council and official recognition of the council by the district;

(b) Membership of the site-based council including the principal, certificated and classified staff, students in secondary schools, parents, and persons in the community. Existing organizations may be used to form the site-based council;

(c) Designation of activities with which site-based councils may become involved, such as: Student assessment, parent involvement, and developing community schools; and

(d) Delegation of authority to site-based councils to adopt their own bylaws and charter.

(3) School district boards of directors shall not delegate to site-based councils the authority to make personnel decisions regarding either instructional, administrative or classified staff.

(4) A school board shall only delegate authority over budget decisions to a site-based council if the authority is clearly defined in writing, if the authority is limited to a one-year period but may be renewed annually with the approval of the board, and if the authority of the site-based council is limited to decisions at the building level.

(5) Each school district board of directors deciding to adopt a policy authorizing site-based councils shall provide, by resolution, plans for attendance policies that are consistent with the requirements of any desegregation plan in order to promote stability for schools with site-based councils.

NEW SECTION. Sec. 703. If modifications to existing local bargaining agreements are necessary to implement school site-based councils, those modifications shall be clearly stated in the written agreement between the school district board of directors and the exclusive bargaining representative for district certificated instructional staff.

NEW SECTION. Sec. 704. (1) Schools with site-based councils may receive funds to provide resources for restructuring their educational programs. The superintendent of public instruction shall allocate funds, as are appropriated for this purpose, to school districts to distribute to the schools with site-based councils.

(2) School districts shall submit reports about the plans and use of funds to the superintendent of public instruction. The superintendent of public instruction may transmit information to other schools and school districts through the state clearinghouse for educational information and assistance.

(3) The superintendent of public instruction may provide technical assistance under this section to any school or school district establishing or using a site-based council.

"PART VIII LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS"

NEW SECTION. Sec. 801. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction shall establish a program to provide school districts, from appropriated funds, local education program enhancement funds.

(2) A school district shall be eligible to receive an allocation from appropriated funds if the school district's board of directors has:

- (a) Assessed the needs of the schools within the district;
- (b) Prioritized the identified needs; and
- (c) Developed an expenditure plan for the allocation and an evaluation methodology to assess benefits to students.

(3) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs identified by the district within the following program areas:

- (a) Prevention and intervention services in the elementary grades;
- (b) Reduction of class size;
- (c) Early childhood education;
- (d) Student-at-risk programs, including dropout prevention and retrieval, and substance abuse awareness and prevention;
- (e) Staff development and in-service programs;
- (f) Student logical reasoning and analytical skill development;
- (g) Programs for highly capable students;
- (h) Programs involving students in community services;
- (i) Senior citizen volunteer programs; and
- (j) Other purposes that enhance a school district's basic education program.

(4) Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(5)(a) Allocations to eligible school districts shall be calculated on the basis of average annual full time equivalent enrollment. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school

plants within any school district designated as remote and necessary schools, the allocations shall be determined as follows:

(i) Enrollment of not more than sixty average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;

(ii) Enrollment of not more than twenty average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and

(iii) Enrollment of sixty or fewer average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.

(b) Allocations shall be distributed on a school-year basis pursuant to RCW 28A.510.250.

"PART IX MASTERS DEGREE REQUIREMENT REPEAL"

Sec. 901. RCW 28A.410.040 and 1990 c 33 s 406 are each amended to read as follows:

(1) The state board of education shall adopt rules providing that, except as provided in this section, all individuals qualifying for an initial-level teaching certificate after August 31, 1992, shall possess a baccalaureate degree in the arts, sciences, and/or humanities and have fulfilled the requirements for teacher certification pursuant to RCW 28A.305.130 (1) and (2). ~~((The state board of education shall develop and adopt rules establishing baccalaureate degree equivalency standards for certification of vocational instructors performing instructional duties and acquiring initial level certification after August 31, 1992.))~~ However, candidates for grades preschool through eight certificates shall have fulfilled the requirements for a major as part of their baccalaureate degree. If the major is in early childhood education, elementary education, or special education, the candidate must have at least thirty quarter hours or twenty semester hours in one academic field.

~~(2) ((The state board of education shall study the impact of eliminating the major in education under subsection (1) of this section and submit a report to the legislature by January 15, 1990. The report shall include a recommendation on whether the major in education under subsection (1) of this section should be eliminated.~~

~~(3)) The initial certificate shall be valid for ((two years.~~

~~(4) Certificate holders may renew the certificate for a three year period by providing proof of acceptance and enrollment in an approved masters degree program. A second renewal, for a period of two years, may be granted upon recommendation of the degree granting institution and if the certificate holder can demonstrate substantial progress toward the completion of the masters degree and that the degree will be completed within the two year extension period. Under no circumstances may an initial certificate be valid for) a period of no more than seven years. The initial certificate may be reinstated pursuant to state board of education rules.~~

Sec. 902. RCW 28A.410.050 and 1989 c 29 s 2 are each amended to read as follows:

~~((1) The state board of education shall implement rules providing that all teachers performing instructional duties and acquiring professional level certificate status after August 31, 1992, shall possess, as a requirement of professional status, a masters degree in teaching, or a masters degree in the arts, sciences, and/or humanities.~~

~~(2)) The state board of education shall develop and adopt rules establishing baccalaureate and masters degree equivalency standards for vocational instructors performing instructional duties and acquiring ~~((professional level))~~ certification after August 31, 1992.~~

"PART X
MISCELLANEOUS"

NEW SECTION. **Sec. 1001.** This act may be known and cited as the bringing education home act.

NEW SECTION. **Sec. 1002.** Part headings used in this act do not constitute part of the law.

NEW SECTION. **Sec. 1003.** Sections 202 through 214 of this act are each added to chapter 28A.630 RCW.

NEW SECTION. **Sec. 1004.** Sections 301 through 309 of this act are each added to chapter 28A.600 RCW.

NEW SECTION. **Sec. 1005.** Sections 402 through 412, 501 through 506, and 601 through 605 of this act are each added to chapter 28A.630 RCW.

NEW SECTION. **Sec. 1006.** Sections 416 through 420 of this act shall constitute a new chapter in Title 28C RCW.

NEW SECTION. **Sec. 1007.** Sections 701 through 704 of this act are each added to chapter 28A.240 RCW.

NEW SECTION. **Sec. 1008.** Sections 101, 102, 201 through 214, 301 through 309, 401 through 422, 501 through 505, and 601 through 605 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. **Sec. 1009.** Sections 201 through 214 of this act shall expire December 31, 1998.

NEW SECTION. **Sec. 1010.** If specific funding for the purposes of sections 201 through 214 of this act, referencing this act by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 201 through 214 of this act shall be null and void.

NEW SECTION. **Sec. 1011.** If specific funding for the purposes of sections 301 through 309 of this act, referencing this act by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 301 through 309 of this act shall be null and void.

NEW SECTION. **Sec. 1012.** If specific funding for the purposes of sections 401 through 427 of this act, referencing this act by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 401 through 427 of this act shall be null and void.

NEW SECTION. **Sec. 1013.** If specific funding for the purposes of sections 501 through 506 of this act, referencing this act by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 501 through 506 of this act shall be null and void.

NEW SECTION. **Sec. 1014.** If specific funding for the purposes of sections 601 through 605 of this act, referencing this act by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 601 through 605 of this act shall be null and void.

NEW SECTION. **Sec. 1015.** If specific funding for the purposes of section 801 of this act, referencing this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 801 of this act shall be null and void.

NEW SECTION. **Sec. 1016.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment on page 1, after line 6, by Senators Rinehart, Murray, Pelz, Skratek, Snyder, Bauer, Moore, McMullen, Stratton, Vognild, Niemi, Williams, Conner, Jesernig, Hansen, M. Kreidler, A. Smith, Wojahn, Madsen, Sutherland, Gaspard, Rasmussen and Owen to the Committee on Education striking amendment to Engrossed Substitute House Bill No. 1023.

The motion by Senator Rinehart failed and the amendment to the Committee on Education striking amendment was not adopted.

The President declared the question before the Senate to be the adoption of the Committee on Education striking amendment, as amended, to Engrossed Substitute House Bill No. 1023.

POINT OF ORDER

Senator Pelz: "Mr. President, I would just like to make a point of order which is that I think a tradition is being established where certain vocal members on the other side of the aisle are exerting their vocal cords in excess of their numbers. It just makes me wonder sometimes if these voice votes have true validity."

REPLY BY THE PRESIDENT

President Pritchard: "Senator Pelz, as the President of the Senate, I am very careful and I believe that each time I have ruled when we then have had a division, why my judgment has been maintained. I realize that can happen with some people shouting louder than others, but as I say, my guessing so far has been one hundred percent. Each time we have had a division, it is borne out even though it has been remarkably close."

The President declared the question before the Senate to be the adoption of the Committee on Education striking amendment, as amended, to Engrossed Substitute House Bill No. 1023.

Senator Bailey demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the Committee on Education striking amendment, as amended, to Engrossed Substitute House Bill No. 1023.

ROLL CALL

The Secretary called the roll and the Committee on Education striking amendment, as amended, was adopted by the following vote: Yeas, 24; Nays, 23; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, L. Smith, Thorsness, von Reichbauer, West - 24.

Voting nay: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, M. Kreidler, Madsen, McMullen, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 23.

Excused: Senators Moore, Sellar - 2.

MOTIONS

On motion of Senator Bailey, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "performance;" strike the remainder of the title and insert "amending RCW 28A.605.020, 28A.150.040, 28A.150.230, 28A.225.220, 28A.230.190, 28A.230.230, 28A.230.240, 28A.410.030, 28A.405.220, 28A.410.040, 28A.410.050, 28B.80.350, 28A.230.100, 41.59.020, and 41.56.030; adding a new section to chapter 28A.615 RCW; adding new sections to chapter 28A.320 RCW; adding new sections to chapter 28A.240 RCW; adding new sections to chapter 28A.300 RCW; adding new sections to chapter 28A.230 RCW; adding new sections to chapter 28A.400 RCW; adding new sections to chapter 28A.410 RCW; adding new sections to chapter 28A.600 RCW; adding new sections to chapter 28A.630 RCW; adding new sections to chapter 28B.80 RCW; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28B.10 RCW; adding a new chapter to Title 28C RCW; creating new sections; providing effective dates; providing expiration dates; and declaring an emergency."

On page 81, line 8 of the title amendment, after "41.59.020," strike "and 41.56.030" and insert "41.56.030, 84.52.053, and 84.52.0531"

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute House Bill No. 1023, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 1023 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1993, by House Committee on Revenue (originally sponsored by Representative Peery)

Concerning stadiums, and convention and performing arts centers.

The bill was read the second time.

MOTIONS

On motion of Senator McCaslin, the following amendment by Senators Sutherland and McCaslin was adopted:

On page 1, after line 6, strike all material through "facility." on page 2, line 4, and insert: "In any county located in whole or in part in a national scenic are and the population of which county is less than 20,000, a convention center facility may include a hotel, destination resort, conference center, or similar or related facility. A convention center facility may include the land on which any of the foregoing

structures or facilities are sited. A convention center facility may also include land necessary for the operation of a convention center facility."

On motion of Senator Sutherland, the following amendment was adopted:

On page 2, line 11, strike all of section 2 and insert:

NEW SECTION. Sec. 2. A new section is added to chapter 67.28 RCW to read as follows:

The provisions of this section shall apply to any municipality in any county located in whole or in part in a national scenic area when the population of the county is less than 20,000. The provisions of this section shall also apply to the county when the county contains in whole or in part a national scenic area and the population of the county is less than 20,000.

(1) The legislative body of any municipality or the county legislative authority is authorized to sell to any public or private person, including a corporation, partnership, joint venture, or any other business entity, any convention center facility it owns in whole or in part.

(2) The price and other terms and conditions shall be as the legislative body or authority shall determine.

MOTIONS

On motion of Senator McMullen, the following amendment was adopted:

On page 3, after line 10, insert the following:

NEW SECTION. Sec. 4. A new section is added to chapter 67.28 RCW to read as follows:

In addition to the other uses authorized in this chapter, any city with a population of not less than one thousand people located on one of the San Juan islands or the county within which such city is located may impose the tax and use the tax proceeds provided herein for the acquisition, construction, or operation of publicly owned facilities that are used either for county fairs occurring no more than once a year and not extending over a period of more than seven days or to mitigate the impacts of tourism.

Senator McMullen moved that the following amendment be adopted:

On page 3, after line 10, insert the following:

NEW SECTION. Sec. 4. A new section is added to chapter 67.28 RCW to read as follows:

(1) The city council of any city with a population of forty-five thousand or more located in a first class county other than a county that has, prior to June 26, 1975, pledged tax revenues or issued bonds for purposes of public stadium, convention, performing arts and/or visual arts center facilities is authorized to levy and collect a special excise tax of up to three percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over such tax to the city as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to taxes imposed under this section.

(3) The tax authorized in subsection (1) of this section is in addition to any other tax authorized by law.

(4) All new taxes levied and collected under this section shall be credited to a special fund in the treasury of the city. Such taxes shall be levied only for tourist-related activities including the maintenance, construction, repair, or renovation of cultural and art facilities.

(5) The city council of any city authorized to impose a tax under this section may establish reasonable exemptions and may adopt such reasonable rules and regulations as may be necessary for the levy and collection of the tax authorized under this section. The department of revenue shall perform the collection of such taxes on behalf of such city at no cost to the city.

NEW SECTION. Sec. 5. Section 4 of this act shall expire six years after the effective date of this act.

POINT OF ORDER

Senator Matson: "Mr. President, I challenge the scope and object of this amendment on the bill. The underlying bill expands the purposes for which this hotel/motel tax may be used. The amendment authorizes a new three percent tax and, therefore, is clearly outside the scope and object of the bill."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 1993 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1495, by House Committee on Commerce and Labor (originally sponsored by Representatives Heavey and Hargrove) (by request of Department of Licensing)

Changing land development regulations.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following amendments by Senators Talmadge and Skratek be considered simultaneously and be adopted:

On page 4, line 7 after "into" strike "~~((ten))~~ twenty-six" and insert "ten"

On page 4, line 10 after "if" strike "~~((ten))~~ twenty-six" and insert "ten"

On page 6, line 1 strike all of Sec. 3 and renumber the remaining sections accordingly.

On page 18, line 13 strike all of subsection (1) and renumber the remaining subsections accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Talmadge on page 4, lines 7 and 10, and page 6, line 1, and page 18, line 13, to Substitute House Bill No. 1495.

The motion by Senator Talmadge failed and the amendments were not adopted.

MOTIONS

On motion of Senator Talmadge, the following amendment by Senators Talmadge, Jesernig and Skratek was adopted:

On page 16, line 8 strike all of Sec. 8 and renumber the remaining sections accordingly.

On motion of Senator Talmadge, the following amendment by Senators Talmadge and Skratek was adopted:

On page 17, line 4 strike all of Sec. 10 and renumber the remaining sections accordingly.

MOTION

Senator Talmadge moved that the following amendments by Senators Talmadge and Skratek be considered simultaneously and be adopted:

On page 18, line 21 strike everything down through and including "17;" on line 23 and renumber the remaining subsections accordingly.

On page 18, line 24 strike everything down through and including "26;" on page 19, line 2 and renumber the remaining subsections accordingly.

MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 1495 was deferred.

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

MESSAGE FROM THE HOUSE

April 18, 1991

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5003,

SUBSTITUTE SENATE BILL NO. 5030,

SENATE BILL NO. 5220,

SENATE BILL NO. 5221,

ENGROSSED SENATE BILL NO. 5311,

SUBSTITUTE SENATE BILL NO. 5381,

SENATE BILL NO. 5391,

SENATE BILL NO. 5434,

SUBSTITUTE SENATE BILL NO. 5450,

SUBSTITUTE SENATE BILL NO. 5577,
SENATE BILL NO. 5586,
SENATE BILL NO. 5630,
SUBSTITUTE SENATE BILL NO. 5645, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

SECOND READING

HOUSE BILL NO. 2059, by Representatives H. Myers, Grant, O'Brien, Wineberry, Orr and Anderson

Providing low-income persons with residential weatherization and energy assistance.

The bill was read the second time.

MOTION

On motion of Senator Thorsness, the rules were suspended, House Bill No. 2059 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2059.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2059 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Moore, Sellar - 2.

HOUSE BILL NO. 2059, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1401, by House Committee on Revenue (originally sponsored by Representatives Wang, Wynne, Ballard, D.

Sommers, Winsley, Cooper, Vance, Mielke, Van Luven, Moyer, Miller, Brumsickle, Bowman, Horn, Paris, May, Berozoff, Inslee, R. Meyers, Pruitt, Zellinsky, Bray, Franklin, Ogden, Phillips, Valle, H. Myers, Rasmussen, Fraser, Sprengle, Heavey, Scott, Tate, Dellwo, Silver, Jacobsen, Hine, Brekke and Peery) (by request of Department of Revenue)

Enacting the Washington taxpayers' rights and responsibilities act.

The bill was read the second time.

MOTIONS

On motion of Senator McDonald, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This chapter shall be known and cited as "Washington taxpayers' rights and responsibilities."

NEW SECTION. Sec. 2. (1) The legislature finds that taxes are one of the most sensitive points of contact between citizens and their government, and that there is a delicate balance between revenue collection and taxpayers' rights and responsibilities. The rights, privacy, and property of Washington taxpayers should be protected adequately during the process of the assessment and collection of taxes.

(2) The legislature further finds that the Washington tax system is based largely on voluntary compliance and that taxpayers have a responsibility to inform themselves about applicable tax laws. The legislature also finds that the rights of the taxpayers and their attendant responsibilities are best implemented where the department of revenue provides accurate tax information, instructions, forms, administrative policies, and procedures to assist taxpayers to voluntarily comply with the provisions of the revenue act, Title 82 RCW, and where taxpayers cooperate in the administration of these provisions.

NEW SECTION. Sec. 3. The department of revenue shall administer this chapter. The department of revenue shall adopt or amend rules as may be necessary to fully implement this chapter and the rights established under this chapter.

NEW SECTION. Sec. 4. The taxpayers of the state of Washington have:

(1) The right to a written explanation of the basis for any tax deficiency assessment, interest, and penalties at the time the assessments are issued;

(2) The right to rely on specific, official written advice and written tax reporting instructions from the department of revenue to that taxpayer, and to have interest, penalties, and in some instances, tax deficiency assessments waived where the taxpayer has so relied to their proven detriment;

(3) The right to redress and relief where tax laws or rules are found to be unconstitutional by the final decision of a court of record and the right to prompt administrative remedies in such cases;

(4) The right to confidentiality and protection from public inquiry regarding financial and business information in the possession of the department of revenue in accordance with the requirements of RCW 82.32.330;

(5) The right to receive, upon request, clear and current tax instructions, rules, procedures, forms, and other tax information; and

(6) The right to a prompt and independent administrative review by the department of revenue of a decision to revoke a tax registration, and to a written determination that either sustains the revocation or reinstates the registration.

NEW SECTION. Sec. 5. To ensure consistent application of the revenue laws, taxpayers have certain responsibilities under chapter 82.32 RCW, including, but not limited to, the responsibility to:

- (1) Register with the department of revenue;
- (2) Know their tax reporting obligations, and when they are uncertain about their obligations, seek instructions from the department of revenue;
- (3) Keep accurate and complete business records;
- (4) File accurate returns and pay taxes in a timely manner;
- (5) Ensure the accuracy of the information entered on their tax returns;
- (6) Substantiate claims for refund;
- (7) Timely pay all taxes after closing a business and request cancellation of registration number; and
- (8) Timely respond to communications from the department of revenue.

NEW SECTION. Sec. 6. The director of revenue shall appoint a taxpayer rights advocate. The advocate shall be responsible for directly assisting taxpayers and their representatives to assure their understanding and utilization of the policies, processes, and procedures available to them in the resolution of problems.

NEW SECTION. Sec. 7. The department of revenue shall maintain a taxpayer services program consisting of, but not limited to:

- (1) Providing taxpayer assistance in the form of information, education, and instruction in person, by telephone, or by correspondence;
- (2) Conducting tax workshops at locations most conveniently accessible to the majority of taxpayers affected; and
- (3) Publishing written bulletins, instructions, current revenue laws, rules, court decisions, and interpretive rulings of the department of revenue.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act shall constitute a new chapter in Title 82 RCW.

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 1 of the title, after "responsibilities;" strike the remainder of the title and insert "and adding a new chapter to Title 82 RCW."

MOTION

On motion of Senator McDonald, the rules were suspended, Substitute House Bill No. 1401, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1401, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1401, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A.

Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Moore, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 1401, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1228, by Representatives Brumsickle, Wang, Holland and Paris (by request of Office of Financial Management)

Managing state government receivables.

The bill was read the second time.

MOTION

On motion of Senator Amondson, the rules were suspended, Engrossed House Bill No. 1228 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, this is money that is owed the state. Is this a two-way street? Can the vendor charge the same rate when they are not paid within thirty days?"

Senator McDonald: "There is some provision for what we will pay them, but I don't have that at the tip of my tongue. I think it is more in the state's favor that we get more interest than we pay out."

Senator Rasmussen: "Well, that is what I am wondering, because that is quite a complaint that vendors are waiting for their money and not collecting interest on it. Maybe Senator Amondson knows more about it."

Senator McDonald: "Actually, Senator Rasmussen, if these were exactly the same people--people that owed us and the ones that we owed--then that would probably, you know, I would throw in with you. These are people who owe us and aren't necessarily the ones that we owe."

Senator Rasmussen: "Well, I understand that, but we ought to have it the same way for the vendors that are not getting paid within thirty days. Thank you."

POINT OF INQUIRY

Senator Vognild: "Senator McDonald, section one of this bill, and it is well summarized just in the summary, makes an interesting change in law and I guess I am not really against it or for it. I want to know what it is for. It says that the state may report receivables to a credit association. It strikes the word 'delinquent.' It sounds almost to me as if it is going to allow the

state to report to a credit bureau every bill that anybody owes the state. I guess I don't understand why. I'm a little concerned with it."

Senator McDonald: "Mr. President, I wonder if you could defer further consideration on this bill and I'll get the answers to both of these questions."

There being no objection, the President deferred further consideration of Engrossed House Bill No. 1228.

SECOND READING

HOUSE BILL NO. 1339, by Representatives Heavey and O'Brien (by request of Employment Security Department)

Revising provisions for unemployment compensation.

The bill was read the second time.

MOTIONS

On motion of Senator Matson, the following Committee on Commerce and Labor amendments were considered simultaneously and were adopted:

On page 2, line 22, after "year" insert "if the applicant was an unemployed individual at the time of application, or since the initial separation in the previous benefit year if the applicant was not an unemployed individual at the time of filing an application for initial determination for the previous benefit year,"

On page 3, after line 6, insert the following:

Sec. 2. RCW 50.20.085 and 1986 c 75 s 1 are each amended to read as follows: An individual is disqualified from benefits with respect to any day or days ((~~is~~)) for which he or she is receiving, has received, or will receive compensation under RCW 51.32.060 or 51.32.090.

Renumber the sections consecutively and correct internal references accordingly.

On page 6, line 7, after "awarded." strike "The" and insert "When an individual has been awarded or receives back pay, for benefit purposes the amount of the back pay shall constitute wages paid in the period for which it was awarded. For contribution purposes, the"

On motion of Senator Matson, the following title amendment was adopted:

On page 1, line 2 of the title, after "50.04.030" insert ", 50.20.085,"

MOTION

On motion of Senator Matson, the rules were suspended, House Bill No. 1339, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1339, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1339, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Moore, Sellar - 2.

HOUSE BILL NO. 1339, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1151, by Representatives Ferguson, Appelwick, Winsley, Rasmussen, Tate, Fuhrman, Broback, Moyer, Holland, Dorn, Phillips, Pruitt, H. Sommers, Brumsickle, D. Sommers, Ogden, Ballard, Forner, Grant, Roland, Vance, Morris, Spanel, Paris, Haugen, May, Rayburn, Zellinsky, Silver, Betrozoff, Nealey, Sprengle and Orr

Changing blood and breath alcohol content standards for intoxication for those persons under the age of twenty-one.

The bill was read the second time.

MOTION

Senator Nelson moved that the following amendment by Senator Talmadge and Nelson be adopted:

On page 1, after the enacting clause insert a new section to read as follows:

NEW SECTION. Sec. 1. The legislature finds there is a statistically significant difference between the number of persons under the age of twenty-one and those twenty-one and over in the number of fatal automobile accidents in which the operator of one of the motor vehicles was under twenty-one and had consumed intoxicating liquor. The legislature finds that the number of persons under twenty-one years of age involved in alcohol-related fatal accidents is twice as great as the percent of total number of licensed motor vehicle operators represented by persons under twenty-one years of age.

The legislature further finds there is rational, scientific evidence that the affect of alcohol on persons under the age of twenty-one years of age is more significant than persons of similar weight and height who are older than twenty-one.

The legislature further finds that there is a rational relationship between the need to improve the safety of all persons using the highways, roads, waterways, and airways of this state and the ability to address the special concerns caused by the use of alcohol

by persons under twenty-one years of age who are operating motor vehicles of any kind.

The legislature further recognizes the need to take special precautions to protect the health, safety, and well-being of its youth."

Renumber the remaining sections consecutively and correct internal cross-references.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Talmadge and Nelson on page 1, after the enacting clause, to House Bill No. 1151.

The motion by Senator Nelson carried and the amendment was adopted.

MOTIONS

On motion of Senator Nelson, the following amendments by Senators Nelson and Talmadge were considered simultaneously and were adopted:

On page 2, line 17, after "(i)" strike "0.10" and insert "0.08"

On page 2, line 18, after "(ii)" strike "0.10" and insert "0.08"

On motion of Senator Nelson, the following title amendments were considered simultaneously and were adopted:

On line 2 of the title, after "intoxication" strike "for those persons under the age of twenty-one"

On line 3 of the title, after "one;" add "creating a new section;"

MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 1151, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1151, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1151, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 41.

Voting nay: Senators Conner, Hansen, McCaslin, Pelz, Vognild - 5.

Absent: Senator Rinehart - 1.

Excused: Senators Moore, Sellar - 2.

HOUSE BILL NO. 1151, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 1228, deferred on third reading earlier today.

REMARKS BY SENATOR McDONALD

Senator McDonald: "Mr. President, this is the bill that Senator Rasmussen had a question on. It was a good question and the answer is that we pay one percent per month on debts. This would require that we receive one percent per month from those that owe us. I think it is a reasonable bill and that we do have bilateral symmetry there.

"To answer Senator Vognild's question, on past due accounts, receivable is apparently the same thing as receivables and accountees. Therefore, it is just kind of a technical amendment. I think this is a good bill that allows us to collect one percent per month for those who owe us money and would cause them to have some pain if they didn't and cause them to pay up as quickly as possible. Hope you would vote for it. "

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1228.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1228 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senator Matson - 1.

Excused: Senators Moore, Sellar - 2.

ENGROSSED HOUSE BILL NO. 1228, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:25 p.m., on motion of Senator Newhouse, the Senate recessed until 6:00 p.m.

The Senate was called to order at 6:13 p.m. by President Pritchard.

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357, by House Committee on Revenue (originally sponsored by Representatives Fraser, Holland, Wang, Wynne, Winsley, Moyer, Paris and May) (by request of Department of Revenue)

Relating to the public disclosure of tax information.

The bill was read the second time.

MOTIONS

Senator Nelson moved that the following Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 82.32.330 and 1990 c 67 s 1 are each amended to read as follows:

(1) For purposes of this section:

(a) "Disclose" means to make known to any person in any manner whatever a return or tax information;

(b) "Return" means a tax or information return or claim for refund required by, or provided for or permitted under, the laws of this state which is filed with the department of revenue by, on behalf of, or with respect to a person, and any amendment or supplement thereto, including supporting schedules, attachments, or lists that are supplemental to, or part of, the return so filed;

(c) "Tax information" means (i) a taxpayer's identity, (ii) the nature, source, or amount of the taxpayer's income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability deficiencies, overassessments, or tax payments, whether taken from the taxpayer's books and records or any other source, (iii) whether the taxpayer's return was, is being, or will be examined or subject to other investigation or processing, (iv) a part of a written determination that is not designated as a precedent and disclosed pursuant to section 2 of this act, or a background file document relating to a written determination, and (v) other data received by, recorded by, prepared by, furnished to, or collected by the department of revenue with respect to the determination of the existence, or possible existence, of liability, or the amount thereof, of a person under the laws of this state for a tax, penalty, interest, fine, forfeiture, or other imposition, or offense: PROVIDED, That data, material, or documents that do not disclose information related to a specific or identifiable taxpayer do not constitute tax information under this section. Except as provided by section 2(1) of this act, nothing in this chapter shall require any person possessing data, material, or documents made confidential and privileged by this section to delete information from such data, material, or documents so as to permit its disclosure;

(d) "State agency" means every Washington state office, department, division, bureau, board, commission, or other state agency; and

(e) "Taxpayer identity" means the taxpayer's name, address, telephone number, registration number, or any combination thereof, or any other information disclosing the identity of the taxpayer.

(2) Returns and tax information shall be confidential and privileged, and except as ((hereinafter provided it shall be unlawful for)) authorized by this section, neither the department of revenue ((or)) nor any ((member, deputy, clerk)) officer, employee,

agent, ~~((employee,))~~ or representative thereof ~~((or))~~ nor any other person ~~((to make known or reveal))~~ may disclose any ~~((facts or information contained in any return filed by any taxpayer or disclosed in any investigation or examination of the taxpayer's books and records made in connection with the administration hereof))~~ return or tax information.

(3) The foregoing, however, shall not ~~((be construed to))~~ prohibit the department of revenue or ~~((a member of))~~ an officer, employee, agent, or representative thereof from:

~~((1) Giving))~~ (a) Disclosing such ~~((facts))~~ return or tax information ~~((in evidence in any court action involving))~~ in a civil or criminal judicial proceeding or an administrative proceeding;

(i) In respect of any tax imposed ((hereunder or involving a violation of the provisions hereof or involving)) under the laws of this state if the taxpayer or its officer or other person liable under Title 82 RCW is a party in the proceeding; or

(ii) In which the taxpayer about whom such return or tax information is sought and another state ((department and the taxpayer; (2) giving such facts and information to the taxpayer or his duly authorized agent; (3)) agency are adverse parties in the proceeding;

(b) Disclosing, subject to such requirements and conditions as the director shall prescribe by rules adopted pursuant to chapter 34.05 RCW, such return or tax information regarding a taxpayer to such taxpayer or to such person or persons as that taxpayer may designate in a request for, or consent to, such disclosure, or to any other person, at the taxpayer's request, to the extent necessary to comply with a request for information or assistance made by the taxpayer to such other person: PROVIDED, That tax information not received from the taxpayer shall not be so disclosed if the director determines that such disclosure would compromise any investigation or litigation by any federal, state, or local government agency in connection with the civil or criminal liability of the taxpayer or another person, or that such disclosure is contrary to any agreement entered into by the department that provides for the reciprocal exchange of information with other government agencies which agreement requires confidentiality with respect to such information unless such information is required to be disclosed to the taxpayer by the order of any court;

(c) Publishing statistics so classified as to prevent the identification of particular returns or reports or items thereof;

~~((4) giving))~~ (d) Disclosing such ~~((facts))~~ return or tax information, for official purposes only, to the governor or attorney general, or to any state ~~((department,))~~ agency, ~~((board, commission, council,))~~ or to any committee or subcommittee of the legislature dealing with matters of taxation, revenue, trade, commerce, the control of industry or the professions;

~~((5))~~ (e) Permitting ((its)) the department of revenue's records to be audited and examined by the proper state officer, his or her agents and employees;

~~((6) giving))~~ (f) Disclosing any such ~~((facts))~~ return or tax information to the proper officer of the internal revenue service of the United States, the Canadian government or provincial governments of Canada, or to the proper officer of the tax department of any state or city or town or county, for official purposes, but only if the statutes of the United States, Canada or its provincial governments, or of such other state or city or town or county, as the case may be, grants substantially similar privileges to the proper officers of this state; or

~~((7) giving))~~ (g) Disclosing any such ~~((facts))~~ return or tax information to the Department of Justice, the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury, ~~((or the army or navy departments of the United States))~~ the Department of Defense, the United States customs service, the coast guard of the United States, and the United States department of transportation, or any authorized representative thereof, for official purposes;

(b) Publishing or otherwise disclosing the text of a written determination designated by the director as a precedent pursuant to section 2 of this act; or

(i) Disclosing, in a manner that is not associated with other tax information, the taxpayer name, business address, mailing address, revenue tax registration numbers, standard industrial classification code of a taxpayer, and the dates of opening and closing of business.

(4) Any person acquiring knowledge of ~~((such facts))~~ any return or tax information in the course of his or her employment with the department of revenue and any person acquiring knowledge of ~~((such facts and))~~ any return or tax information as provided under ~~((4), (5), (6) and (7) above))~~ subsection (3) (d), (e), (f), or (g) of this section, who ~~((reveals or makes known))~~ discloses any such ((facts)) return or tax information to another person not entitled to knowledge of such ~~((facts))~~ return or tax information under the provisions of this section, shall upon conviction be punished by a fine ~~((of))~~ not exceeding one thousand dollars and, if the ~~((offender or))~~ person guilty of such violation is an officer or employee of the state, ~~((he))~~ such person shall forfeit such office or employment and shall be incapable of holding any public office or employment in this state for a period of two years thereafter.

NEW SECTION. Sec. 2. A new section is added to chapter 82.32 RCW to read as follows:

(1) The director may designate certain written determinations as precedents.

(a) By rule adopted pursuant to chapter 34.05 RCW, the director shall adopt criteria which he or she shall use to decide whether a determination is precedential. These criteria shall include, but not be limited to, whether the determination clarifies an unsettled interpretation of Title 82 RCW or where the determination modifies or clarifies an earlier interpretation.

(b) Written determinations designated as precedents by the director shall be made available for public inspection and shall be published by the department.

(c) The department shall disclose any written determination upon which it relies to support any assessment of tax, interest, or penalty against such taxpayer, after making the deletions provided by subsection (2) of this section.

(2) Before making a written determination available for public inspection under subsection (1) of this section, the department shall delete:

(a) The names, addresses, and other identifying details of the person to whom the written determination pertains and of another person identified in the written determination; and

(b) Information the disclosure of which is specifically prohibited by any statute applicable to the department of revenue, and the department may also delete other information exempted from disclosure by chapter 42.17 RCW or any other statute applicable to the department of revenue.

On motion of Senator Talmadge, the following amendment by Senators Talmadge and Nelson to the Committee on Law and Justice amendment was adopted:

On page 3, after line 28, insert a new subsection to read as follows:

(c) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been either issued or failed and remains outstanding for a period of at least ten working days. The department shall not be required to disclose any information under this subsection if a taxpayer: (i) Has been issued a tax assessment; (ii) has been issued a warrant that has not been filed; and (iii) has entered a deferred payment arrangement with the department of revenue and is making payments upon such deficiency that will fully satisfy the indebtedness within twelve months;

(d) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been filed with a court of record and remains outstanding;

Reletter the remaining subsections consecutively and correct internal cross-references.

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice striking amendment, as amended, to Engrossed Substitute House Bill No. 1357.

The motion by Senator Nelson carried and the Committee on Law and Justice striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "information;" strike the remainder of the title and insert "amending RCW 82.32.330; adding a new section to chapter 82.32 RCW; and prescribing penalties."

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 1357, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTIONS

On motion of Senator Anderson, Senators Barr, McDonald and Patterson were excused.

On motion of Senator Murray, Senator Rasmussen was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1357, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1357, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 1; Absent, 3; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 39.

Voting nay: Senator Matson - 1.

Absent: Senators Conner, Hansen, Vognild - 3.

Excused: Senators Barr, McDonald, Moore, Patterson, Rasmussen, Sellar - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Murray, Senators Conner, Hansen and Vognild were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1709, by House Committee on Environmental Affairs (originally sponsored by Representatives Fraser, Miller, Rust, Valle, Roland, Winsley, Rasmussen, Ebersole, Wineberry and Dorn) (by request of Department of Health)

Concerning safe drinking water.

The bill was read the second time.

MOTIONS

On motion of Senator Newhouse, the following Committee on Agriculture and Water Resources amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) The responsibility for ensuring that the citizens of this state have a safe and reliable drinking water supply is shared between local government and state government, and is the obligation of every public water system;

(2) A rapid increase in the number of public water systems supplying drinking water to the citizens of this state has significantly increased the burden on both local and state government to monitor and enforce compliance by these systems with state laws that govern planning, design, construction, operation, maintenance, financing, management, and emergency response;

(3) The federal safe drinking water act imposes on state and local governments and the public water systems of this state significant new responsibilities for monitoring, testing, and treating drinking water supplies; and

(4) Existing drinking water programs at both the state and local government level need additional authorities to enable them to more comprehensively and systematically address the needs of the public water systems of this state and assure that the public health and safety of its citizens are protected.

Therefore, annual operating permit requirements shall be established in accordance with this chapter. The operating permit requirements shall be administered by the department and shall be used as a means to assure that public water systems provide safe and reliable drinking water to the public. The department and local government shall conduct comprehensive and systematic evaluations to assess the adequacy and financial viability of public water systems. The department may impose permit conditions, requirements for system improvements, and compliance schedules in order to carry out the purpose of this act.

Sec. 2. RCW 70.119A.020 and 1991 c 3 s 370 are each amended to read as follows:

Unless the context clearly requires otherwise, the following definitions apply throughout this chapter:

- (1) "Department" means the department of health.
- (2) "Local board of health" means the city, town, county, or district board of health.
- (3) "Local health jurisdiction" means an entity created under chapter 70.05, 70.08, or 70.46 RCW which provides public health services to persons within the area.
- (4) "Public water system" means any system, excluding a system serving only one single-family residence(~~(, which provides piped water for human consumption)~~) and a system with four or fewer connections all of which serve residences on the same farm, providing piped water for human consumption, including any collection, treatment, storage, or distribution facilities under control of the purveyor and used primarily in connection with the system; and collection or pretreatment storage facilities not under control of the purveyor but primarily used in connection with the system, including:
 - (a) Any collection, treatment, storage, and distribution facilities under control of the purveyor and used primarily in connection with such system; and
 - (b) Any collection or pretreatment storage facilities not under control of the purveyor which are primarily used in connection with such system.
- (5) "Order" means a written direction to comply with a provision of the regulations adopted under RCW 43.20.050(2)(a) or 70.119.050 or to take an action or a series of actions to comply with the regulations.
- (6) "Purveyor" means any agency or subdivision of the state or any municipal corporation, firm, company, mutual, or cooperative association, institution, partnership, or person or any other entity, that owns or operates a public water system. It also means the authorized agents of any such entities.
- (7) "Regulations" means rules adopted to carry out the purposes of this chapter.
- (8) "Federal safe drinking water act" means the federal safe drinking water act, 42 U.S.C. Sec. 300f et seq., as now in effect or hereafter amended.
- (9) "Local health officer" means the legally qualified physician who has been appointed as the health officer for the city, town, county, or district public health department.
- (10) "Person" includes, but is not limited to, natural persons, municipal corporations, governmental agencies, firms, companies, mutual or cooperative associations, institutions, and partnerships. It also means the authorized agents of any such entities.
- (11) "Public health emergency" means a declaration by an authorized health official of a situation in which either illness, or exposure known to cause illness, is occurring or is imminent.
- (12) "Secretary" means the secretary of the department of health.
- (13) "State board of health" is the board created by RCW 43.20.030.

Sec. 3. RCW 70.119A.030 and 1989 c 422 s 6 are each amended to read as follows:

- (1) The secretary or his or her designee or the local health officer may declare a public health emergency. As limited by RCW 70.119A.040, the department may impose penalties for violations of laws or regulations that are determined to be a public health emergency.
- (2) As limited by RCW 70.119A.040, the department may impose penalties for failure to comply with an order of the department, or of an authorized local board of health, when the order:
 - (a) Directs any person to stop work on the construction or alteration of a public water system when plans and specifications for the construction or alteration have not been approved as required by the regulations, or when the work is not being done in conformity with approved plans and specifications;

(b) Requires any person to eliminate a cross-connection to a public water system by a specified time; or

(c) Requires any person to cease violating any regulation relating to public water systems, ~~((or))~~ to take specific actions within a specified time to place a public water system in compliance with regulations adopted under chapters 43.20 and 70.119 RCW, to apply for an operating permit as required under section 5 of this act or to comply with any conditions or requirements imposed as part of an operating permit.

Sec. 4. RCW 70.119A.060 and 1990 c 132 s 4 are each amended to read as follows:

(1) In order to assure safe and reliable public drinking water and to protect the public health, public water systems shall:

- (a) Protect the water sources used for drinking water;
- (b) Provide treatment adequate to assure that the public health is protected;
- (c) Provide and effectively operate and maintain public water system facilities;
- (d) Plan for future growth and assure the availability of safe and reliable drinking water;

(e) Provide the department with the current names, addresses, and telephone numbers of the owners, operators, and emergency contact persons for the system, including any changes to this information, and provide to users the name and twenty-four hour telephone number of an emergency contact person; and

(f) Take whatever investigative or corrective action is necessary to assure that a safe and reliable drinking water supply is continuously available to users.

(2) The department and local health jurisdictions shall carry out the rules and regulations of the state board of health adopted pursuant to RCW 43.20.050(2)(a) and other rules adopted by the department relating to public water systems.

NEW SECTION. Sec. 5. (1) No person may operate a group A public water system unless the person first submits an application to the department and receives an operating permit as provided in this section. A new application must be submitted upon any change in ownership of the system. Any person operating a public water system on the effective date of this section may continue to operate the system until the department takes final action, including any time necessary for a hearing under subsection (3) of this section, on a permit application submitted by the person operating the system under the rules adopted by the department to implement this section.

(2) The department may require that each application include the information that is reasonable and necessary to determine that the system complies with applicable standards and requirements of the federal safe drinking water act, state law, and rules adopted by the department or by the state board of health.

(3) Following its review of the application, its supporting material, and any information received by the department in its investigation of the application, the department shall issue or deny the operating permit. The department shall act on initial permit applications as expeditiously as possible, and shall in all cases either grant or deny the application within one hundred twenty days of receipt of the application or of any supplemental information required to complete the application. The applicant for a permit shall be entitled to file an appeal in accordance with chapter 34.05 RCW if the department denies the initial or subsequent applications or imposes conditions or requirements upon the operator. Any operator of a public water system that requests a hearing may continue to operate the system until a decision is issued after the hearing.

(4) At the time of initial permit application or at the time of permit renewal the department may impose such permit conditions, requirements for system improvements, and compliance schedules as it determines are reasonable and necessary to ensure that the system will provide a safe and reliable water supply to its users.

(5) Operating permits shall be issued for a term of one year, and shall be renewed annually, unless the operator fails to apply for a new permit or the department finds good cause to deny the application for renewal.

(6) Each application shall be accompanied by an annual fee as follows:

(a) The annual fee for public water supply systems serving fifteen to forty-nine service connections shall be twenty-five dollars.

(b) The annual fee for public water supply systems serving fifty to three thousand three hundred thirty-three service connections shall be based on a uniform per service connection fee of one dollar and fifty cents per service connection.

(c) The annual fee for public water supply systems serving three thousand three hundred thirty-four to fifty-three thousand three hundred thirty-three service connections shall be based on a uniform per service connection fee of one dollar and fifty cents per service connection plus ten cents for each service connection in excess of three thousand three hundred thirty-three service connections.

(d) The annual fee for public water supply systems serving fifty-three thousand three hundred thirty-four or more service connections shall be ten thousand dollars.

(e) In addition to the fees under (a) through (d) of this subsection, the department may charge an additional one-time fee of five dollars for each service connection in a new water system.

(7) The department may phase-in the implementation for any group of systems provided the schedule for implementation is established by rule. Prior to implementing the operating permit requirement on water systems having less than five hundred service connections, the department shall form a committee composed of persons operating these systems. The committee shall be composed of the department of health, two operators of water systems having under one hundred connections, two operators of water systems having between one hundred and two hundred service connections, two operators of water systems having between two hundred and three hundred service connections, two operators of water systems having between three hundred and four hundred service connections, two operators of water systems having between four hundred and five hundred service connections, and two county public health officials. The members shall be chosen from different geographic regions of the state. This committee shall develop draft rules to implement this section. The draft rules will then be subject to the rule-making procedures in accordance with chapter 34.05 RCW.

(8) The department shall notify existing public water systems of the requirements of RCW 70.119A.030, 70.119A.060, and this section at least one hundred twenty days prior to the date that an application for a permit is required pursuant to RCW 70.119A.030, 70.119A.060, and this section.

(9) The department shall issue one operating permit to any approved satellite system management agency. Operating permit fees for approved satellite system management agencies shall be one dollar per connection per year for the total number of connections under the management of the approved satellite agency. The department shall define by rule the meaning of the term "satellite system management agency." If a statutory definition of this term exists, then the department shall adopt by rule a definition consistent with the statutory definition.

(10) For purposes of this section, "group A public water system" and "system" mean those water systems with fifteen or more service connections, regardless of the number of people; or a system serving an average of twenty-five or more people per day for sixty or more days within a calendar year, regardless of the number of service connections.

NEW SECTION. Sec. 6. The safe drinking water account is created in the general fund of the state treasury. All receipts from the operating permit fees required to be paid under section 5 of this act shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may

be used by the department of health to carry out the purposes of this act and to carry out contracts with local governments in accordance with this chapter.

NEW SECTION. Sec. 7. Until July 1, 1996, local governments shall be prohibited from administering a separate operating permit requirement for public water systems. After July 1, 1996, local governments may establish separate operating permit requirements for public water systems provided the operating permit requirements have been approved by the department. The department shall not approve local operating permit requirements unless the local system will result in an increased level of service to the public water system. There shall not be duplicate operating permit requirements imposed by local governments and the department.

NEW SECTION. Sec. 8. The department shall adopt rules necessary to implement sections 5 through 7 of this act. The requirements of this act shall take effect upon adoption of rules pursuant to this act.

NEW SECTION. Sec. 9. Sections 5 through 7 of this act are each added to chapter 70.119A RCW.

On motion of Senator Newhouse, the following title amendment was adopted:

On page 1, line 1 of the title, after "permits;" strike the remainder of the title and insert "amending RCW 70.119A.020, 70.119A.030, and 70.119A.060; adding new sections to chapter 70.119A RCW; and creating new sections."

MOTION

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 1709, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1709, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1709, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 2; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 40.

Voting nay: Senators Matson, McCaslin - 2.

Excused: Senators Conner, Hansen, Moore, Patterson, Rasmussen, Sellar, Vognild - 7.

SUBSTITUTE HOUSE BILL NO. 1709, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1336, by House Committee on Housing (originally sponsored by Representatives Leonard, Ogden, Anderson, Ballard, Nelson, Winsley, Wineberry, Franklin, Mitchell, Paris and Brekke)

Regulating the screening of prospective residential tenants.

The bill was read the second time.

MOTION

Senator Adam Smith moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 12, after "on a" insert "waiting"

On page 2, line 28, after "include any" strike "fee" and insert "cost"

On page 3, line 3, after "(3)" strike "Any" and insert "In any action brought for a violation of this section a landlord may be liable for the amount of the fee or deposit charged. In addition, any"

On page 3, line 14, after "exceed the" strike the remainder of the sentence and insert "customary costs charged by a screening service in the general area."

On page 3, line 18, after "tenant" strike "a fee for" and insert "for the cost of"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Adam Smith on page 2, line 12 and 28; page 3, line 3, 14, and 18; to Substitute House Bill No. 1336.

The motion by Senator Adam Smith carried and the amendments were adopted.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1336, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1336, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1336, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn

Excused: Senators Conner, Moore, Patterson, Rasmussen, Sellar, Vognild - 6.
SUBSTITUTE HOUSE BILL NO. 1336, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1581, by Representatives Grant, Miller and Rasmussen (by request of Utilities and Transportation Commission)

Placing the burden of proof on utilities to show that certain operations are not subject to regulation.

The bill was read the second time.

MOTIONS

Senator Thorsness moved that the following Committee on Energy and Utilities amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 80.04.015 and 1986 c 11 s 1 are each amended to read as follows:

Whether or not any person or corporation is conducting business subject to regulation under this title, or has performed or is performing any act requiring registration or approval of the commission without securing such registration or approval, shall be a question of fact to be determined by the commission. Whenever the commission believes that any person or corporation is engaged in any activity without first complying with the requirements of this title, it may institute a special proceeding requiring such person or corporation to appear before the commission at a location convenient for witnesses and the production of evidence and produce information, books, records, accounts, and other memoranda, and give testimony under oath as to the activities being conducted. The commission may consider any and all facts that may indicate the true nature and extent of the operations or acts and may subpoena such witnesses and documents as it deems necessary.

After investigation, the commission is authorized and directed to issue the necessary order or orders declaring the activities to be subject to, or not subject to, the provisions of this title. In the event the activities are found to be subject to the provisions of this title, the commission shall issue such orders as may be necessary to require all parties involved in the activities to comply with this title, and with respect to services found to be reasonably available from alternative sources, to issue orders to cease and desist from providing jurisdictional services pending full compliance.

In proceedings under this section, no person or corporation may be excused from testifying or from producing any information, book, document, paper, or account before the commission when ordered to do so, on the ground that the testimony or evidence, information, book, document, or account required may tend to incriminate him or her or subject him or her to penalty or forfeiture specified in this title; but no person or corporation may be prosecuted, punished, or subjected to any penalty or forfeiture specified in this title for or on account of any account, transaction, matter, or thing concerning which he or she shall under oath have testified or produced documentary evidence in proceedings under this section: PROVIDED, That no person so testifying may be exempt from prosecution or punishment for any perjury committed by him or

her in such testimony: PROVIDED FURTHER, That the exemption from prosecution in this section extends only to violations of this title.

Until July 1, 1994, in any proceeding instituted under this section to determine whether a person or corporation owning, controlling, operating, or managing a water system is subject to commission regulation, and where the person or corporation has failed or refused to provide sufficient information or documentation to enable the commission to make such a determination, the burden shall be on such person or corporation to prove that the person's or corporation's operations or acts are not subject to commission regulation.

On motion of Senator Madsen, the following amendment by Senators Madsen and Thorsness to the Committee on Energy and Utilities amendment was adopted:

On page 2, after line 27, insert the following new section:

NEW SECTION. Sec. 2. A new section is added to chapter 80.28 RCW to read as follows:

The commission's jurisdiction over the rates, charges, practices, acts or services of any water company shall include any aspect of line extension, service installation, or service connection. If the charges for such services are not set forth by specific amount in the company's tariff filed with the commission pursuant to RCW 80.28.050, the commission shall determine the fair, just, reasonable, and sufficient charge for such extension, installation, or connection. In any such proceeding in which there is no specified tariffed rate, the burden shall be on the company to prove that its proposed charges are fair, just, reasonable, and sufficient."

The President declared the question before the Senate to be the adoption of the Committee on Energy and Utilities striking amendment, as amended, to House Bill No. 1581.

The motion by Senator Thorsness carried and the Committee on Energy and Utilities striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Thorsness, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "regulation;" strike the remainder of the title and insert "and amending RCW 80.04.015."

On page 3, line 5 of the title amendment, after "insert" strike the remainder of the line and insert "amending RCW 80.04.015; and adding a new section to chapter 80.12 RCW."

On motion of Senator Thorsness, the rules were suspended, House Bill No. 1581, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1581, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1581, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McDonald, McMullen, Metcalf, Murray, Nelson, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Voting nay: Senators Matson, McCaslin, Newhouse - 3.

Excused: Senators Moore, Rasmussen, Sellar - 3.

HOUSE BILL NO. 1581, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1023, as amended by the Senate, deferred on third reading earlier today.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1023, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1023, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 24; Nays, 22; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, L. Smith, Thorsness, von Reichbauer, West - 24.

Voting nay: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, M. Kreidler, Madsen, McMullen, Murray, Niemi, Owen, Pelz, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 22.

Excused: Senators Moore, Rasmussen, Sellar - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Gaspard moved to reconsider the vote by which Engrossed Substitute House Bill No. 1023, as amended by the Senate, failed to pass the Senate.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Gaspard that the Senate reconsider the vote by which Engrossed

Substitute House Bill No. 1023, as amended by the Senate, failed to pass the Senate.

The motion for reconsideration by Senator Gaspard carried and the Senate will reconsider the vote by which Engrossed Substitute House Bill No. 1023, as amended by the Senate, failed to pass the Senate.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1023, as amended by the Senate, on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1023, as amended by the Senate, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 21; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, L. Smith, Thorsness, von Reichbauer, West - 25.

Voting nay: Senators Bauer, Conner, Hansen, Jesernig, M. Kreidler, Madsen, McMullen, Murray, Niemi, Owen, Pelz, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 21.

Excused: Senators Moore, Rasmussen, Sellar - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023, as amended by the Senate, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5906, by Senators Rinehart, McCaslin and Talmadge

Relating to protecting persons seriously threatened by domestic violence by restricting disclosure of their names or addresses.

The bill was read the second time.

MOTION

Senator McCaslin moved that the following amendment by Senators Rinehart and McCaslin be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that persons attempting to escape from actual or threatened domestic violence frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of this chapter is to enable state and local agencies to respond to requests for public records without disclosing the location of a victim of domestic violence, to enable interagency cooperation with the secretary of state in providing address confidentiality for victims of domestic violence, and to enable state and local agencies to accept a

program participant's use of an address designated by the secretary of state as a substitute mailing address.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Address" means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant under this chapter.

(2) "Program participant" means a person certified as a program participant under section 3 of this act.

(3) "Domestic violence" means an act as defined in RCW 10.99.020 and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers.

NEW SECTION. Sec. 3. (1) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, as defined in RCW 11.88.010, may apply to the secretary of state to have an address designated by the secretary of state serve as the person's address or the address of the minor or incapacitated person. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed by the secretary of state and if it contains:

(a) A sworn statement by the applicant that the applicant has good reason to believe (i) that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence; and (ii) that the applicant fears for his or her safety or his or her children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made;

(b) A designation of the secretary of state as agent for purposes of service of process and for the purpose of receipt of mail;

(c) The mailing address where the applicant can be contacted by the secretary of state, and the phone number or numbers where the applicant can be called by the secretary of state;

(d) The new address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence;

(e) The signature of the applicant and of any individual or representative of any office designated in writing under section 8 of this act who assisted in the preparation of the application, and the date on which the applicant signed the application.

(2) Applications shall be filed with the office of the secretary of state.

(3) Upon filing a properly completed application, the secretary of state shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date. The secretary of state shall by rule establish a renewal procedure.

(4) A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, shall be punishable under RCW 40.16.030 or other applicable statutes.

NEW SECTION. Sec. 4. (1) If the program participant obtains a name change, he or she loses certification as a program participant.

(2) The secretary of state may cancel a program participant's certification if there is a change in the residential address from the one listed on the application, unless the program participant provides the secretary of state with seven days' prior notice of the change of address.

(3) The secretary of state may cancel certification of a program participant if mail forwarded by the secretary to the program participant's address is returned as nondeliverable.

(4) The secretary of state shall cancel certification of a program participant who applies using false information.

NEW SECTION. Sec. 5. (1) A program participant may request that state and local agencies use the address designated by the secretary of state as his or her address. When creating a new public record, state and local agencies shall accept the address designated by the secretary of state as a program participant's substitute address, unless the secretary of state has determined that:

(a) The agency has a bona fide statutory or administrative requirement for the use of the address which would otherwise be confidential under this chapter; and

(b) This address will be used only for those statutory and administrative purposes.

(2) A program participant may use the address designated by the secretary of state as his or her work address.

(3) The office of the secretary of state shall forward all first class mail to the appropriate program participants.

NEW SECTION. Sec. 6. (1) A program participant who is otherwise qualified to vote may apply as a service voter under RCW 29.01.155. The program participant shall automatically receive absentee ballots for all elections in the jurisdictions for which that individual resides in the same manner as absentee voters who qualify under RCW 29.36.013, except that the program participant shall not be required to reapply following January 1st of each odd-numbered year. The county auditor shall transmit the absentee ballot to the program participant at the address designated by the participant in his or her application as a service voter. Neither the name nor the address of a program participant shall be included in any list of registered voters available to the public.

(2) The county auditor may not make the participant's address contained in voter registration records available for public inspection or copying except under the following circumstances:

(a) If requested by a law enforcement agency, to the law enforcement agency; and

(b) If directed by a court order, to a person identified in the order.

NEW SECTION. Sec. 7. The secretary of state may not make a program participant's address, other than the address designated by the secretary of state, available for inspection or copying, except under the following circumstances:

(1) If requested by a law enforcement agency, to the law enforcement agency;

(2) If directed by a court order, to a person identified in the order; and

(3) If certification has been canceled.

NEW SECTION. Sec. 8. The secretary of state shall designate state and local agencies and nonprofit agencies that provide counseling and shelter services to victims of domestic violence to assist persons applying to be program participants. Any assistance and counseling rendered by the office of the secretary of state or its designees to applicants shall in no way be construed as legal advice.

NEW SECTION. Sec. 9. The secretary of state may adopt rules to facilitate the administration of this chapter by state and local agencies.

Sec. 10. RCW 42.17.310 and 1991 c 1 s 1 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapter 43.163 RCW and chapters 43.31, 43.63A, and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments,

or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(x) Information obtained by the board of pharmacy and its representatives as provided in RCW 69.41.044 and 69.41.280.

(y) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(z) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(aa) Financial and valuable trade information under RCW 51.36.120.

~~((bb) Effective April 19, 1991, the work and home addresses, other than the city of residence, of a person shall remain undisclosed or be omitted from all documents made available for public review if that person requests in writing, under oath, that these addresses be kept private because disclosure would endanger his or her life, physical safety, or property. This provision does not in any way restrict the sharing or collection of information by state and local governmental agencies required for the daily administration of their duties. The secretary of state shall administer this provision and establish the procedures and rules that are necessary for its operation. An agency that has not been furnished with a request for confidentiality of address information is not liable for damages resulting from its disclosure of the information. For purpose of service of process, the secretary of state shall serve as agent for each person who submits a request under this subsection. A request shall be of no force or effect if the requester does not include a statement, along with or part of the request, designating the secretary of state as agent of the requester for purposes of service of process.))~~

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 11. RCW 42.17.311 and 1990 c 256 s 2 are each amended to read as follows:

Nothing in RCW 42.17.310(1) (t) through (v) (~~and (bb)~~) shall affect a positive duty of an agency to disclose or a positive duty to withhold information which duty to disclose or withhold is contained in any other law.

NEW SECTION. **Sec. 12.** A new section is added to chapter 26.04 RCW to read as follows:

If a program participant under chapter 40.--- RCW (sections 1 through 9 of this act) notifies the appropriate county auditor as required under rules adopted by the secretary of state, the county auditor shall not make available for inspection or copying the name and address of a program participant contained in marriage applications and records filed under chapter 26.04 RCW, except under the following circumstances:

(1) If requested by a law enforcement agency, to the law enforcement agency; and

(2) If directed by a court order, to a person identified in the order.

Sec. 13. RCW 29.01.155 and 1987 c 346 s 8 are each amended to read as follows:

"Service voter" means any elector of the state of Washington who is a member of the armed forces under 42 U.S.C. Sec. 1973 ff-6 while in active service, is a student or member of the faculty at a United States military academy, is a member of the merchant marine of the United States, is a program participant as defined in section 2 of this 1991 act, or is a member of a religious group or welfare agency officially attached to and serving with the armed forces of the United States.

NEW SECTION. **Sec. 14.** The office of the secretary of state shall collect information from applicants regarding additional records for which a substitute address may not be possible but for which address information protection may be desirable. The secretary of state shall report to the legislature by July 1, 1992, on the information obtained from applicants under this section.

NEW SECTION. **Sec. 15.** Sections 1 through 9 of this act shall constitute a new chapter in Title 40 RCW.

NEW SECTION. **Sec. 16.** (1) Sections 10 and 11 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

(2) Sections 1 through 9 and 12 through 15 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rinehart and McCaslin to Senate Bill No. 5906.

The motion by Senator McCaslin carried and the amendment was adopted.

MOTIONS

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 3 of the title, after "addresses" insert "; amending RCW 42.17.310, 42.17.311, and 29.01.155; adding a new section to chapter 26.04 RCW; adding a new chapter to Title 40 RCW; creating a new section; providing an effective date; and declaring an emergency"

On motion of Senator McCaslin, the rules were suspended, Engrossed Senate Bill No. 5906 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5906.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5906 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Moore, Rasmussen, Sellar - 3.

ENGROSSED SENATE BILL NO. 5906, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2071, by House Committee on Health Care (originally sponsored by Representatives Moyer, Prentice, Day and Braddock)

Giving the governor the authority to appoint the medical disciplinary board.

The bill was read the second time.

MOTIONS

On motion of Senator West, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 18.72.040 and 1986 c 300 s 2 are each amended to read as follows:

There is hereby created the "Washington state medical disciplinary board," which shall be composed of one holder of a valid license to practice medicine and surgery from each congressional district now existing or hereafter created in the state and ~~((three))~~ four members of the public who meet the qualifications contained in RCW 70.39.020(2) and one nonvoting physician assistant authorized to practice under chapter 18.171A RCW. The public members and the physician assistant member shall be

appointed by the governor. The physician assistant member shall vote on matters relating to the disciplining of physician assistants. The physician assistant and public members' terms shall be for four years. In order to achieve staggered terms, the public member serving on the board on June 11, 1986, shall continue to serve until October 1, 1987. The remaining two public members shall be appointed to initial terms of three years and four years, respectively.

The board shall be an administrative agency of the state of Washington. The attorney general shall be the advisor of the board and shall represent it in all legal proceedings.

NEW SECTION. Sec. 2. A new section is added to chapter 18.72 RCW to read as follows:

To assist in identifying impairment related to alcohol abuse, the board may obtain a copy of the driving record of a physician or a physician assistant maintained by the department of licensing.

Sec. 3. RCW 18.130.180 and 1989 c 270 s 33 are each amended to read as follows:

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers or documents;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority; or

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding;

(9) Failure to comply with an order issued by the disciplining authority or an assurance of discontinuance entered into with the disciplining authority;

- (10) Aiding or abetting an unlicensed person to practice when a license is required;
- (11) Violations of rules established by any health agency;
- (12) Practice beyond the scope of practice as defined by law or rule;
- (13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;
- (14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;
- (15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;
- (16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;
- (17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;
- (18) The procuring, or aiding or abetting in procuring, a criminal abortion;
- (19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;
- (20) The willful betrayal of a practitioner-patient privilege as recognized by law;
- (21) Violation of chapter 19.68 RCW;
- (22) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action;
- (23) Current misuse of:
- (a) Alcohol;
 - (b) Controlled substances; or
 - (c) Legend drugs;
- (24) Abuse of a client or patient or sexual contact with a client or patient;
- (25) Acceptance of more than a nominal gratuity, hospitality, or subsidy offered by a representative or vendor of medical or health-related products or services intended for patients, in contemplation of a sale or for use in research publishable in professional journals, where a conflict of interest is presented, as defined by rules of the disciplining authority, in consultation with the department, based on recognized professional ethical standards.

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "board;" strike the remainder of the title and insert "amending RCW 18.72.040 and 18.130.180; and adding a new section to chapter 18.72 RCW."

MOTION

On motion of Senator West, the rules were suspended, Engrossed Substitute House Bill No. 2071, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2071, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2071, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senator M. Kreidler - 1.

Excused: Senators Moore, Rasmussen, Sellar - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2071, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1527, by Representatives Braddock, Moyer, Sprengle, Edmondson, R. Meyers, Franklin and Zellinsky

Allowing mandatory continuing medical education credit in the area of professional liability risk management.

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, House Bill No. 1527 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1527.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1527 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L.

Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Moore, Rasmussen, Sellar - 3.

HOUSE BILL NO. 1527, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1635, by House Committee on Local Government (originally sponsored by Representatives Haugen, Day, D. Sommers, Nealey, Orr and Wynne)

Providing for taxes to fund emergency medical care services.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1635 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1635.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1635 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Moore, Rasmussen, Sellar - 3.

SUBSTITUTE HOUSE BILL NO. 1635, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1136, by House Committee on Commerce and Labor (originally sponsored by Representatives Haugen, O'Brien, Wilson, Wineberry, Spanel, Prince, Valle, H. Myers, Heavey, Scott, Cole, Zellinsky, Wood, Paris, Orr, Jacobsen, Leonard and May)

Revising provisions regulating cosmetology.

The bill was read the second time.

MOTIONS

On motion of Senator Anderson, the following Committee on Ways and Means amendment was adopted:

On page 21, after line 14, strike the remainder of the bill and insert the following:

NEW SECTION. Sec. 25. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

On motion of Senator Linda Smith, the following amendments were considered simultaneously and were adopted:

On page 5, line 24, after "building" strike "or structure" and insert ", structure, or motor home"

On page 6, after line 2, insert the following:

"(24) "Mobile operator" means any person possessing a valid cosmetology, barbering, manicuring, or esthetician's license that provides services in a mobile salon/shop.

(25) "Personal service operator" means any person possessing a valid cosmetology, barbering, manicuring, or esthetician's license that provides services for clients in the client's home, office, or other location that is convenient for the client."

On page 18, after line 11, insert the following:

"(5) This section does not prohibit the use of motor homes as mobile salon/shops if the motor home meets the health and safety standards of this section."

MOTION

Senator Madsen moved that the following amendment by Senators Madsen and Murray be adopted:

On page 10, line 7, after "director" strike all material through "instructor-trainee" on line 10, and insert "with a curriculum and hours of training determined by the director in consultation with the board"

POINT OF INQUIRY

Senator Anderson: "Senator Madsen, can you explain to the body the difference between silk-linen and acrylic artificial nails?"

Senator Madsen: "Well, not having worn neither, I have no idea."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Madsen and Murray on page 10, line 7, to Engrossed Substitute House Bill No. 1136.

The motion by Senator Madsen failed and the amendment was not adopted.

PERSONAL PRIVILEGE

Senator McCaslin: "Mr. President, a point of personal privilege. Last year, I remember, you banged the gavel and I said, 'Well Mr. President,

doesn't banging the gavel mean something' and you said, 'No, Senator McCaslin, we are going to go back--'"

REPLY BY THE PRESIDENT

President Pritchard: "That's not a point of personal privilege. That's a point of order, which shows that I am not always consistent."

POINT OF ORDER

Senator McCaslin: "A point of order, Mr. President. Last year you banged the gavel--just a repeat of what I said--an instant replay."

REPLY BY THE PRESIDENT

President Pritchard: "Well, it shows what can happen. You can learn in a year.

Senator McCaslin: "The heat has been so bad in here that I have lost my nails. The color is gone; they are back to their original pinky."

PERSONAL PRIVILEGE

Senator Hayner: "Mr. President, a point of personal privilege. Beverly Vozenilek just received a call from George Sellar. He originated from his hospital room. He has sat up today. He feels much better; they expect to maybe get him up tomorrow--if you can believe that. He is doing very well."

MOTION

Senator Nelson moved that the following amendment by Senators Nelson and Vognild be adopted:

On page 17, line 27, after "(3)" strike all materials through and including "upon" and insert "Upon"

Debate ensued.

POINT OF INQUIRY

Senator Wojahn: "I need a question answered, Mr. President, and I don't know who to ask this question of. I'll ask the question and maybe there will be a show of hands who can answer it. It seems to me that the people who are being regulated must pay for their own licensing and consequently none of this is coming out of the general fund. Can anyone answer that question for me?"

"In other words, the cosmetologists, won't they have to pay the cost for the implementation of this bill? Yes, they will, I believe. If they are paying for it, they are not going to be shelling out what they don't think is necessary. I guess I have answered my own question. This is not coming out of the general fund; it is coming out of the pockets of cosmetologists--the licensing of this bill. Thank you."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Nelson and Vognild on page 17, line 27, to Engrossed Substitute House Bill No. 1136.

The motion by Senator Nelson carried and the amendment was adopted.

MOTIONS

On motion of Senator Vognild, the following amendment by Senators Vognild and Mike Kreidler was adopted:

On page 20, line 26, after "shop" insert ", or with the appropriate individual license when delivering services to placebound clients. Placebound clients are defined as persons who are ill, disabled or otherwise unable to travel to a salon/shop"

Senator Linda Smith moved that the following amendment be adopted:

On page 20, line 26, after "salon/shop" insert "or the home, office, or other location selected by the client for obtaining the services of a personal service operator"

PARLIAMENTARY INQUIRY

Senator Vognild: "A parliamentary inquiry, Mr. President. This amendment, in regards to the amendment that was just adopted that I submitted, is going to require simply a comma to be inserted in front of the amendment, is that something that can be done in the engrossing without a motion?"

REPLY BY THE PRESIDENT

President Pritchard: "Yes, the attorneys here were aware of it and they expected to do that, sir. A little attorney license, I guess you would call it."

The President declared the question before the Senate to be the adoption of the amendment by Senator Linda Smith on page 20, line 26, to Engrossed Substitute House Bill No. 1136.

The motion by Senator Linda Smith carried and the amendment was adopted.

MOTIONS

On motion of Senator Anderson, the following title amendments were considered simultaneously and were adopted:

On page 1, line 4 of the title, after "18.16 RCW;" insert "creating a new section;"

On page 1, line 5 of the title, strike "making an appropriation;"

On motion of Senator Anderson, the rules were suspended, Engrossed Substitute House Bill No. 1136, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Anderson, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1136, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1136, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 9; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, McMullen, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rinehart, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Wojahn - 35.

Voting nay: Senators Bluechel, Cantu, Craswell, Madsen, Matson, McDonald, Patterson, Roach, Williams - 9.

Absent: Senator Metcalf - 1.

Excused: Senators McCaslin, Moore, Rasmussen, Sellar - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1136, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1828, by House Committee on Health Care (originally sponsored by Representative Appelwick)

Providing regulations for the disclosure of health care records.

The bill was read the second time.

MOTIONS

On motion of Senator West, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following:

"ARTICLE I
FINDINGS AND DEFINITIONS"

NEW SECTION. **Sec. 101. LEGISLATIVE FINDINGS.** The legislature finds that:

(1) Health care information is personal and sensitive information that if improperly used or released may do significant harm to a patient's interests in privacy, health care, or other interests.

(2) Patients need access to their own health care information as a matter of fairness to enable them to make informed decisions about their health care and correct inaccurate or incomplete information about themselves.

(3) In order to retain the full trust and confidence of patients, health care providers have an interest in assuring that health care information is not improperly disclosed and in having clear and certain rules for the disclosure of health care information.

(4) Persons other than health care providers obtain, use, and disclose health record information in many different contexts and for many different purposes. It is the public policy of this state that a patient's interest in the proper use and disclosure of the patient's health care information survives even when the information is held by persons other than health care providers.

(5) The movement of patients and their health care information across state lines, access to and exchange of health care information from automated data banks, and the emergence of multistate health care providers creates a compelling need for uniform law, rules, and procedures governing the use and disclosure of health care information.

NEW SECTION. Sec. 102. DEFINITIONS. As used in this chapter, unless the context otherwise requires:

(1) "Audit" means an assessment, evaluation, determination, or investigation of a health care provider by a person not employed by or affiliated with the provider to determine compliance with:

- (a) Statutory, regulatory, fiscal, medical, or scientific standards;
- (b) A private or public program of payments to a health care provider; or
- (c) Requirements for licensing, accreditation, or certification.

(2) "Directory information" means information disclosing the presence and the general health condition of a particular patient who is a patient in a health care facility or who is currently receiving emergency health care in a health care facility.

(3) "General health condition" means the patient's health status described in terms of "critical," "poor," "fair," "good," "excellent," or terms denoting similar conditions.

(4) "Health care" means any care, service, or procedure provided by a health care provider:

- (a) To diagnose, treat, or maintain a patient's physical or mental condition; or
- (b) That affects the structure or any function of the human body.

(5) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.

(6) "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care. The term includes any record of disclosures of health care information.

(7) "Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.

(8) "Institutional review board" means any board, committee, or other group formally designated by an institution, or authorized under federal or state law, to review, approve the initiation of, or conduct periodic review of research programs to assure the protection of the rights and welfare of human research subjects.

(9) "Maintain," as related to health care information, means to hold, possess, preserve, retain, store, or control that information.

(10) "Patient" means an individual who receives or has received health care. The term includes a deceased individual who has received health care.

(11) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(12) "Reasonable fee" means the charges for duplicating or searching the record specified in RCW 36.18.020 (8) or (16), respectively. However, where editing of records by a health care provider is required by statute and is done by the provider personally, the fee may be the usual and customary charge for a basic office visit.

"ARTICLE II
DISCLOSURE OF HEALTH CARE INFORMATION"

NEW SECTION. **Sec. 201. DISCLOSURE BY HEALTH CARE PROVIDER.**

Except as authorized in section 204 of this act, a health care provider, an individual who assists a health care provider in the delivery of health care, or an agent and employee of a health care provider may not disclose health care information about a patient to any other person without the patient's written authorization. A disclosure made under a patient's written authorization must conform to the authorization.

Health care providers or facilities shall chart all disclosures, except to third-party health care payors, of health care information, such chartings to become part of the health care information.

NEW SECTION. **Sec. 202. PATIENT AUTHORIZATION TO HEALTH CARE PROVIDER FOR DISCLOSURE.**

(1) A patient may authorize a health care provider to disclose the patient's health care information. A health care provider shall honor an authorization and, if requested, provide a copy of the recorded health care information unless the health care provider denies the patient access to health care information under section 302 of this act.

(2) A health care provider may charge a reasonable fee, not to exceed the health care provider's actual cost for providing the health care information, and is not required to honor an authorization until the fee is paid.

(3) To be valid, a disclosure authorization to a health care provider shall:

- (a) Be in writing, dated, and signed by the patient;
- (b) Identify the nature of the information to be disclosed;
- (c) Identify the name, address, and institutional affiliation of the person to whom the information is to be disclosed;
- (d) Identify the provider who is to make the disclosure; and
- (e) Identify the patient.

(4) Except as provided by this chapter, the signing of an authorization by a patient is not a waiver of any rights a patient has under other statutes, the rules of evidence, or common law.

(5) A health care provider shall retain each authorization or revocation in conjunction with any health care information from which disclosures are made. This requirement shall not apply to disclosures to third-party health care payors.

(6) Except for authorizations to provide information to third-party health care payors, an authorization may not permit the release of health care information relating to future health care that the patient receives more than ninety days after the authorization was signed. Patients shall be advised of the period of validity of their authorization on the disclosure authorization form.

(7) Except for authorizations to provide information to third-party health payors, an authorization in effect on the effective date of this section remains valid for six months after the effective date of this section unless an earlier date is specified or it is revoked under section 203 of this act. Health care information disclosed under such an authorization is otherwise subject to this chapter. An authorization written after the effective date of this section becomes invalid after the expiration date contained in the authorization, which may not exceed ninety days. If the authorization does not contain an expiration date, it expires ninety days after it is signed.

NEW SECTION. **Sec. 203. PATIENT'S REVOCATION OF AUTHORIZATION FOR DISCLOSURE.**

A patient may revoke in writing a disclosure authorization to a health care provider at any time unless disclosure is required to effectuate payments for health care that has been provided or other substantial action has been taken in reliance on the authorization. A patient may not maintain an action against the health care provider for disclosures made in good-faith reliance on an authorization if the health care provider had no actual notice of the revocation of the authorization.

NEW SECTION. Sec. 204. DISCLOSURE WITHOUT PATIENT'S AUTHORIZATION.

(1) A health care provider may disclose health care information about a patient without the patient's authorization to the extent a recipient needs to know the information, if the disclosure is:

(a) To a person who the provider reasonably believes is providing health care to the patient;

(b) To any other person who requires health care information for health care education, or to provide planning, quality assurance, peer review, or administrative, legal, financial, or actuarial services to the health care provider; or for assisting the health care provider in the delivery of health care and the health care provider reasonably believes that the person:

(i) Will not use or disclose the health care information for any other purpose; and

(ii) Will take appropriate steps to protect the health care information;

(c) To any other health care provider reasonably believed to have previously provided health care to the patient, to the extent necessary to provide health care to the patient, unless the patient has instructed the health care provider in writing not to make the disclosure;

(d) To any person if the health care provider reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the patient or any other individual, however there is no obligation under this chapter on the part of the provider to so disclose;

(e) Oral, and made to immediate family members of the patient, or any other individual with whom the patient is known to have a close personal relationship, if made in accordance with good medical or other professional practice, unless the patient has instructed the health care provider in writing not to make the disclosure;

(f) To a health care provider who is the successor in interest to the health care provider maintaining the health care information;

(g) For use in a research project that an institutional review board has determined:

(i) Is of sufficient importance to outweigh the intrusion into the privacy of the patient that would result from the disclosure;

(ii) Is impracticable without the use or disclosure of the health care information in individually identifiable form;

(iii) Contains reasonable safeguards to protect the information from redisclosure;

(iv) Contains reasonable safeguards to protect against identifying, directly or indirectly, any patient in any report of the research project; and

(v) Contains procedures to remove or destroy at the earliest opportunity, consistent with the purposes of the project, information that would enable the patient to be identified, unless an institutional review board authorizes retention of identifying information for purposes of another research project;

(h) To a person who obtains information for purposes of an audit, if that person agrees in writing to:

(i) Remove or destroy, at the earliest opportunity consistent with the purpose of the audit, information that would enable the patient to be identified; and

(ii) Not to disclose the information further, except to accomplish the audit or report unlawful or improper conduct involving fraud in payment for health care by a health care provider or patient, or other unlawful conduct by the health care provider;

(i) To an official of a penal or other custodial institution in which the patient is detained;

(j) To provide directory information, unless the patient has instructed the health care provider not to make the disclosure.

(2) A health care provider shall disclose health care information about a patient without the patient's authorization if the disclosure is:

(a) To federal, state, or local public health authorities, to the extent the health care provider is required by law to report health care information; when needed to determine compliance with state or federal licensure, certification or registration rules or laws; or when needed to protect the public health;

(b) To federal, state, or local law enforcement authorities to the extent the health care provider is required by law;

(c) Pursuant to compulsory process in accordance with section 205 of this act.

(3) All state or local agencies obtaining patient health care information pursuant to this section shall adopt rules establishing their record acquisition, retention, and security policies that are consistent with this chapter.

NEW SECTION. Sec. 205. COMPULSORY PROCESS.

(1) Before service of a discovery request or compulsory process on a health care provider for health care information, an attorney shall provide advance notice to the health care provider and the patient or the patient's attorney involved through service of process or first class mail, indicating the health care provider from whom the information is sought, what health care information is sought, and the date by which a protective order must be obtained to prevent the health care provider from complying. Such date shall give the patient and the health care provider adequate time to seek a protective order, but in no event be less than fourteen days since the date of service or delivery to the patient and the health care provider of the foregoing. Thereafter the request for discovery or compulsory process shall be served on the health care provider.

(2) Without the written consent of the patient, the health care provider may not disclose the health care information sought under subsection (1) of this section if the requestor has not complied with the requirements of subsection (1) of this section. In the absence of a protective order issued by a court of competent jurisdiction forbidding compliance, the health care provider shall disclose the information in accordance with this chapter. In the case of compliance, the request for discovery or compulsory process shall be made a part of the patient record.

(3) Production of health care information under this section, in and of itself, does not constitute a waiver of any privilege, objection, or defense existing under other law or rule of evidence or procedure.

NEW SECTION. Sec. 206. CERTIFICATION OF RECORD.

Upon the request of the person requesting the record, the health care provider or facility shall certify the record furnished and may charge for such certification in accordance with RCW 36.18.020(9). No record need be certified until the fee is paid. The certification shall be affixed to the record and disclose:

- (1) The identity of the patient;
- (2) The kind of health care information involved;
- (3) The identity of the person to whom the information is being furnished;
- (4) The identity of the health care provider or facility furnishing the information;
- (5) The number of pages of the health care information;
- (6) The date on which the health care information is furnished; and
- (7) That the certification is to fulfill and meet the requirements of this section.

"ARTICLE III
EXAMINATION AND COPYING OF RECORD"

NEW SECTION. Sec. 301. REQUIREMENTS AND PROCEDURES FOR PATIENT'S EXAMINATION AND COPYING.

(1) Upon receipt of a written request from a patient to examine or copy all or part of the patient's recorded health care information, a health care provider, as promptly as required under the circumstances, but no later than fifteen working days after receiving the request shall:

(a) Make the information available for examination during regular business hours and provide a copy, if requested, to the patient;

(b) Inform the patient if the information does not exist or cannot be found;

(c) If the health care provider does not maintain a record of the information, inform the patient and provide the name and address, if known, of the health care provider who maintains the record;

(d) If the information is in use or unusual circumstances have delayed handling the request, inform the patient and specify in writing the reasons for the delay and the earliest date, not later than twenty-one working days after receiving the request, when the information will be available for examination or copying or when the request will be otherwise disposed of; or

(e) Deny the request, in whole or in part, under section 302 of this act and inform the patient.

(2) Upon request, the health care provider shall provide an explanation of any code or abbreviation used in the health care information. If a record of the particular health care information requested is not maintained by the health care provider in the requested form, the health care provider is not required to create a new record or reformulate an existing record to make the health care information available in the requested form. The health care provider may charge a reasonable fee, not to exceed the health care provider's actual cost, for providing the health care information and is not required to permit examination or copying until the fee is paid.

NEW SECTION. Sec. 302. DENIAL OF EXAMINATION AND COPYING.

(1) Subject to any conflicting requirement in the public disclosure act, chapter 42.17 RCW, a health care provider may deny access to health care information by a patient if the health care provider reasonably concludes that:

(a) Knowledge of the health care information would be injurious to the health of the patient;

(b) Knowledge of the health care information could reasonably be expected to lead to the patient's identification of an individual who provided the information in confidence and under circumstances in which confidentiality was appropriate;

(c) Knowledge of the health care information could reasonably be expected to cause danger to the life or safety of any individual;

(d) The health care information was compiled and is used solely for litigation, quality assurance, peer review, or administrative purposes; or

(e) Access to the health care information is otherwise prohibited by law.

(2) If a health care provider denies a request for examination and copying under this section, the provider, to the extent possible, shall segregate health care information for which access has been denied under subsection (1) of this section from information for which access cannot be denied and permit the patient to examine or copy the disclosable information.

(3) If a health care provider denies a patient's request for examination and copying, in whole or in part, under subsection (1) (a) or (c) of this section, the provider shall permit examination and copying of the record by another health care provider, selected by the patient, who is licensed, certified, registered, or otherwise authorized under the laws of this state to treat the patient for the same condition as the health care provider denying the request. The health care provider denying the request shall inform the patient of the patient's right to select another health care provider

under this subsection. The patient shall be responsible for arranging for compensation of the other health care provider so selected.

"ARTICLE IV
CORRECTION AND AMENDMENT OF RECORD"

NEW SECTION. Sec. 401. REQUEST FOR CORRECTION OR AMENDMENT.

(1) For purposes of accuracy or completeness, a patient may request in writing that a health care provider correct or amend its record of the patient's health care information to which a patient has access under section 301 of this act.

(2) As promptly as required under the circumstances, but no later than ten days after receiving a request from a patient to correct or amend its record of the patient's health care information, the health care provider shall:

(a) Make the requested correction or amendment and inform the patient of the action;

(b) Inform the patient if the record no longer exists or cannot be found;

(c) If the health care provider does not maintain the record, inform the patient and provide the patient with the name and address, if known, of the person who maintains the record;

(d) If the record is in use or unusual circumstances have delayed the handling of the correction or amendment request, inform the patient and specify in writing, the earliest date, not later than twenty-one days after receiving the request, when the correction or amendment will be made or when the request will otherwise be disposed of; or

(e) Inform the patient in writing of the provider's refusal to correct or amend the record as requested and the patient's right to add a statement of disagreement.

NEW SECTION. Sec. 402. PROCEDURE FOR ADDING CORRECTION OR AMENDMENT OR STATEMENT OF DISAGREEMENT.

(1) In making a correction or amendment, the health care provider shall:

(a) Add the amending information as a part of the health record; and

(b) Mark the challenged entries as corrected or amended entries and indicate the place in the record where the corrected or amended information is located, in a manner practicable under the circumstances.

(2) If the health care provider maintaining the record of the patient's health care information refuses to make the patient's proposed correction or amendment, the provider shall:

(a) Permit the patient to file as a part of the record of the patient's health care information a concise statement of the correction or amendment requested and the reasons therefor; and

(b) Mark the challenged entry to indicate that the patient claims the entry is inaccurate or incomplete and indicate the place in the record where the statement of disagreement is located, in a manner practicable under the circumstances.

"ARTICLE V
NOTICE OF INFORMATION PRACTICES"

NEW SECTION. Sec. 501. CONTENT AND DISSEMINATION OF NOTICE.

(1) A health care provider who provides health care at a health care facility that the provider operates and who maintains a record of a patient's health care information shall create a "notice of information practices" that contains substantially the following:

"We keep a record of the health care services we provide you. You may ask us to see and copy that record. You may also ask us to correct that record. We will not disclose your record to others unless you direct us to do so or unless the law authorizes or compels us to do so. You may see your record or get more information about it at"

(2) The health care provider shall place a copy of the notice of information practices in a conspicuous place in the health care facility, on a consent form or with a billing or other notice provided to the patient.

"ARTICLE VI
PERSONS AUTHORIZED TO ACT FOR PATIENT"

NEW SECTION. Sec. 601. HEALTH CARE REPRESENTATIVES.

(1) A person authorized to consent to health care for another may exercise the rights of that person under this chapter to the extent necessary to effectuate the terms or purposes of the grant of authority. If the patient is a minor and is authorized to consent to health care without parental consent under federal and state law, only the minor may exercise the rights of a patient under this chapter as to information pertaining to health care to which the minor lawfully consented. In cases where parental consent is required, a health care provider may rely, without incurring any civil or criminal liability for such reliance, on the representation of a parent that he or she is authorized to consent to health care for the minor patient regardless of whether:

(a) The parents are married, unmarried, or separated at the time of the representation;

(b) The consenting parent is, or is not, a custodial parent of the minor;

(c) The giving of consent by a parent is, or is not, full performance of any agreement between the parents, or of any order or decree in any action entered pursuant to chapter 26.09 RCW.

(2) A person authorized to act for a patient shall act in good faith to represent the best interests of the patient.

NEW SECTION. Sec. 602. REPRESENTATIVE OF DECEASED PATIENT.

A personal representative of a deceased patient may exercise all of the deceased patient's rights under this chapter. If there is no personal representative, or upon discharge of the personal representative, a deceased patient's rights under this chapter may be exercised by persons who would have been authorized to make health care decisions for the deceased patient when the patient was living under RCW 7.70.065.

"ARTICLE VII
SECURITY SAFEGUARDS AND RECORD RETENTION"

NEW SECTION. Sec. 701. DUTY TO ADOPT SECURITY SAFEGUARDS.

A health care provider shall effect reasonable safeguards for the security of all health care information it maintains.

NEW SECTION. Sec. 702. RETENTION OF RECORD.

A health care provider shall maintain a record of existing health care information for at least one year following receipt of an authorization to disclose that health care information under section 203 of this act, and during the pendency of a request for examination and copying under section 301 of this act or a request for correction or amendment under section 401 of this act.

"ARTICLE VIII
CIVIL REMEDIES"

NEW SECTION. Sec. 801. CIVIL REMEDIES.

(1) A person who has complied with this chapter may maintain an action for the relief provided in this section against a health care provider or facility who has not complied with this chapter.

(2) The court may order the health care provider or other person to comply with this chapter. Such relief may include actual damages, but shall not include consequential or incidental damages. The court shall award reasonable attorneys' fees and all other expenses reasonably incurred to the prevailing party.

(3) Any action under this chapter is barred unless the action is commenced within two years after the cause of action is discovered.

(4) A violation of this act shall not be deemed a violation of the consumer protection act, chapter 19.86 RCW.

"ARTICLE IX
MISCELLANEOUS PROVISIONS"

NEW SECTION. Sec. 901. CONFLICTING LAWS.

(1) This chapter does not restrict a health care provider from complying with obligations imposed by federal or state health care payment programs or federal or state law.

(2) This chapter does not modify the terms and conditions of disclosure under Title 51 RCW and chapters 13.50, 26.09, 70.24, 70.39, 70.96A, 71.05, and 71.34 RCW and rules adopted under these provisions.

NEW SECTION. Sec. 902. A new section is added to chapter 42.17 RCW to read as follows:

FREEDOM OF INFORMATION ACT.

Chapter 70.-- RCW (sections 101 through 901 of this act) applies to public inspection and copying of health care information of patients.

NEW SECTION. Sec. 903. UNIFORMITY OF APPLICATION AND CONSTRUCTION.

This act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this act among states enacting it.

NEW SECTION. Sec. 904. SHORT TITLE.

This act may be cited as the uniform health care information act.

NEW SECTION. Sec. 905. SEVERABILITY.

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

NEW SECTION. Sec. 906. CAPTIONS.

As used in this act, captions constitute no part of the law.

NEW SECTION. Sec. 907. LEGISLATIVE DIRECTIVE.

Sections 101 through 901 of this act shall constitute a new chapter in Title 70 RCW.

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "act;" strike the remainder of the title and insert "adding a new section to chapter 42.17 RCW; adding a new chapter to Title 70 RCW; creating new sections; and prescribing penalties."

MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 1828, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1828, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1828, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, West, Williams, Wojahn - 43.

Voting nay: Senators Barr, Skratek - 2.

Excused: Senators McCaslin, Moore, Rasmussen, Sellar - 4.

SUBSTITUTE HOUSE BILL NO. 1828, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151, by House Committee on Transportation (originally sponsored by Representatives R. Fisher, G. Fisher, Forner, Mitchell, Prentice, Prince, Paris, Hine, Wood and Horn)

Revising provisions relating to high capacity transportation systems.

The bill was read the second time.

MOTIONS

Senator Nelson moved that the following Committee on Transportation amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 81.104.010 and 1990 c 43 s 22 are each amended to read as follows:

Increasing congestion on Washington's roadways calls for identification and implementation of high capacity transportation system alternatives. "High capacity transportation system" means a system of public transportation services((?)) within an urbanized region operating principally on exclusive rights of way, and the supporting services and facilities necessary to implement such a system, including high occupancy vehicle lanes, which taken as a whole, provides a substantially higher level of

passenger capacity, speed, and service frequency than traditional public transportation systems operating principally ~~((on))~~ in general purpose ~~((roadway rights of way))~~ roadways. The legislature believes that local jurisdictions should coordinate and be responsible for high capacity transportation policy development, program planning, and implementation. The state should assist by working with local agencies on issues involving rights of way, partially financing projects meeting established state criteria including development and completion of the high occupancy vehicle lane system, authorizing local jurisdictions to finance high capacity transportation systems through voter-approved tax options, and providing technical assistance and information.

Sec. 2. RCW 81.104.020 and 1990 c 43 s 23 are each amended to read as follows:

The department of transportation's current policy role in transit is expanded to include other high capacity transportation development as part of a multimodal transportation system.

(1) The department of transportation shall implement a program for high capacity transportation coordination, planning, and technical studies with appropriations from the high capacity transportation account.

(2) The department shall assist local jurisdictions and ~~((metropolitan))~~ regional transportation planning organizations with high capacity transportation planning efforts.

Sec. 3. RCW 81.104.030 and 1990 c 43 s 24 are each amended to read as follows:

(1) In any ~~((class A))~~ county with a population of from two hundred ten thousand to less than one million that is not bordered by a ~~((class AA))~~ county with a population of one million or more, and in ~~((counties of the first class and smaller))~~ each county with a population of less than two hundred ten thousand, city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas may elect to establish high capacity transportation service. Such agencies shall form a regional policy committee with proportional representation based upon population distribution within the designated service area and a representative of the department of transportation.

~~((a))~~ City-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas participating in joint regional policy committees shall seek voter approval within their own service boundaries of a high capacity transportation system plan and ~~((an implementation program including a))~~ financing ~~((program))~~.

~~((b))~~ An interim regional authority may be formed pursuant to RCW 81.104.040(2) and shall seek voter approval of a high capacity transportation plan and financing program within its proposed service boundaries plan.

(2) City-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas in counties adjoining state or international boundaries are authorized to participate in the regional high capacity transportation programs of an adjoining state or ~~((nation))~~ Canadian province.

Sec. 4. RCW 81.104.040 and 1990 c 43 s 25 are each amended to read as follows:

(1) Agencies in ~~((a class AA))~~ each county with a population of one million or more, and in ~~((class A counties))~~ each county with a population of from two hundred ten thousand to less than one million bordering a ~~((class AA))~~ county with a population of one million or more that are currently authorized to provide high capacity transportation planning and operating services, including but not limited to city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas, must establish through interlocal agreements a joint regional policy committee with proportional representation based upon the population distribution within each agency's designated service area, as determined by the parties to the agreement.

(a) The membership of the joint regional policy committee shall consist of locally elected officials who serve on the legislative authority of the existing transit systems and a representative from the department of transportation. Nonvoting membership for elected officials from adjoining counties may be allowed at the committee's discretion.

(b) The joint regional policy committee shall be responsible for the preparation and adoption of a regional high capacity transportation implementation program, which shall include the system plan, project plans, and ((an implementation program including)) a financing ((package)) plan. This ((plan)) program shall be in conformance with the ((metropolitan)) regional transportation planning organization's regional transportation plan and consistent with RCW 81.104.080.

(c) ~~((Interlocal agreements shall be executed within two years of March 14, 1990.))~~ The joint regional policy committee shall present a high capacity transportation system plan and ((local funding program)) financing plan to the boards of directors of the transit agencies within the service area for adoption.

(d) Transit agencies shall present the adopted high capacity transportation system plan and financing ((program)) plan for voter approval within four years of the execution of the interlocal agreements. A simple majority vote is required for approval of the high capacity transportation system plan and financing ((program)) plan in any service district within each county. The implementation ((of the)) program may proceed in any service area approving the ~~((plan and program))~~ system and financing plans.

~~((If interlocal agreements have not been executed within two years from March 14, 1990, the designated metropolitan planning organization shall convene within one hundred eighty days a conference to be attended by an elected representative selected by the legislative authority of each city and county in a class AA county and in class A counties bordering a class AA county.~~

~~(a) Public notice of the conference shall occur thirty days before the date of the conference.~~

~~(b) The purpose of the conference is to evaluate the need for developing high capacity transportation service in a class AA county and in class A counties bordering a class AA county and to determine the desirability of a regional approach to developing such service.~~

~~(c) The conference may elect to continue high capacity transportation efforts on a subregional basis through existing transit planning and operating agencies.~~

~~(d) The conference may elect to pursue regional development by creating a multicounty interim regional high capacity transportation authority. Conference members shall determine the structure and composition of any interim regional authority.~~

~~(i) The interim regional authority shall propose a permanent authority or authorities for voter approval. Permanent regional authorities shall become the responsible agencies for planning, construction, operations, and funding of high capacity transportation systems within their service boundaries. Funding sources for a regional high capacity transportation authority or authorities are separate from currently authorized funding sources for city owned transit systems, county transportation authorities, metropolitan municipal authorities, or public transportation benefit areas.~~

~~(ii) State and local jurisdictions, county transportation authorities, metropolitan municipal corporations, or public transportation benefit areas shall retain responsibility for existing facilities and/or services, unless the responsibility is transferred to the high capacity transportation authority or authorities by interlocal agreement.~~

~~(3) If, within four years of the execution of the interlocal agreements, a high capacity transportation plan and financing program has been approved by a simple majority vote within a participating jurisdiction, that jurisdiction may proceed with high capacity transportation development. If within four years of the execution of the interlocal agreements, a high capacity transportation plan and program has not been~~

~~approved by a simple majority vote within one or more of the participating jurisdictions, the joint regional policy committee shall convene within one hundred eighty days, a conference to be attended by participating jurisdictions within which a plan and financing program have not been approved. Such a conference shall be for the same purpose and shall be subject to the same conditions as described in subsection (2) of this section.~~

(4)) High capacity transportation (~~(service)~~) planning, construction, operations, and funding shall be governed through the interlocal agreement process, including but not limited to provision for a cost allocation and distribution formula, service corridors, station area locations, right of way transfers, and feeder transportation systems. The interlocal agreement shall include a mechanism for resolving conflicts among parties to the agreement.

Sec. 5. RCW 81.104.050 and 1990 c 43 s 26 are each amended to read as follows:

Regional high capacity transportation service boundaries may be expanded beyond the established service district through interlocal agreements among the transit agencies and the local jurisdictions within which such expanded service is proposed.

Sec. 6. RCW 81.104.060 and 1990 c 43 s 27 are each amended to read as follows:

(1) The state's planning role in high capacity transportation development as one element of a multimodal transportation system should facilitate cooperative state and local planning efforts.

~~((4))~~ (2) The department of transportation may serve as a contractor for high capacity transportation system and project design, administer construction, and assist agencies authorized to provide service in the acquisition, preservation, and joint use of rights of way.

~~((2))~~ (3) The department and local jurisdictions shall continue to cooperate with respect to the development of ~~((park and ride))~~ high occupancy vehicle lanes and related facilities, associated roadways, transfer stations, people mover systems developed either by the public or private sector, and other related projects.

~~((3))~~ (4) The department in cooperation with local jurisdictions shall develop policies which enhance the development of high speed ~~((intercity))~~ interregional systems by both the private and the public sector. These policies may address joint use of rights of way, identification and preservation of transportation corridors, and joint development of stations and other facilities.

Sec. 7. RCW 81.104.080 and 1990 c 43 s 29 are each amended to read as follows:

~~((Regional transportation plans should be considered in adopting local land use plans.))~~ Where applicable, regional transportation plans and local ((land use)) comprehensive plans ((should)) shall address the ((impacts of)) relationship between urban growth ((on)) and an effective high capacity transportation ((planning and development)) system plan, and provide for cooperation between local jurisdictions and transit agencies.

(1) Regional high capacity transportation plans shall be included in the designated ~~((metropolitan))~~ regional transportation planning organization's regional transportation plan review and update process to facilitate development of a coordinated multimodal transportation system and to meet federal funding requirements.

(2) ~~((The state and local jurisdictions))~~ Interlocal agreements between transit authorities, cities, and counties shall ((cooperate in encouraging)) set forth conditions for assuring land uses compatible with development of high capacity transportation systems. These include developing sufficient land use densities through local actions in high capacity transportation corridors and near passenger stations, preserving transit rights of way, and protecting the region's environmental quality. The implementation program for high capacity transportation systems shall favor cities and counties with

supportive land use plans. In developing local actions intended to carry out these policies (~~(local governments)~~) cities and counties shall insure the opportunity for public comment and participation in the siting of such facilities, including stations or transfer facilities. Agencies providing high capacity transportation services, in cooperation with public and private interests, shall promote transit-compatible land uses and development which includes joint development.

(3) Interlocal agreements shall be consistent with state planning goals as set forth in chapter 36.70A RCW. Agreements shall also include plans for concentrated employment centers, mixed-use development, and housing densities that support high capacity transportation systems.

(4) Agencies providing high capacity transportation service and other transit agencies shall develop a cooperative process for the planning, development, operations, and funding of feeder transportation systems. Feeder systems may include existing and future intercity passenger systems and alternative technology people mover systems which may be developed by the private or public sector.

~~((4) Jurisdictions, working through)~~ (5) Cities and counties along corridors designated in a high capacity transportation system plan shall enter into agreements with their designated ((metropolitan) regional transportation planning organizations, ((shall manage)) for the purpose of participating in a right of way preservation review process which includes activities to promote the preservation of the high capacity transportation rights of way. The regional transportation planning organization shall serve as the coordinator of the review process.

(a) ~~((Jurisdictions))~~ Cities and counties shall forward all development proposals for projects within and adjoining to the rights of way proposed for preservation to the designated ~~((metropolitan) regional transportation planning organizations, which shall distribute the proposals for ((local and regional agency)) review by parties to the right of way preservation review process.~~

(b) The ~~((metropolitan) regional transportation planning organizations shall also review proposals for conformance with the regional transportation plan and associated regional development strategies. The designated ((metropolitan) regional transportation planning organization shall within ninety days compile local and regional agency comments and communicate the same to the originating jurisdiction and the joint regional policy committee ((or, if established, a regional high capacity transportation authority)).~~

Sec. 8. RCW 81.104.090 and 1990 c 43 s 30 are each amended to read as follows:

The department of transportation shall ~~((, upon dissolution of the rail development commission, assume responsibility))~~ be responsible for distributing amounts appropriated from the high capacity transportation account and shall prioritize funding requests based on criteria in subsection (3) of this section.

(1) The department shall establish an advisory council of policy and technical experts pursuant to RCW 47.01.091 to assist in the review of requests for high capacity transportation account funds. The council shall be comprised of one representative from each congressional district, a designee of the governor, the executive director or a designee of the transportation improvement board, the director of the Washington state transportation center, and the chair or designee of the legislative transportation committee.

(2) State high capacity transportation account funds may provide up to eighty percent matching assistance for high capacity transportation planning efforts ~~((and for support of interim regional high capacity transportation authorities)).~~

(3) Authorizations for state funding for high capacity transportation planning projects shall be subject to the following criteria:

(a) Conformance with the designated ~~((metropolitan))~~ regional transportation planning organization's regional transportation plan;

(b) Local matching funds;
 (c) Demonstration of projected improvement in regional mobility;
 (d) Conformance with planning requirements prescribed in RCW 81.104.100, and if five hundred thousand dollars or more in state funding is requested, conformance with the requirements of RCW 81.104.110; and

(e) ~~((f)) Establishment, through interlocal agreements, of a joint regional policy committee ((with proportional representation based upon population distribution within each agency's designated service area)) as defined in RCW 81.104.030(;~~

~~((i) Establishment of a demonstrated regional agreement through a multijurisdictional conference to pursue high capacity transportation development on a subregional basis through established transit planning and operating agencies as defined in RCW 81.104.040; or~~

~~((ii) Establishment, through a multijurisdictional conference, of an interim high capacity transportation authority as defined in RCW) or 81.104.040.~~

(4) The department of transportation shall provide general review and monitoring of the system and project planning process prescribed in RCW 81.104.100.

Sec. 9. RCW 81.104.100 and 1990 c 43 s 31 are each amended to read as follows:

To assure ~~((the adoption))~~ development of an effective high capacity transportation system, local authorities shall follow the following planning process:

(1) ~~((System))~~ Regional, multimodal transportation planning is the ongoing urban transportation planning process conducted in each urbanized area by its ~~((metropolitan))~~ regional transportation planning organization. During this process, regional transportation goals are identified, travel patterns are analyzed, and future land use and travel are projected. The ~~((system planning))~~ process provides a comprehensive view of the region's transportation needs but does not select ~~((a))~~ specified modes to serve those needs. ~~((System planning))~~ The process shall identify a priority corridor or corridors for further study of high capacity transportation facilities if it is deemed feasible by local officials.

(2) ~~((a) Project))~~ High capacity transportation system planning is the detailed evaluation of a range of high capacity transportation system options, including ~~((f))~~; Do nothing, ((f)) low capital, and ((iii)) ranges of higher capital facilities. To the extent possible this evaluation shall take into account the urban mass transportation administration's requirements identified in subsection (3) of this section.

~~((b) Project))~~ High capacity transportation system planning shall proceed as follows:

~~((f))~~ (a) Organization and management. The responsible local transit agency or agencies shall define roles for various local agencies, review background information, provide for public involvement, and develop a detailed work plan for the ~~((project))~~ system planning process.

~~((iii))~~ (b) Development of options. Options to be studied shall be developed to ensure an appropriate range of technologies and service policies can be evaluated. A do-nothing option and a low capital option that maximizes the current system shall be developed. Several higher capital options that consider a range of capital expenditures for several candidate technologies shall be developed.

~~((iii))~~ (c) Analysis methods. The local transit agency shall develop reports describing the analysis and assumptions for the estimation of capital costs, operating and maintenance costs, methods for travel forecasting, a financial plan and an evaluation methodology.

~~((iv) Study of options.))~~ (d) The system plan submitted to the voters pursuant to RCW 81.04.140 shall address, but is not limited to the following issues:

(i) Identification of level and types of high capacity transportation services to be provided;

(ii) A plan of high occupancy vehicle lanes to be constructed;

(iii) Identification of route alignments and station locations with sufficient specificity to permit calculation of costs, ridership, and system impacts;

(iv) Performance characteristics of technologies in the system plan;

(v) Patronage forecasts;

(vi) A financing plan describing: Phasing of investments; capital and operating costs and expected revenues; cost-effectiveness represented by a total cost per system rider and new rider estimate; estimated ridership and the cost of service for each individual high capacity line; and identification of the operating revenue to operating expense ratio.

The financing plan shall specifically differentiate the proposed use of funds between high capacity transportation facilities, high occupancy vehicle facilities, and expanded local/feeder service;

(vii) Description of the relationship between the high capacity transportation system plan and adopted land use plans;

(viii) An assessment of social, economic, and environmental impacts; and

(ix) Mobility characteristics of the system presented, including but not limited to: Qualitative description of system/service philosophy and impacts; qualitative system reliability; travel time and number of transfers between selected residential, employment, and activity centers; and system and activity center mode splits.

(3) High capacity transportation project planning is the detailed identification of alignments, station locations, equipment and systems, construction schedules, environmental effects, and costs. High capacity transportation project planning shall proceed as follows: The local transit agency shall (use the methods described in (iii) of this subsection to) analyze and produce ((impact)) information needed for ((project evaluation and for)) the preparation of ((an)) environmental impact statements. The impact ((evaluation)) statements shall address the impact that development of such a ((project)) system will have on abutting or nearby ((residential or commercial)) property owners. The process of identification of ((corridors)) alignments and station locations shall include notification of affected property owners by normal legal publication. At minimum, such notification shall include notice on the same day for at least three weeks in at least two newspapers of general circulation in the county where such project is proposed. Special notice of hearings by the conspicuous posting of notice, in a manner designed to attract public attention, in the vicinity of areas identified for station locations or transfer sites shall also be provided.

~~((iv) Review and monitor. The department of transportation shall provide project review and monitoring in cooperation with the expert review panel identified in RCW 81.104.110. In addition, the local transit agency shall maintain a continuous public involvement program and seek involvement of other government agencies.~~

((vi) Detailed planning process.)) In order to increase the likelihood of future federal funding, the ((system and)) project planning processes shall follow the urban mass transportation administration's requirements as described in "Procedures and Technical Methods for Transit Project Planning", published by the United States Department of transportation, urban mass transportation administration, September 1986, or the most recent edition. Nothing in this subsection shall be construed to preclude detailed evaluation of more than one corridor in the planning process.

The department of transportation shall provide system and project planning review and monitoring in cooperation with the expert review panel identified in RCW 81.104.110. In addition, the local transit agency shall maintain a continuous public involvement program and seek involvement of other government agencies.

Sec. 10. RCW 81.104.110 and 1990 c 43 s 32 are each amended to read as follows:

The legislature recognizes that the planning ((process)) processes described in RCW 81.104.100 provide((s)) a recognized framework for guiding high capacity

transportation studies. However, the process cannot guarantee appropriate (~~transit~~) decisions unless key study assumptions are reasonable.

To assure appropriate (~~project~~) system plan assumptions and to provide for review of (~~project~~) system plan results, (~~the department of transportation shall develop independent oversight procedures which are appropriate to the scope of any project for which high capacity transportation account funds are requested.~~) an expert review panel shall be appointed to provide independent technical review for development of any (~~project~~) system plan which is to be funded in whole or in part by the imposition of any voter-approved local option funding sources enumerated in RCW 81.104.140.

(1) The expert review panel shall consist of ten members who are recognized experts in relevant fields, such as transit operations, planning, emerging transportation technologies, engineering, finance, law, the environment, geography, economics, and political science.

(2) The expert review panel shall be selected cooperatively by the chair of the legislative transportation committee, the secretary of the department of transportation, and the governor to assure a balance of disciplines.

(3) The chair of the expert review panel shall be designated by the appointing (~~body~~) authorities.

(4) The expert review panel shall serve without compensation but shall be reimbursed for expenses according to chapter 43.03 RCW.

(5) The panel shall carry out the duties set forth in subsections (6) and (7) of this section until the date on which an election is held to consider the high capacity transportation system and financing plans. Funds appropriated for expenses of the expert panel shall be administered by the department of transportation.

(6) The expert panel shall review all reports required in RCW 81.104.100(2)(~~(b)(vi) but~~) and shall concentrate on service modes and concepts, costs, patronage(~~s~~) and financing(~~and project~~) evaluations.

(7) The expert panel shall provide timely reviews and comments on individual (~~project~~) reports and study conclusions to the governor, the legislative transportation committee, the department of transportation, the regional transportation planning organization, the joint regional policy committee, and the submitting lead transit agency.

(8) The legislative transportation committee shall contract for consulting services for expert review panels. The amount of consultant support shall be negotiated with each expert review panel by the legislative transportation committee and shall be paid from appropriations for that purpose from the high capacity transportation account.

Sec. 11. RCW 81.104.140 and 1990 c 43 s 35 are each amended to read as follows:

(1) Agencies authorized to provide high capacity transportation service, including city-owned transit systems, county transportation authorities, metropolitan municipal corporations and public transportation benefit areas, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in (~~class AA counties, class A counties, counties of the first class which border another state, and counties which, on March 14, 1990, are of the second class and which adjoin class A counties~~) (a) each county with a population of two hundred ten thousand or more and (b) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described under (a) of this subsection.

(2) Agencies (~~providing~~) planning to construct and operate a high capacity transportation (~~service~~) system should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development through interlocal agreements (~~((or a conference approved interim regional rail authority or subregional process as defined in RCW 81.104.040))~~) are authorized to levy and collect the following voter-approved local option funding sources:

- (a) Employer tax as provided in RCW 81.104.150;
- (b) Special motor vehicle excise tax as provided in RCW 81.104.160; and
- (c) Sales and use tax as provided in RCW 81.104.170.

Revenues from these taxes may be used only to support those purposes prescribed in subsection ~~((8))~~ (10) of this section. Before ~~((an agency may))~~ the date of an election authorizing an agency to impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, and 81.104.170, ((#) the agency must comply with the process prescribed in RCW 81.104.100(1) and (2) and 81.104.110. No construction on exclusive right of way may occur before the requirements of RCW 81.104.100(3) are met.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of existing transit agencies. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled with those generated in other areas for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies ~~((providing))~~ planning to construct and operate high capacity transportation ~~((service))~~ systems may contract with the state for collection and transference of voter-approved local option revenue.

(7) Dedicated high capacity transportation funding sources authorized in RCW 81.104.150, 81.104.160, and 81.104.170 shall be subject to voter approval by a simple majority. A single ballot proposition may seek approval for one or more of the authorized taxing sources. The ballot title shall reference the document identified in subsection (8) of this section.

(8) Agencies shall provide to the registered voters in the area a document describing the systems plan and the financing plan set forth in RCW 81.104.100. It shall also describe the relationship of the system to regional issues such as development density at station locations and activity centers, and the interrelationship of the system to adopted land use and transportation demand management goals within the region. This document shall be provided to the voters at least twenty days prior to the date of the election.

(9) For any election in which voter approval is sought for a high capacity transportation system plan and financing plan pursuant to RCW 81.104.040, a local voter's pamphlet shall be produced as provided in chapter 29.81A RCW.

(10) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation systems, commuter rail systems, and feeder transportation systems.

Sec. 12. RCW 81.104.160 and 1990 c 43 s 42 are each amended to read as follows:

Any city that operates a transit system, county transportation authority, metropolitan municipal corporation, or public transportation benefit area, solely for the purpose of providing high capacity transportation service may submit an authorizing

proposition to the voters, and if approved, may levy and collect an excise tax, at a rate approved by the voters, but not exceeding eighty one-hundredths of one percent on the value, under chapter 82.44 RCW, of every motor vehicle owned by a resident of such city, county transportation authority, metropolitan municipal corporation, or public transportation benefit area. In any county imposing a motor vehicle excise tax surcharge pursuant to RCW 81.100.060, the maximum tax rate under this section shall be reduced to a rate equal to eighty one-hundredths of one percent on the value less the equivalent motor vehicle excise tax rate of the surcharge imposed pursuant to RCW 81.100.060. ~~((This authority may be exercised only if all local agencies which are parties to an interlocal agreement or members of a regional authority under RCW 81.104.040 are imposing the tax at the same rate.))~~ This rate shall not apply to vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, 46.16.080, 46.16.085, or 46.16.090.

On motion of Senator Vognild, the following amendment by Senators Vognild and Bailey to the Committee on Transportation amendment was adopted:

On page 20, after line 2, insert the following:

Sec. 13. RCW 82.80.020 and 1990 c 42 s 206 are each amended to read as follows:

(1) The legislative authority of a county may fix and impose an additional fee, not to exceed fifteen dollars per vehicle, for each vehicle that is subject to license fees under RCW 46.16.060 and is determined by the department of licensing to be registered within the boundaries of the county.

(2) The department of licensing shall administer and collect the fee. The department shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected, for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer for monthly distribution under RCW 82.80.080.

(3) The proceeds of this fee shall be used strictly for transportation purposes in accordance with RCW 82.80.070.

(4) A county imposing this fee shall delay the effective date at least six months from the date the ordinance is enacted to allow the department of licensing to implement administration and collection of the fee.

(5) The legislative authority of a county may develop and initiate a refund process of the fifteen dollar fee to the registered owners of vehicles residing within the boundaries of the county who are sixty-one years old or older at the time of payment of the fee and whose household income for the previous calendar year is eighteen thousand dollars or less or who has a physical disability and who has paid the fifteen dollar additional fee."

MOTION

On motion of Senator Nelson, the following amendment by Senators Nelson, Metcalf and Vognild to the Committee on Transportation amendment was adopted:

On page 20, after line 2 of the amendment, insert the following:

NEW SECTION. Sec. 13. The legislature recognizes that certain communities have important cultural, economic, or transportation linkages to communities in other counties. Many public services can most efficiently be delivered from public agencies located in counties other than the county within which the community is located. It is the intent of the legislature by enacting sections 14 through 16 of this act to further

more effective public transportation linkages between communities, regardless of county association, in order to better serve state citizen needs.

Sec. 14. RCW 36.57A.040 and 1983 c 65 s 2 are each amended to read as follows:

At the time of its formation no public transportation benefit area may include only a part of any city, and every city shall be either wholly included or wholly excluded from the boundaries of such area. Notwithstanding any other provision of law, if subsequent to the formation of a public transportation benefit area additional area became or will become a part of a component city by annexation, merger, or otherwise, the additional area shall be included within the boundaries of the transportation benefit area and be subject to all taxes and other liabilities and obligations of the public transportation benefit area. The component city shall be required to notify the public transportation benefit area at the time the city has added the additional area. Furthermore, notwithstanding any other provisions of law, if a city that is not a component city of the public transportation benefit area adds area to its boundaries that is within the boundaries of the public transportation benefit area, the area so added shall be deemed to be excluded from the public transportation benefit area: PROVIDED, That the public transportation benefit area shall be given notice of the city's intention to add such area.

The boundaries of any public transportation benefit area shall follow school district lines or election precinct lines, as far as practicable. Only such areas shall be included which the conference determines could reasonably benefit from the provision of public transportation services. Except as provided in RCW 36.57A.140(2), only one public transportation benefit area may be created in any county.

Sec. 15. RCW 36.57A.055 and 1983 c 65 s 4 are each amended to read as follows:

After a public transportation benefit area has been in existence for four years, members of the county legislative authority and the elected representative of each city within the boundaries of the public transportation benefit area shall review the composition of the governing body of the benefit area and change the composition of the governing body if the change is deemed appropriate. The review shall be at a meeting of the designated representatives of the component county and cities, and the majority of those present shall constitute a quorum at such meeting. Twenty days notice of the meeting shall be given by the chief administrative officer of the public transportation benefit area authority. After the initial review, a review shall be held every four years.

If an area having a population greater than fifteen percent, or areas with a combined population of greater than twenty-five percent of the population of the existing public transportation benefit area as constituted at the last review meeting, annex to the public transportation benefit area, or if an area is added under RCW 36.57A.140(2), the representatives of the component county and cities shall meet within ninety days to review and change the composition of the governing body, if the change is deemed appropriate. This meeting is in addition to the regular four-year review meeting and shall be conducted pursuant to the same notice requirement and quorum provisions of the regular review.

Sec. 16. RCW 36.57A.140 and 1983 c 65 s 5 are each amended to read as follows:

(1) An election to authorize the annexation of territory contiguous to a public transportation benefit area may be called within the area to be annexed pursuant to resolution or petition in the following manner:

(a) By resolution of a public transportation benefit area authority when it determines that the best interests and general welfare of the public transportation benefit area would be served. The authority shall consider the question of areas to be annexed to the public transportation benefit area at least once every two years.

(b) By petition calling for such an election signed by at least four percent of the qualified voters residing within the area to be annexed and filed with the auditor of the county wherein the largest portion of the public transportation benefit area is located, and notice thereof shall be given to the authority. Upon receipt of such a petition, the auditor shall examine it and certify to the sufficiency of the signatures thereon.

(c) By resolution of a public transportation benefit area authority upon request of any city for annexation thereto.

(2) If the area proposed to be annexed is located within another county, the petition or resolution for annexation as set forth in subsection (1) of this section must be approved by the legislative authority of the county if the area is unincorporated or by the legislative authority of the city or town if the area is incorporated. Any annexation under this subsection must involve contiguous areas.

(3) The resolution or petition shall describe the boundaries of the area to be annexed. It shall require that there also be submitted to the electorate of the territory sought to be annexed a proposition authorizing the inclusion of the area within the public transportation benefit area and authorizing the imposition of such taxes authorized by law to be collected by the authority.

The President declared the question before the Senate to be the adoption of the Committee on Transportation amendment as amended, to Engrossed Substitute House Bill No. 2151.

The motion by Senator Nelson carried and the Committee on Transportation amendment, as amended, was adopted.

MOTIONS

On motion of Senator Nelson, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "and amending RCW 81.104.010, 81.104.020, 81.104.030, 81.104.040, 81.104.050, 81.104.060, 81.104.080, 81.104.090, 81.104.100, 81.104.110, 81.104.140, and 81.104.160."

On page 20, line 7 of the title amendment, after "insert"" strike "and"

On page 20, line 9 of the title amendment, after "81.104.140," strike "and" and after "81.104.160" insert ", 36.57A.040, 36.57A.055, and 36.57A.140; and creating a new section"

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 2151, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2151, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2151, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 44.

Absent: Senator Wojahn - 1.

Excused: Senators McCaslin, Moore, Rasmussen, Sellar - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1452, by House Committee on Transportation (originally sponsored by Representatives R. Fisher, G. Fisher, Cole, Fraser, Phillips, Rust, Haugen, Belcher, Hine, R. Meyers, Locke, Riley, Heavey, R. Johnson, Wilson, Betrozoff, Valle, Wynne, R. King, Scott, Cooper, Pruitt, Ogden, Roland, Nelson, Spanel, Brekke and Wineberry),

Creating the high-speed ground transportation steering committee.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Transportation amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes that major transportation corridors in this state are reaching unacceptable levels of congestion. Proposed improvements such as extension of the HOV-lane system or regional high-capacity systems, can, at best, only temporarily reduce the rate at which congestion increases. Further, such improvements do not address cross-state travel demands, whether north-south or east-west.

Therefore, the legislature finds that 1991 is an appropriate time for the legislature and the governor to direct that a comprehensive assessment be made of the feasibility of developing a high-speed ground transportation system within the state and that a plan be developed for implementation of potential alternatives.

Congress has set aside federal funds in the amount of five hundred thousand dollars for the state of Washington to carry out such an assessment, with the stipulation that the state provide an equal amount of state funds for the effort. If a high-speed ground transportation system is developed within the state, the legislature believes significant benefits would accrue to many segments of the private sector economy. The legislature therefore finds that equal funding support for the feasibility study provided for in section 4 of this act should come from private sector sources. This three-way partnership between the federal government, the state, and the private sector can provide the foundation for ultimate development of a high-speed ground transportation system.

NEW SECTION. Sec. 2. The high-speed ground transportation steering committee is created, consisting of fifteen members, appointed jointly by the governor, the chair of the legislative transportation committee, and the chair of the transportation

commission. The appointing authorities shall also designate the chair of the steering committee.

The committee must include representatives from the following:

- (1) Cities and counties, including both elected officials and planners, and if possible, representatives of regional transportation planning organizations;
- (2) Public transportation systems;
- (3) The United States department of transportation;
- (4) Public ports; and
- (5) The private sector, including:
 - (a) The financial community;
 - (b) The engineering and construction community;
 - (c) Railroad companies;
 - (d) Environmental interests; and
 - (e) The legal profession.

The secretary of the state department of transportation, or the secretary's designee, shall also be a member.

Members of the steering committee shall receive no compensation for their service, but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 3. The following persons shall serve as voting liaison members to the steering committee:

- (1) The governor or a designee;
- (2) Four legislators, one from each caucus of each house, appointed by the chair of the legislative transportation committee; and
- (3) The chair of the transportation commission.

In addition to those persons, the governor shall attempt to obtain appropriate nonvoting liaison representation to the steering committee from the state of Oregon and the province of British Columbia.

NEW SECTION. Sec. 4. The steering committee shall initially address the feasibility of a high-speed ground transportation system within this state, including such issues as:

- (1) When such a system would be economically feasible;
- (2) The forecasted demand, assessing whether the focus should be on passenger travel or freight or both;
- (3) Identification of the corridors to be analyzed;
- (4) Land use and economic development implications;
- (5) Environmental considerations;
- (6) The compatibility of such a system with regional transportation plans along proposed corridors;
- (7) Impacts on and interfaces with other travel modes;
- (8) Technological options for high-speed ground transportation, both foreign and domestic;
- (9) Required specifications for speed, safety, access, and frequency;
- (10) Identification of existing highway or railroad rights of way that are suitable for high-speed travel;
- (11) Identification of additional rights of way that may be needed and the process for acquiring those rights of way;
- (12) The recommended institutional arrangement for carrying out detailed planning for such a system, for constructing it, and for operating it;
- (13) Whether financing of construction should be public or private or some combination of both;
- (14) Whether financing of operations should be public or private or some combination of both;

(15) If public sector financing for any portion of capital or operation costs is deemed necessary, which existing or new tax sources would be appropriate.

The steering committee shall coordinate its work with that of the air transportation commission established in RCW 47.86.030.

NEW SECTION. Sec. 5. The steering committee shall seek to obtain private sector contributions at least equal to the amount of state funds appropriated for this purpose in section 9 of this act. All such contributions shall be deposited in the state treasury to the credit of department of transportation, to be expended in accordance with the provisions of section 9 of this act.

NEW SECTION. Sec. 6. In order to provide technical and administrative support to the steering committee, the office of high-speed ground transportation is created within the department of transportation. That office may contract with consultants at the direction of the steering committee and shall provide other support functions as requested by the committee.

NEW SECTION. Sec. 7. The steering committee shall present a final report to the governor, the legislature, and the transportation commission by October 15, 1992. It shall present interim progress reports as appropriate. The final report must include findings of the steering committee, a recommended plan for implementation, and proposed legislation to implement the next phase of a high-speed ground transportation program.

Sec. 8. RCW 47.86.030 and 1990 c 298 s 41 are each amended to read as follows:

The commission shall conduct studies to determine Washington's long-range air transportation policy, including an assessment of intermodal needs, and to assess the impacts of increasing air traffic upon surrounding communities, including an evaluation of noise mitigation and surface transportation impacts at existing facilities, and the potential impact at new or expanded facilities.

The studies shall include, but are not limited to the following:

(1) The feasibility of acquiring the Stampede Pass rail line for use as a utility corridor, intermodal high speed transportation corridor or other transportation uses. The study shall include an examination of the ownership of the Stampede Pass rail line right of way and evaluate the advantages and disadvantages of preserving the Stampede Pass rail line corridor. It shall include interested public and private agencies when conducting the study. The commission shall encourage local communities and the private sector to financially participate in the study. The commission shall make a presentation of the feasibility findings to the legislative transportation committee on or before December 1, 1990.

(2) Recommendations to the legislature on future Washington state air transportation policy, including the expansion of existing and potential air carrier and reliever facilities and the siting of such new facilities, specifically taking into consideration intermodal needs. The commission shall consider the development of wayports in eastern Washington, taking into account similar developments in Japan and Germany, in order to reduce congestion resulting from rapid growth in the Puget Sound region. The commission shall ~~((examine high speed rail transportation systems, including but not limited to magnetic levitation trains, personal rapid transit systems, and complimentary transportation systems, using to the extent possible the existing rights of way along I 90, I 5, and the Stampede Pass rail corridor))~~ coordinate its study of airport siting policy issues with the efforts of the high-speed ground transportation steering committee.

The commission shall submit findings and recommendations to the legislative transportation committee by December 1, 1994, with an interim report to be presented to the legislative transportation committee by December 1, 1992.

NEW SECTION. Sec. 9. The sum of five hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the transportation fund to the

department of transportation program T, for the biennium ending June 30, 1993, to carry out the purposes of this act. The appropriation shall be expended in accordance with the work plan developed by the high-speed ground transportation steering committee created in section 2 of this act: PROVIDED, That no more than seventy-five thousand dollars may be expended before the department of transportation receives one or more contributions from the private sector, in accordance with the provisions of section 5 of this act, totaling five hundred thousand dollars or more.

NEW SECTION. Sec. 10. Sections 1 through 7 of this act shall expire December 31, 1992.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On motion of Senator Nelson, the following title amendment was adopted:

On line 1 of the title, after "transportation;" strike the remainder of the title and insert "amending RCW 47.86.030; creating new sections; making an appropriation; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 1452, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1452, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1452, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators McCaslin, Moore, Rasmussen, Sellar - 4.

SUBSTITUTE HOUSE BILL NO. 1452, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1704, by House Committee on Transportation (originally sponsored by Representatives Cooper, Betrozoff and R. Johnson) (by request of Department of Licensing)

Changing provisions relating to motor vehicles.

The bill was read the second time.

MOTION

Senator Madsen moved that the following Committee on Transportation amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 82.36 RCW to read as follows:

(1) If the department determines that the tax reported by a motor vehicle fuel distributor is deficient, the department shall assess the deficiency on the basis of information available to it, and shall add a penalty of two percent of the amount of the deficiency.

(2) If a distributor, whether licensed or not licensed as such, fails, neglects, or refuses to file a motor vehicle fuel tax report the department shall, on the basis of information available to it, determine the tax liability of the distributor for the period during which no report was filed. The department shall add the penalty provided in subsection (1) of this section to the tax. An assessment made by the department under this subsection or subsection (1) of this section is presumed to be correct. In any case, where the validity of the assessment is questioned, the burden is on the person who challenges the assessment to establish by a fair preponderance of evidence that it is erroneous or excessive, as the case may be.

(3) If a distributor files a false or fraudulent report with intent to evade the tax imposed by this chapter, the department shall add to the amount of deficiency a penalty equal to twenty-five percent of the deficiency, in addition to the penalty provided in subsections (1) and (2) of this section and all other penalties prescribed by law.

(4) Motor vehicle fuel tax, penalties, and interest payable under this chapter bears interest at the rate of one percent per month, or fraction thereof, from the first day of the calendar month after the amount or any portion of it should have been paid until the date of payment. If a distributor establishes by a fair preponderance of evidence that the failure to pay the amount of tax due was attributable to reasonable cause and was not intentional or willful, the department may waive the penalty. The department may waive the interest when it determines the cost of processing or collection of the interest exceeds the amount of interest due.

(5) Except in the case of a fraudulent report, neglect or refusal to make a report, or failure to pay or to pay the proper amount, the department shall assess the deficiency under subsection (1) or (2) of this section within three years from the last day of the succeeding calendar month after the reporting period for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires later.

(6) Except in the case of violations of filing a false or fraudulent report, if the department deems mitigation of penalties and interest to be reasonable and in the best interest of carrying out the purpose of this chapter, it may mitigate such assessments upon whatever terms the department deems proper, giving consideration to the degree and extent of the lack of records and reporting errors. The department may ascertain the facts regarding recordkeeping and payment penalties in lieu of more elaborate proceedings under this chapter.

(7) A distributor against whom an assessment is made under subsection (1) or (2) of this section may petition for a reassessment within thirty days after service upon the distributor of notice of the assessment. If the petition is not filed within the thirty-day period, the amount of the assessment becomes final at the expiration of that period.

If a petition for reassessment is filed within the thirty-day period, the department shall reconsider the assessment and, if the distributor has so requested in its petition,

shall grant the distributor an oral hearing and give the distributor twenty days' notice of the time and place of the hearing. The department may continue the hearing from time to time. The decision of the department upon a petition for reassessment becomes final thirty days after service of notice upon the distributor.

An assessment made by the department becomes due and payable when it becomes final. If it is not paid to the department when due and payable, the department shall add a penalty of ten percent of the amount of the tax.

(8) In a suit brought to enforce the rights of the state under this chapter, the assessment showing the amount of taxes, penalties, interest, and cost unpaid to the state is prima facie evidence of the facts as shown.

(9) A notice of assessment required by this section must be served personally or by mail. If it is served by mail, service shall be made by deposit of the notice in the United States mail, postage prepaid, addressed to the distributor at the most current address furnished to the department.

Sec. 2. RCW 82.36.040 and 1989 c 378 s 24 are each amended to read as follows:

If payment of any tax due is not received by the due date, there shall be assessed a penalty of two percent of the amount of the tax. ~~((If any distributor establishes by a fair preponderance of evidence that the distributor's failure to pay the amount of tax due by the due date was attributable to reasonable cause and was not intentional or willful, the department may waive the penalty imposed by this section.~~

~~Any motor vehicle fuel tax, penalties, and interest payable under the provisions of this chapter shall bear interest at the rate of one percent per month, or fraction thereof, from the first day of the calendar month after the close of the monthly period for which the amount or any portion thereof should have been paid until the date of payment. The department may waive the interest when the department determines that the cost of processing the collection of the interest exceeds the amount of interest due.~~

~~In any suit brought to enforce the rights of the state under this chapter, the certificate of the director showing the amount of taxes, penalties, interest and cost unpaid by any distributor and that the same are due and unpaid to the state shall be prima facie evidence of the facts as shown.))~~

Sec. 3. RCW 82.36.120 and 1961 c 15 s 82.36.120 are each amended to read as follows:

((In the event any)) If a distributor is delinquent in the payment of ((his excise tax hereunder, the director)) an obligation imposed under this chapter, the department may give notice of the amount ((thereof)) of the delinquency by registered or certified mail to all persons having in their possession or under their control any credits or other personal property belonging to such distributor, or owing any debts to such distributor at the time of receipt by them of such notice((, and thereafter the persons)). A person so notified shall neither transfer nor make any other disposition of such credits, ((other)) personal property, or debts((;)) until ((twenty days have elapsed from and after receipt of such notice unless the director has given his consent to a previous transfer,)) the department consents to a transfer or other disposition. All persons so notified must, within ((five)) twenty days after receipt of the notice, advise the ((director)) department of any and all such credits, ((other)) personal property, or debts in their possession, under their control or owing by them, as the case may be, and shall deliver upon demand the credits, personal property, or debts to the department or its duly authorized representative to be applied to the indebtedness involved.

If a person fails to answer the notice within the time prescribed by this section, it is lawful for the court, upon application of the department and after the time to answer the notice has expired, to render judgment by default against the person for the full amount claimed by the department in the notice to withhold and deliver, together with costs.

NEW SECTION. Sec. 4. A new section is added to chapter 82.36 RCW to read as follows:

When an assessment becomes final in accordance with this chapter, the department may file with the clerk of any county within the state a warrant in the amount of the assessment of taxes, penalties, interest, and a filing fee of five dollars. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant the name of the distributor mentioned in the warrant, the amount of the tax, penalties, interest, and filing fee, and the date when the warrant was filed. The aggregate amount of the warrant as docketed becomes a lien upon the title to and interest in all real and personal property of the named person against whom the warrant is issued, the same as a judgment in a civil case duly docketed in the office of the clerk. The warrant so docketed is sufficient to support the issuance of writs of execution and writs of garnishment in favor of the state in the manner provided by law in the case of a civil judgment, wholly or partially unsatisfied. The clerk of the court is entitled to a filing fee of five dollars.

NEW SECTION. Sec. 5. A new section is added to chapter 46.87 RCW to read as follows:

Except in the case of violations of filing a false or fraudulent application, if the department deems mitigation of penalties and interest to be reasonable and in the best interests of carrying out the purpose of this chapter, it may mitigate such assessments upon whatever terms the department deems proper, giving consideration to the degree and extent of the lack of records and reporting errors. The department may ascertain the facts regarding recordkeeping and payment penalties in lieu of more elaborate proceedings under this chapter.

Sec. 6. RCW 82.38.090 and 1990 c 250 s 84 are each amended to read as follows:

It shall be unlawful for any person to act as a special fuel dealer, a special fuel supplier or a special fuel user in this state unless such person is the holder of an unanceled special fuel dealer's, a special fuel supplier's or a special fuel user's license issued to him by the department. A special fuel supplier's license authorizes a person to sell special fuel without collecting the special fuel tax to other suppliers and dealers holding valid special fuel licenses.

A special fuel dealer's license authorizes a person to deliver previously untaxed special fuel into the fuel supply tanks of motor vehicles, collect the special fuel tax on behalf of the state at the time of delivery, and remit the taxes collected to the state as provided herein. A licensed special fuel dealer may also deliver untaxed special fuel into bulk storage facilities of a licensed special fuel user without collecting the special fuel tax. Special fuel dealers and suppliers, when making deliveries of special fuel into bulk storage to any person not holding a valid special fuel license must collect the special fuel tax at time of delivery, unless the person to whom the delivery is made is specifically exempted from the tax as provided herein.

A special fuel user's license authorizes a person to purchase special fuel into bulk storage for use in motor vehicles either on or off the public highways of this state without payment of the special fuel tax at time of purchase. Holders of special fuel licenses are all subject to the bonding, reporting, tax payment, and record-keeping provisions of this chapter. All purchases of special fuel by a licensed special fuel user directly into the fuel supply tank of a motor vehicle are subject to the special fuel tax at time of purchase unless the purchase is made from an unattended keylock metered pump, cardrol, or such similar dispensing devices. Persons utilizing special fuel for heating purposes only are not required to be licensed.

Special fuel users operating motor vehicles in interstate commerce having two axles and a gross vehicle weight or registered gross vehicle weight not exceeding

twenty-six thousand pounds are not required to be licensed. Special fuel users operating motor vehicles in interstate commerce having two axles and a gross vehicle weight or registered gross vehicle weight exceeding twenty-six thousand pounds, or having three or more axles regardless of weight, or a combination of vehicles, when the combination exceeds twenty-six thousand pounds gross vehicle weight, must comply with the licensing and reporting requirements of this chapter. A copy of the license must be carried in each motor vehicle entering this state from another state or province.

Sec. 7. RCW 82.38.170 and 1987 c 174 s 6 are each amended to read as follows:

(1) If any special fuel dealer or special fuel user fails to pay any taxes collected or due the state of Washington by said dealer or user within the time prescribed by RCW 82.38.150 and 82.38.160, said dealer or user shall pay in addition to such tax a penalty of ten percent of the amount thereof.

(2) If it be determined by the department that the tax reported by any special fuel dealer or special fuel user is deficient it shall proceed to assess the deficiency on the basis of information available to it and there shall be added to this deficiency a penalty of ten percent of the amount of the deficiency.

(3) If any special fuel dealer or special fuel user, whether or not he or she is licensed as such, fails, neglects, or refuses to file a special fuel tax report, the department shall, on the basis of information available to it, determine the tax liability of the special fuel dealer or the special fuel user for the period during which no report was filed, and to the tax as thus determined, the department shall add the penalty and interest provided in subsection (2) of this section. An assessment made by the department pursuant to this subsection or to subsection (2) of this section shall be presumed to be correct, and in any case where the validity of the assessment is drawn in question, the burden shall be on the person who challenges the assessment to establish by a fair preponderance of the evidence that it is erroneous or excessive as the case may be.

(4) If any special fuel dealer or special fuel user shall establish by a fair preponderance of evidence that his or her failure to file a report or pay the proper amount of tax within the time prescribed was due to reasonable cause and was not intentional or willful, the department may waive the penalty prescribed in subsections (1), (2), and (3) of this section.

(5) If any special fuel dealer or special fuel user shall file a false or fraudulent report with intent to evade the tax imposed by this chapter, there shall be added to the amount of deficiency determined by the department a penalty equal to twenty-five percent of the deficiency, in addition to the penalty provided in subsection (2) of this section and all other penalties prescribed by law.

(6) Any fuel tax, penalties, and interest payable under this chapter shall bear interest at the rate of one percent per month, or fraction thereof, from the first day of the calendar month after the amount or any portion thereof should have been paid until the date of payment: PROVIDED, That the department may waive the interest when it determines that the cost of processing the collection of the interest exceeds the amount of interest due.

(7) Except in the case of violations of filing a false or fraudulent report, if the department deems mitigation of penalties and interest to be reasonable and in the best interests of carrying out the purpose of this chapter, it may mitigate such assessments upon whatever terms the department deems proper, giving consideration to the degree and extent of the lack of records and reporting errors. The department may ascertain the facts regarding recordkeeping and payment penalties in lieu of more elaborate proceedings under this chapter.

(8) Except in the case of a fraudulent report or of neglect or refusal to make a report, every deficiency shall be assessed under subsection (2) of this section within three years from the twenty-fifth day of the next succeeding calendar month following

the reporting period for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires the later.

((8)) (9) Any special fuel dealer or special fuel user against whom an assessment is made under the provisions of subsections (2) or (3) of this section may petition for a reassessment thereof within thirty days after service upon the special fuel dealer or special fuel user of notice thereof. If such petition is not filed within such thirty day period, the amount of the assessment becomes final at the expiration thereof.

If a petition for reassessment is filed within the thirty day period, the department shall reconsider the assessment and, if the special fuel dealer or special fuel user has so requested in his or her petition, shall grant such special fuel dealer or special fuel user an oral hearing and give the special fuel dealer or special fuel user ten days' notice of the time and place thereof. The department may continue the hearing from time to time. The decision of the department upon a petition for reassessment shall become final thirty days after service upon the special fuel dealer or special fuel user of notice thereof.

Every assessment made by the department shall become due and payable at the time it becomes final and if not paid to the department when due and payable, there shall be added thereto a penalty of ten percent of the amount of the tax.

((9)) (10) Any notice of assessment required by this section shall be served personally or by mail; if by mail, service shall be made by depositing such notice in the United States mail, postage prepaid addressed to the special fuel dealer or special fuel user at his or her address as the same appears in the records of the department.

((10)) (11) Any licensee who has had their special fuel user license, special fuel dealer license, special fuel supplier license, or combination thereof revoked shall pay a one hundred dollar penalty prior to the issuance of a new license.

((11)) (12) Any person who, upon audit or investigation by the department, is found to have not paid special fuel taxes as required by this chapter shall be subject to cancellation of all vehicle registrations for vehicles utilizing special fuel as a means of propulsion. Any unexpired Washington tonnage on the vehicles in question may be transferred to a purchaser of the vehicles upon application to the department who shall hold such tonnage in its custody until a sale of the vehicle is made or the tonnage has expired.

NEW SECTION. Sec. 8. A new section is added to chapter 82.42 RCW to read as follows:

Except in the case of violations of filing a false or fraudulent report, if the department deems mitigation of penalties and interest to be reasonable and in the best interests of carrying out the purpose of this chapter, it may mitigate such assessments upon whatever terms the department deems proper, giving consideration to the degree and extent of the lack of records and reporting errors. The department may ascertain the facts regarding recordkeeping and payment penalties in lieu of more elaborate proceedings under this chapter.

NEW SECTION. Sec. 9. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply to the department of licensing to confidential secretaries of assistant directors and currently exempt employees of the agency. Each confidential secretary must meet the minimum qualifications for the class of secretary II as determined by the state personnel board.

Sec. 10. RCW 46.20.308 and 1989 c 337 s 8 are each amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcoholic content of his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting

officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. However, in those instances where: (a) The person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample; or (b) as a result of a traffic accident the person is being treated for a medical condition in a hospital, clinic, doctor's office, or other similar facility in which a breath testing instrument is not present, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(4). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that (a) his or her privilege to drive will be revoked or denied if he or she refuses to submit to the test, and (b) that his or her refusal to take the test may be used in a criminal trial.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) The department of licensing, upon the receipt of a sworn report of the law enforcement officer that the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor and that the person had refused to submit to the test or tests upon the request of the law enforcement officer after being informed that refusal would result in the revocation of the person's privilege to drive, shall revoke the person's license or permit to drive or any nonresident operating privilege.

(7) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, the department shall immediately notify the person involved in writing by personal service or by certified mail of its decision and the grounds therefor, and of the person's right to a hearing, specifying the steps he or she must take to obtain a hearing. Within fifteen days after the notice has been given, the person may, in writing, request a formal hearing. Upon receipt of such request, the department shall afford the person an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the scope of such hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state

while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's privilege to drive. The department shall order that the revocation either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as provided in this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during pendency of the hearing and appeal.

(8) If the revocation is sustained after such a hearing, the person whose license, privilege, or permit is revoked has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the manner provided in RCW 46.20.334.

(9) The department shall rescind the revocation of a person's driving privilege under this section upon notification from the court of record that, for the incident upon which the department based its administrative action:

(a)(i) The officer's grounds for believing that the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor were based solely on a nonalcohol or nondrug-related medical condition or (ii) the person's refusal or inability to submit to a breath test was based solely on a nonalcohol or nondrug-related medical condition; and

(b) The person has been found not guilty of driving or being in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug including any drug prescribed for the medical condition. Upon notification from the court of record of a not guilty finding, the department shall expunge the implied consent violation from the person's driving record.

(10) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

Sec. 11. RCW 46.61.560 and 1984 c 7 s 72 are each amended to read as follows:

(1) Outside of incorporated cities and towns no person may stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway.

(2) Subsection (1) of this section and RCW 46.61.570 and 46.61.575 do not apply to the driver of any vehicle that is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position. The driver shall nonetheless arrange for the prompt removal of the vehicle as required by RCW 46.61.590.

(3) Subsection (1) of this section does not apply to the driver of a public transit vehicle who temporarily stops the vehicle upon the roadway for the purpose of and while actually engaged in receiving or discharging passengers at a marked transit vehicle stop zone approved by the state department of transportation or a county upon highways under their respective jurisdictions.

(4) Subsection (1) of this section and RCW 46.61.570 and 46.61.575 do not apply to the driver of a solid waste collection company or recycling company vehicle who temporarily stops the vehicle as close as practical to the right edge of the right-hand shoulder of the roadway or right edge of the roadway if no shoulder exists for the purpose of and while actually engaged in the collection of solid waste or recyclables, or both, under chapters 81.77, 35.21, and 35A.21 RCW or by contract under RCW 36.58.030.

Sec. 12. RCW 46.87.070 and 1990 c 42 s 112 are each amended to read as follows:

(1) Washington-based trailers, semitrailers, converter gears (auxiliary axles), or pole trailers shall be ~~((fully))~~ licensed in this state under the provisions of chapter 46.16 RCW except as herein provided. If these vehicles are being operated in jurisdictions that require the registration of such vehicles, the applicable vehicles may be considered as apportionable or commercial vehicles for the purpose of registration in those jurisdictions and this state. ~~((The prorate percentage for which registration fees and taxes were paid to such jurisdictions for each nonmotor vehicle of the fleet may be credited toward the one hundred percent of registration fees and taxes due this state for full licensing of each such vehicle.))~~

(2) Trailers, semitrailers, converter gears (auxiliary axles), and pole trailers which are properly based in jurisdictions other than Washington, and which display currently registered license plates from such jurisdictions will be granted vehicle license reciprocity in this state without the need of further vehicle license registration. If converter gears (auxiliary axles) or pole trailers are not required to be licensed separately by a member jurisdiction, such vehicles may be operated in this state without displaying a current base license plate.

Sec. 13. RCW 46.87.140 and 1990 c 42 s 114 are each amended to read as follows:

(1) Any owner engaged in interstate operations of one or more fleets of apportionable or commercial vehicles may, in lieu of registration of the vehicles under chapter 46.16 RCW, register and license the vehicles of each fleet under this chapter by filing a proportional registration application for each fleet with the department. The nonmotor vehicles of Washington-based fleets which are operated in IRP jurisdictions that require registration of such vehicles may be proportionally registered for operation in those jurisdictions as herein provided. The application shall contain the following information and such other information pertinent to vehicle registration as the department may require:

(a) A description and identification of each vehicle of the fleet. Motor vehicles and nonpower units shall be placed in separate fleets.

(b) If registering under the provisions of the IRP, the registrant shall also indicate member jurisdictions in which registration is desired and furnish such other information as those member jurisdictions require.

(c) An original or renewal application shall also be accompanied by a mileage schedule for each fleet.

(2) Each application shall, at the time and in the manner required by the department, be supported by payment of a fee computed as follows:

(a) Divide the in-jurisdiction miles by the total miles and carry the answer to the nearest thousandth of a percent (three places beyond the decimal, e.g. 10.543%). This factor is known as the prorate percentage.

(b) Determine the total proratable fees and taxes required for each vehicle in the fleet for which registration is requested, based on the regular annual fees and taxes or applicable fees and taxes for the unexpired portion of the registration year under the laws of each jurisdiction for which fees or taxes are to be calculated.

Washington-based ~~((nonpower))~~ nonmotor vehicles shall normally be fully licensed ~~((, by paying full registration fees and taxes, in this state))~~ under the provisions of chapter 46.16 RCW. If these vehicles are being operated in jurisdictions that require the registration of such vehicles, the applicable vehicles may be considered as apportionable vehicles for the purpose of registration in those jurisdictions and this state. The prorate percentage for which registration fees and taxes were paid to such jurisdictions may be credited toward the one hundred percent of registration fees and taxes due this state for full licensing. Applicable fees and taxes for vehicles of Washington-based fleets are

those prescribed under RCW 46.16.070, 46.16.085, 82.38.075, and 82.44.020, as applicable.

(c) Multiply the total, proratable fees or taxes for each motor vehicle by the prorata percentage applicable to the desired jurisdiction and round the results to the nearest cent. Fees and taxes for nonmotor vehicles being prorated will be calculated as indicated in (b) of this subsection.

(d) Add the total fees and taxes determined in (~~(subsection (2))~~)(c) of this (~~(section)~~) subsection for each vehicle to the nonproratable fees required under the laws of the jurisdiction for which fees are being calculated. Nonproratable fees required for vehicles of Washington-based fleets are the administrative fee required by RCW 82.38.075, if applicable, and the vehicle transaction fee pursuant to the provisions of RCW 46.87.130.

(e) Add the total fees and taxes determined in (~~(subsection (2))~~)(d) of this (~~(section)~~) subsection for each vehicle listed on the application. Assuming the fees and taxes calculated were for Washington, this would be the amount due and payable for the application under the provisions of the Western Compact. Under the provisions of the IRP, the amount due and payable for the application would be the sum of the fees and taxes referred to in (~~(subsection (2))~~)(d) of this (~~(section)~~) subsection, calculated for each member jurisdiction in which registration of the fleet is desired.

(3) All assessments for proportional registration fees are due and payable in United States funds on the date presented or mailed to the registrant at the address listed in the proportional registration records of the department. The registrant may petition for reassessment of the fees or taxes due under this section within thirty days of the date of original service as provided for in this chapter.

Sec. 14. RCW 46.16.319 and 1990 c 250 s 6 are each amended to read as follows:

(1) The department shall issue upon payment of a fee and proof from an honorably discharged veteran, veterans with honorable military service, or military personnel on active duty in the armed service, a remembrance emblem depicting a tribute or message and the American flag.

(2) Veterans and military personnel who served in our nation's wars and conflicts can, upon request and payment of a fee and proof of service, receive a remembrance emblem depicting the campaign ribbon (~~(the veteran was)~~) they were awarded. (~~(Only)~~) The following campaign ribbon remembrance emblems will be available: World War I victory medal; Asiatic-Pacific campaign medal, WWII; European-African-Middle East campaign medal, WWII; American campaign medal, WWII; Korean service medal; Vietnam service medal; Armed Forces Expeditionary, after 1958. The director may adopt additional campaign ribbon remembrance emblems by rule.

(3) The remembrance emblem will be displayed upon vehicle license plates in the manner prescribed by the department.

(4) A veteran or military personnel requesting a remembrance emblem from the department shall provide a copy of his or her discharge papers (DD-214) or military orders indicating their military status and campaign ribbon awarded along with payment of the fee. A veteran or military personnel requesting a remembrance emblem must be a legal or registered owner of the vehicle on which remembrance emblems are to be displayed.

Sec. 15. RCW 81.80.040 and 1984 c 171 s 1 are each amended to read as follows:

The provisions of this chapter, except where specifically otherwise provided, and except the provisions providing for licenses, shall not apply to:

(1) Motor vehicles when operated in transportation exclusively within the corporate limits of any city or town of less than ten thousand population unless contiguous to a city or town of ten thousand population or over, nor between contiguous cities or towns both or all of which are less than ten thousand population;

(2) Motor vehicles when operated in transportation wholly within the corporate limits of cities or towns of ten thousand or more but less than thirty thousand population, or between such cities or towns when contiguous, as to which the commission, after investigation and the issuance of an order thereon, has determined that no substantial public interest exists which requires that such transportation be subject to regulation under this chapter;

(3) Motor vehicles when transporting exclusively the United States mail or in the transportation of newspapers or periodicals;

(4) Motor vehicles owned and operated by the United States, the state of Washington, or any county, city, town, or municipality therein, or by any department of them, or either of them;

(5) Motor vehicles specially constructed for towing disabled vehicles or wrecking and not otherwise used in transporting goods for compensation;

(6) Motor vehicles normally owned and operated by farmers in the transportation of their own farm, orchard, or dairy products, including livestock and plant or animal wastes, from point of production to market, or in the infrequent or seasonal transportation by one farmer for another farmer, if their farms are located within twenty miles of each other, of products of the farm, orchard, or dairy, including livestock and plant or animal wastes, or of supplies or commodities to be used on the farm, orchard, or dairy;

(7) Motor vehicles when transporting exclusively water in connection with construction projects only;

(8) Motor vehicles of less than 8,000 pounds gross vehicle weight when transporting exclusively legal documents, pleadings, process, correspondence, depositions, briefs, medical records, photographs, books or papers, cash or checks, when moving shipments of the documents described at the direction of an attorney as part of providing legal services;

(9) Motor vehicles used by a farmer to transport ill or injured horses to or from the farmer's own property for rehabilitation by the farmer when the transportation is incidental to the rehabilitation of the horses.

Sec. 16. RCW 82.80.010 and 1990 c 42 s 201 are each amended to read as follows:

(1) Subject to the conditions of this section, any county may levy, by approval of its legislative body and a majority of the registered voters of the county voting on the proposition at a general or special election, additional excise taxes equal to ten percent of the state-wide motor vehicle fuel tax rate under RCW 82.36.025 on each gallon of motor vehicle fuel as defined in RCW 82.36.010(2) and on each gallon of special fuel as defined in RCW 82.38.020(5)~~(, per gallon or one hundred cubic feet of compressed natural gas measured at standard temperature and pressure)~~ sold within the boundaries of the county. Vehicles paying an annual license fee under RCW 82.38.075 are exempt from the county fuel excise tax. An election held under this section must be held not more than twelve months before the date on which the proposed tax is to be levied. The ballot setting forth the proposition shall state the tax rate that is proposed. The county's authority to levy additional excise taxes under this section includes the incorporated and unincorporated areas of the county. The additional excise taxes are subject to the same exceptions and rights of refund as applicable to other motor vehicle fuel and special fuel excise taxes levied under chapters 82.36 and 82.38 RCW. The proposed tax shall not be levied less than one month from the date the election results are certified by the county election officer. The commencement date for the levy of any tax under this section shall be the first day of January, April, July, or October.

(2) Every person subject to the tax shall pay, in addition to any other taxes provided by law, an additional excise tax to the director of licensing at the rate levied by a county exercising its authority under this section.

(3) The state treasurer shall distribute monthly to the levying county and cities contained therein the proceeds of the additional excise taxes collected under this section, after the deductions for payments and expenditures as provided in RCW 46.68.090 (1) ~~((a) and (b))~~ and (2) and under the conditions and limitations provided in RCW 82.80.080.

(4) The proceeds of the additional excise taxes levied under this section shall be used strictly for transportation purposes in accordance with RCW 82.80.070.

(5) The department of licensing shall administer and collect the county fuel taxes. The department shall deduct a percentage amount, as provided by contract, for administrative, collection, refund, and audit expenses incurred. The remaining proceeds shall be remitted to the custody of the state treasurer for monthly distribution under RCW 82.80.080.

Sec. 17. RCW 82.36.010 and 1990 c 250 s 79 are each amended to read as follows:

For the purposes of this chapter:

(1) "Motor vehicle" means every vehicle that is in itself a self-propelled unit, equipped with solid rubber, hollow-cushion rubber, or pneumatic rubber tires and capable of being moved or operated upon a public highway, except motor vehicles used as motive power for or in conjunction with farm implements and machines or implements of husbandry;

(2) "Motor vehicle fuel" means gasoline or any other inflammable gas or liquid, by whatsoever name such gasoline, gas, or liquid may be known or sold, the chief use of which is as fuel for the propulsion of motor vehicles or motorboats;

(3) "Distributor" means every person who refines, manufactures, produces, or compounds motor vehicle fuel and sells, distributes, or in any manner uses it in this state; also every person engaged in business as a bona fide wholesale merchant dealing in motor vehicle fuel who either acquires it within the state from any person refining it within or importing it into the state, on which the tax has not been paid, or imports it into this state and sells, distributes, or in any manner uses it in this state. For the purposes of liability for a county fuel tax, "distributor" has that meaning defined in the county ordinance imposing the tax;

(4) "Service station" means a place operated for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles;

(5) "Department" means the department of licensing;

(6) "Director" means the director of licensing;

(7) "Dealer" means any person engaged in the retail sale of liquid motor vehicle fuels;

(8) "Person" means every natural person, firm, partnership, association, or private or public corporation;

(9) "Highway" means every way or place open to the use of the public, as a matter of right, for purposes of vehicular travel;

(10) "Broker" means every person, other than a distributor, engaged in business as a broker, jobber, or wholesale merchant dealing in motor vehicle fuel or other petroleum products used or usable in propelling motor vehicles, or in other petroleum products which may be used in blending, compounding, or manufacturing of motor vehicle fuel;

(11) "Producer" means every person, other than a distributor, engaged in the business of producing motor vehicle fuel or other petroleum products used in, or which may be used in, the blending, compounding, or manufacturing of motor vehicle fuel;

(12) "Distribution" means all withdrawals of motor vehicle fuel for delivery to others, to retail service stations, or to unlicensed bulk storage plants;

(13) "Bulk storage plant" means, pursuant to the licensing provisions of RCW 82.36.070, any plant, under the control of the distributor, used for the storage of motor vehicle fuel to which no retail outlets are directly connected by pipe lines;

(14) "Marine fuel dealer" means any person engaged in the retail sale of liquid motor vehicle fuel whose place of business and or sale outlet is located upon a navigable waterway;

~~((15) "Aggregate motor vehicle fuel tax revenues" means the amount of excise taxes to be paid by distributors, retailers, and users pursuant to chapters 82.36, 82.37, and 82.38 RCW for any designated fiscal period, whether or not such amounts are actually received by the department of licensing. The phrase does not include fines or penalties assessed for violations;~~

(16) "Fiscal year" means a twelve month period ending June 30th;

~~(17) "State personal income" means the dollar amount published as total personal income of persons in the state for the calendar year by the United States department of commerce or its successor agency;~~

~~(18) "State personal income ratio" for any calendar year means that ratio expressed in percentage terms that is the sum of one hundred percent, plus seventy percent of the percentage increase or decrease in state personal income for the calendar year under consideration as compared to state personal income for the immediately preceding calendar year;~~

~~(19) "Motor vehicle fund revenue" means all state taxes, fees, and penalties deposited in the motor vehicle fund and all other state revenue required by statute to be deposited in the motor vehicle fund, but does not include (a) moneys derived from nonfuel tax sources which are deposited directly in the several accounts, (b) interest deposited directly in the several accounts within the motor vehicle fund, (c) federal funds, (d) proceeds from the sale of bonds, or (e) reimbursements to the motor vehicle fund for services performed by the department of transportation for others;~~

~~(20))~~ (15) "Alcohol" means alcohol that is produced from renewable resources;

~~((21))~~ (16) "Electronic funds transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account.

Sec. 18. RCW 82.36.030 and 1990 c 42 s 202 are each amended to read as follows:

Every distributor shall on or before the twenty-fifth day of each calendar month file, on forms furnished by the director, a statement signed by the distributor or his authorized agent showing the total number of gallons of motor vehicle fuel sold, distributed, or used by such distributor within this state during the preceding calendar month and, for counties within which an additional excise tax on motor vehicle fuel has been levied by that jurisdiction under RCW 82.80.010, showing the total number of gallons of motor vehicle fuel sold, distributed (~~and sold to dealers~~), or used by the distributor (~~for sale~~) within the boundaries of the county during the preceding calendar month.

If any distributor fails to file such report, the director shall proceed forthwith to determine from the best available sources, the amount of motor vehicle fuel sold, distributed, or used by such distributor for the unreported period, and said determination shall be presumed to be correct for that period until proved by competent evidence to be otherwise. The director shall immediately assess the excise tax in the amount so determined, adding thereto a penalty of ten percent for failure to report. Such penalty shall be cumulative of other penalties herein provided. All statements filed with the director, as required in this section, shall be public records.

If any distributor establishes by a fair preponderance of evidence that his or her failure to file a report by the due date was attributable to reasonable cause and was not intentional or willful, the department may waive the penalty imposed by this section.

Sec. 19. RCW 82.38.150 and 1990 c 42 s 203 are each amended to read as follows:

For the purpose of determining the amount of liability for the tax herein imposed each special fuel dealer and each special fuel user shall file tax reports with the department, on forms prescribed by the department. Special fuel dealers shall file the reports at the intervals as shown in the following schedule:

Estimated Yearly Tax Liability	Reporting Frequency
\$ 0 - \$100	Yearly
\$101 - 250	Semi-yearly
\$251 - 499	Quarterly
\$500 and over	Monthly

Special fuel users whose estimated yearly tax liability is two hundred fifty dollars or less, shall file a report yearly, and special fuel users whose estimated yearly tax liability is more than two hundred fifty dollars, shall file reports quarterly.

The department shall establish the reporting frequency for each applicant at the time the special fuel license is issued. If it becomes apparent that any special fuel licensee is not reporting in accordance with the above schedule, the department shall change the licensee's reporting frequency by giving thirty days' notice to the licensee by mail to his address of record. A report shall be filed with the department even though no special fuel was used, or tax is due, for the reporting period. Each tax report shall contain a declaration by the person making the same, to the effect that the statements contained therein are true and are made under penalties of perjury, which declaration shall have the same force and effect as a verification of the report and is in lieu of such verification. The report shall show such information as the department may reasonably require for the proper administration and enforcement of this chapter: PROVIDED, That if a special fuel dealer or special fuel user is also a special fuel supplier at a location where special fuel is delivered into the supply tank of a motor vehicle, and if separate storage is provided thereat from which special fuel is delivered or placed into fuel supply tanks of motor vehicles, the tax report to the department need not include inventory control data covering bulk storage from which wholesale distribution of special fuel is made. For counties within which an additional excise tax on special fuel has been levied by that jurisdiction under RCW 82.80.010, the report must show the quantities of special fuel sold, distributed (~~and sold~~), or withdrawn from bulk storage by the reporting dealer or user within the county's boundaries and the tax liability from its levy. The special fuel dealer or special fuel user shall file the report on or before the twenty-fifth day of the next succeeding calendar month following the period to which it relates.

Subject to the written approval of the department, tax reports may cover a period ending on a day other than the last day of the calendar month. Taxpayers granted approval to file reports in this manner will file such reports on or before the twenty-fifth day following the end of the reporting period. No change to this reporting period will be made without the written authorization of the department.

If the final filing date falls on a Saturday, Sunday, or legal holiday the next secular or business day shall be the final filing date. Such reports shall be considered filed or received on the date shown by the post office cancellation mark stamped upon an envelope containing such report properly addressed to the department, or on the date it was mailed if proof satisfactory to the department is available to establish the date it was mailed.

The department, if it deems it necessary in order to insure payment of the tax imposed by this chapter, or to facilitate the administration of this chapter, has the authority to require the filing of reports and tax remittances at shorter intervals than one month if, in its opinion, an existing bond has become insufficient.

The department may permit any special fuel user whose sole use of special fuel is in motor vehicles or equipment exempt from tax as provided in RCW 82.38.075 and RCW 82.38.080 (1), (2), (3), (8), and (9), in lieu of the reports required in this section, to submit reports annually or as requested by the department, in such form as the department may require.

A special fuel user whose sole use of special fuel is for purposes other than the propulsion of motor vehicles upon the public highways of this state shall not be required to submit the reports required in this section.

POINT OF ORDER

Senator Skratek: "I rise to a point of order. I rise to challenge the scope and object of the committee amendment. Substitute House Bill No. 1704 is a bill with a very limited scope and object which merely amends the statutes governing vehicle apportionable licensing and fuel tax administration. The Transportation Committee amendment significantly expands that limited scope and object by changing the UTC statutes regarding farmers hauling horses; in certain circumstances changing the breathalyzer statutes in limited cases; authorizing garbage trucks to stop along roadsides; and reclassifying, for personnel matters, confidential secretaries of the Department of Licensing. I believe the committee amendment clearly expands the scope and object of this particular bill."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 1704 was deferred.

MOTION

On motion of Senator Newhouse, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

April 17, 1991

ESHB 1027 Prime Sponsor, House Committee on Environmental Affairs:
Adopting oil and hazardous substance spill prevention and
response provisions. Reported by Committee on Ways and
Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bluechel, Cantu, Hayner, Johnson, Metcalf, Murray, Newhouse, Niemi, Saling, West, Williams.

Passed to Committee on Rules for second reading.

April 18, 1991

ESHB 1231 Prime Sponsor, House Committee on Transportation: Adopting the 1991-93 transportation budget. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Amondson, Barr, Conner, Erwin, Hansen, Madsen, McMullen, Oke, Snyder, Thorsness, Vognild.

MINORITY recommendation: Do not pass as amended. Signed by Senator Skratek.

HOLD.

April 17, 1991

ESHB 1938 Prime Sponsor, House Committee on Energy and Utilities: Creating a state-wide enhanced 911 network. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Bailey, Bauer, Cantu, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Saling, West, Williams, Wojahn.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill No. 1231 was advanced to second reading and placed on the second reading calendar.

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

MESSAGES FROM THE HOUSE

April 18, 1991

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1034,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1430,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1810, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

April 18, 1991

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 2198, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1034 by Committee on Capital Facilities and Financing (originally sponsored by Representatives H. Sommers, Rasmussen, H. Myers, O'Brien, Jacobsen and Brekke) (by request of Governor Gardner)

Changing limits on issuance of evidences of indebtedness.

Referred to Committee on Ways and Means.

ESHB 1430 by Committee on Capital Facilities and Financing (originally sponsored by Representative H. Sommers) (by request of Governor Gardner)

Issuing general obligation and revenue bonds.

Referred to Committee on Ways and Means.

HB 2198 by Representatives Dellwo, H. Sommers, Locke, Silver, Jacobsen, O'Brien, Orr, Moyer, Day, Ebersole, D. Sommers, Wang, Mielke, Wood, Rust, Anderson, Dorn, Morris, Phillips, Hine, Kremen, Riley, Rasmussen, Spanel, Braddock, Sprenkle, Inslee, Winsley, Sheldon, Bray, Leonard, Ogden, Franklin, R. Johnson, R. Fisher, Fraser, Valle, H. Myers, Paris, Peery, R. Meyers, Jones, Zellinsky, Van Luven, Rayburn, Pruitt, R. King, Ferguson, G. Fisher, Padden, Basich, Ludwig, Haugen, Cole, Cantwell, Cooper, Nelson, Hochstatter, Chandler, Forner, P. Johnson, Casada, Brumsickle, Vance, McLean, Mitchell, Tate, Horn, Lisk, Wynne, Beck, Fuhrman, Ballard and Morton

Making changes to the joint center for higher education.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Bill No. 2198 was advanced to second reading and read the second time.

MOTION

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

MOTIONS

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Engrossed Substitute House Bill No. 1390.

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill No. 1390 was advanced to second reading and placed on the second reading calendar.

MOTION

At 8:30 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Friday, April 19, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

NINETY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 19, 1991

The Senate was called to order at 8:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Matson, Moore, Pelz, Rasmussen, Roach and Sellar. On motion of Senator Murray, Senators Moore, Pelz and Rasmussen were excused. On motion of Senator Anderson, Senators Barr, Matson and Sellar were excused.

The Sergeant at Arms Color Guard, consisting of Pages Suzanne Johnson and Lia Stamatiou, presented the Colors. Reverend Larry Neufeld, pastor of the Timberline Baptist Church of Lacey, offered the prayer.

MOTION

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

**SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT**

MOTION

On motion of Senator Nelson, Gubernatorial Appointment No. 9171, Irene Heninger, as a member of the Public Disclosure Commission, was confirmed.

APPOINTMENT OF IRENE HENINGER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rinehart, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 42.

Absent: Senator Roach - 1.

Excused: Senators Barr, Matson, Moore, Pelz, Rasmussen, Sellar - 6.

MOTION

On motion of Senator Anderson, Senator Roach was excused.

SECOND READING

HOUSE BILL NO. 1991, by Representatives R. Fisher, Betrozoff, R. Meyers and McLean (by request of Department of Transportation)

Adjusting certain vehicle size and weight restrictions.

The bill was read the second time.

MOTION

On motion of Senator Matson, the rules were suspended, House Bill No. 1991 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1991.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1991 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Moore, Rasmussen, Roach, Sellar - 4.

HOUSE BILL NO. 1991, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2044, by House Committee on Transportation (originally sponsored by Representative Cooper)

Expanding membership of the transportation improvement board.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 2044 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2044.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2044 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Rasmussen, Roach, Sellar - 3.

SUBSTITUTE HOUSE BILL NO. 2044, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1082, by House Committee on Health Care (originally sponsored by Representatives Braddock, Moyer, Sprenkle and Orr)

Allowing nondisclosure of trade information by the health care authority and state employees benefits board.

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 1082 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1082.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1082 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler,

Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Rasmussen, Roach, Sellar - 3.

SUBSTITUTE HOUSE BILL NO. 1082, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1052, by House Committee on Human Services (originally sponsored by Representatives Leonard, Winsley, Riley and Basich) (by request of Department of Social and Health Services)

Revising provisions for public assistance.

The bill was read the second time.

MOTIONS

On motion of Senator Linda Smith, the following Committee on Children and Family Services amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 74.04.005 and 1990 c 285 s 2 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"--Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) "Department"--The department of social and health services.

(3) "County or local office"--The administrative office for one or more counties or designated service areas.

(4) "Director" or "secretary" means the secretary of social and health services.

(5) "Federal-aid assistance"--The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(6)(a) "General assistance"--Aid to persons in need who:

(i) Are not eligible to receive federal-aid assistance, other than food stamps and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal-aid assistance, without good cause, is not eligible for general assistance;

(ii) Are either:

(A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal aid to families with dependent children program: PROVIDED FURTHER, That during any period in which an aid for dependent children employable program is not in operation, only those pregnant women who are categorically eligible for medicaid are eligible for general assistance; or

(B) Incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of sixty days as determined by the department. Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance. Persons receiving general assistance on July 26, 1987, or becoming eligible for such assistance thereafter, due to an alcohol or drug-related incapacity, shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. Alcoholic and drug addicted clients who are receiving general assistance on July 26, 1987, may remain on general assistance if they otherwise retain their eligibility until they are assessed for services under chapter 74.50 RCW. This subsection (6)(a)(ii)(B) shall not be construed to prohibit the department from granting general assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program;

(iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and

(iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt.

(b) Notwithstanding the provisions of subsection (6)(a)(i), (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal-aid assistance:

(i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or

(ii) To the extent authorized by the legislature in the biennial appropriations act, to recipients of aid to families with dependent children whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level caused by loss or reduction of wages or unemployment compensation benefits or some other unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received.

(c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6)(a)(ii)(A) and (b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:

(i) First failure: One week;

(ii) Second failure within six months: One month;

(iii) Third and subsequent failure within one year: Two months.

(d) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(e) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(f) Recipients of general assistance based upon a finding of incapacity from gainful employment who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental

condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation. Recipients of general assistance based upon pregnancy who relinquish their child for adoption, remain otherwise eligible, and ((who)) are not eligible to receive benefits under the federal aid to families with dependent children program shall not have their benefits terminated until the end of the month in which the period of six weeks following the birth of the recipient's child falls. Recipients of the federal aid to families with dependent children program who lose their eligibility solely because of the birth and relinquishment of the qualifying child may receive general assistance through the end of the month in which the period of six weeks following the birth of the child falls.

(7) "Applicant"--Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(8) "Recipient"--Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(9) "Standards of assistance"--The level of income required by an applicant or recipient to maintain a level of living specified by the department.

(10) "Resource"--Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as a resource which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as a resource which can be made available to meet need.

(b) Household furnishings and personal effects and other personal property having great sentimental value to the applicant or recipient, as limited by the department consistent with limitations on resources and exemptions for federal aid assistance.

(c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed one thousand five hundred dollars.

(d) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance.

(e) Applicants for or recipients of general assistance may retain the following described resources in addition to exemption for a motor vehicle or home and not be ineligible for public assistance because of such resources:

(i) Household furnishings, personal effects, and other personal property having great sentimental value to the applicant or recipient;

(ii) Term and burial insurance for use of the applicant or recipient;

(iii) Life insurance having a cash surrender value not exceeding one thousand five hundred dollars; and

(iv) Cash, marketable securities, and any excess of values above one thousand five hundred dollars equity in a vehicle and above one thousand five hundred dollars in cash surrender value of life insurance, not exceeding one thousand five hundred dollars for a single person or two thousand two hundred fifty dollars for a family unit

of two or more. The one thousand dollar limit in subsection (10)(d) of this section does not apply to recipients of or applicants for general assistance.

(f) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance for a period not to exceed nine months from the date the agreement is signed pursuant to this section to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property(~~;~~ but the recipient must sign an agreement to dispose of the property and repay assistance payments made to the date of disposition of the property which would not have been made had the disposal occurred at the beginning of the period for which the payments of such assistance were made. In no event shall such amount due the state exceed the net proceeds otherwise available to the recipient from the disposition, unless after nine months from the date of the agreement the property has not been sold, or if the recipient's eligibility for financial assistance ceases for any other reason. In these two instances the entire amount of assistance paid during this period will be treated as an overpayment and a debt due the state, and may be recovered pursuant to RCW 43.20B.630); PROVIDED, That:

(A) The applicant or recipient signs an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale;

(B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state and may be recovered pursuant to RCW 43.20B.630;

(C) Applicants and recipients are advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section; and

(D) At the time assistance is authorized, the department files a lien without a sum certain on the specific property.

(11) "Income"--(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In determining the amount of assistance to which an applicant or recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income the earned income exemptions consistent with federal requirements. The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements. In formulating rules and regulations pursuant to this chapter, the department shall define income and resources and the availability thereof, consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(12) "Need"--The difference between the applicant's or recipient's standards of assistance for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his family.

(13) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom.

(14) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

Sec. 2. RCW 74.04.055 and 1979 c 141 s 298 are each amended to read as follows:

In furtherance of the policy of this state to cooperate with the federal government in the programs included in this title the secretary shall issue such rules and regulations as may become necessary to entitle this state to participate in federal grants-in-aid, goods, commodities and services unless the same be expressly prohibited by this title. Any section or provision of this title which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to satisfy federal laws entitling this state to receive federal matching or other funds for the various programs of public assistance. If any part of this chapter is found to be in conflict with federal requirements which are a prescribed condition to the receipts of federal funds to the state, the conflicting part of this chapter is hereby inoperative solely to the extent of the conflict with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter.

Sec. 3. RCW 74.04.500 and 1979 c 141 s 322 are each amended to read as follows:

The department of social and health services is authorized to establish a food stamp program under the federal food stamp act of ((1964)) 1977, as amended.

Sec. 4. RCW 74.04.515 and 1969 ex.s. c 172 s 7 are each amended to read as follows:

In ~~((determining eligibility for purchase of))~~ administering the food stamp((s)) program, there shall be no discrimination against any ~~((household))~~ applicant or recipient by reason of age, sex, handicap, religious creed, political beliefs, race, color, or national origin.

NEW SECTION. Sec. 5. The legislature establishes as state policy the goal of economic self-sufficiency for employable recipients of public assistance, through employment, training, and education. In furtherance of this policy, the legislature intends to comply with the requirements of the federal social security act, as amended, by creating a job opportunities and basic skills training program for applicants and recipients of aid to families with dependent children. The purpose of this program is to provide recipients of aid to families with dependent children the opportunity to obtain a full range of necessary education, training, skills, and supportive services, including child care, consistent with their needs, that will help them enter or reenter gainful employment, thereby avoiding long-term welfare dependence and achieving

economic self-sufficiency. The program shall be operated by the department of social and health services in conformance with federal law and consistent with the following legislative findings:

(1) The legislature finds that the well-being of children depends not only on meeting their material needs, but also on the ability of parents to become economically self-sufficient. The job opportunities and basic skills training program is specifically directed at increasing the household earnings of aid to families with dependent children recipients, through the removal of barriers preventing them from achieving self-sufficiency. These barriers include, but are not limited to, the lack of supportive services such as affordable and reliable child care, adequate transportation, appropriate counseling, and necessary job-related tools, equipment, books, clothing, and supplies, the absence of basic literacy skills, the lack of educational attainment sufficient to meet labor market demands for career employees, and the nonavailability of useful labor market assessments.

(2) The legislature also recognizes that aid to families with dependent children recipients must be acknowledged as active participants in self-sufficiency planning under the program. The legislature finds that the department of social and health services should communicate concepts of personal empowerment, self-motivation, and self-esteem to program participants. The legislature further recognizes that informed choice is consistent with individual responsibility, and that parents should be given a range of options for available child care while participating in the program.

(3) The legislature finds that education, including, but not limited to, literacy, high school equivalency, vocational, secondary, and postsecondary, is one of the most important tools an individual needs to achieve full independence, and that this should be an important component of the program.

(4) The legislature further finds that the objectives of this program are to assure that aid to families with dependent children recipients achieve financial stability and an adequate standard of living at wages that will meet family needs.

NEW SECTION. Sec. 6. (1) The department of social and health services is authorized to contract with public and private employment and training agencies and other public service entities to provide services prescribed or allowed under the federal social security act, as amended, to carry out the purposes of the jobs training program. The department of social and health services has sole authority and responsibility to carry out the job opportunities and basic skills training program. No contracting entity shall have the authority to review, change, or disapprove any administrative decision, or otherwise substitute its judgment for that of the department of social and health services as to the application of policies and rules adopted by the department of social and health services.

(2) To the extent feasible under federal law, the department of social and health services and all entities contracting with it shall give first priority of service to individuals volunteering for program participation.

(3) The department of social and health services shall adopt rules under chapter 34.05 RCW establishing criteria constituting circumstances of good cause for an individual failing or refusing to participate in an assigned program component, or failing or refusing to accept or retain employment. These criteria shall include, but not be limited to, the following circumstances: (a) If the individual is a parent or other relative personally providing care for a child under age six years, and the employment would require the individual to work more than twenty hours per week; (b) if child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department of social and health services fails to provide such care; (c) the employment would result in the family of the participant experiencing a net loss of cash income;

or (d) circumstances that are beyond the control of the individual's household, either on a short-term or on an ongoing basis.

(4) The department of social and health services shall adopt rules under chapter 34.05 RCW as necessary to effectuate the intent and purpose of this chapter.

NEW SECTION. Sec. 7. Any section or provision of law dealing with the job opportunities and basic skills training program that may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling the state to receive federal funds.

NEW SECTION. Sec. 8. If any part of this chapter shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this chapter is hereby declared to be inoperative solely to the extent of such conflict and with respect to the agency directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter and its application to the agency concerned.

NEW SECTION. Sec. 9. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. Sections 5 through 9 of this act shall constitute a new chapter in Title 74 RCW.

NEW SECTION. Sec. 11. The following acts or parts of acts are each repealed:

- (1) RCW 74.04.390 and 1979 c 141 s 315, 1963 c 228 s 6, & 1961 c 269 s 2;
- (2) RCW 74.04.400 and 1979 c 141 s 316, 1963 c 228 s 7, & 1961 c 269 s 3;
- (3) RCW 74.04.410 and 1979 c 141 s 317, 1963 c 228 s 8, & 1961 c 269 s 4;
- (4) RCW 74.04.420 and 1979 c 141 s 318, 1963 c 228 s 9, & 1961 c 269 s 5;
- (5) RCW 74.04.430 and 1987 c 185 s 39, 1979 c 141 s 319, 1963 c 228 s 10, & 1961 c 269 s 6;
- (6) RCW 74.04.440 and 1963 c 228 s 11 & 1961 c 269 s 7;
- (7) RCW 74.04.450 and 1963 c 228 s 12;
- (8) RCW 74.04.460 and 1963 c 228 s 13;
- (9) RCW 74.04.470 and 1979 c 141 s 320 & 1963 c 228 s 14;
- (10) RCW 74.04.473 and 1983 1st ex.s. c 41 s 41;
- (11) RCW 74.04.477 and 1983 1st ex.s. c 41 s 42;
- (12) RCW 74.04.505 and 1969 ex.s. c 172 s 5;
- (13) RCW 74.22.010 and 1969 c 14 s 1;
- (14) RCW 74.22.020 and 1979 c 141 s 372 & 1969 c 14 s 2;
- (15) RCW 74.22.030 and 1969 c 14 s 3;
- (16) RCW 74.22.040 and 1969 c 14 s 4;
- (17) RCW 74.22.050 and 1979 c 141 s 373 & 1969 c 14 s 5;
- (18) RCW 74.22.060 and 1969 c 14 s 6;
- (19) RCW 74.22.070 and 1979 c 141 s 374 & 1969 c 14 s 7;
- (20) RCW 74.22.080 and 1969 c 14 s 8;
- (21) RCW 74.22.090 and 1969 c 14 s 9;
- (22) RCW 74.22.100 and 1979 c 141 s 375 & 1969 c 14 s 10;
- (23) RCW 74.22.110 and 1979 c 141 s 376 & 1969 c 14 s 11;
- (24) RCW 74.22.120 and 1969 c 14 s 12;
- (25) RCW 74.23.005 and 1969 c 15 s 1;
- (26) RCW 74.23.010 and 1969 c 15 s 2;
- (27) RCW 74.23.020 and 1979 c 141 s 377 & 1969 c 15 s 3;
- (28) RCW 74.23.030 and 1969 c 15 s 4;
- (29) RCW 74.23.040 and 1979 c 141 s 378 & 1969 c 15 s 5;
- (30) RCW 74.23.050 and 1969 c 15 s 6;
- (31) RCW 74.23.060 and 1969 c 15 s 7;
- (32) RCW 74.23.070 and 1979 c 141 s 379 & 1969 c 15 s 8;
- (33) RCW 74.23.080 and 1969 c 15 s 9;

- (34) RCW 74.23.090 and 1969 c 15 s 10;
 (35) RCW 74.23.100 and 1969 c 15 s 11;
 (36) RCW 74.23.110 and 1979 c 141 s 380 & 1969 c 15 s 12;
 (37) RCW 74.23.120 and 1979 c 141 s 381 & 1969 c 15 s 13; and
 (38) RCW 74.23.900 and 1969 c 15 s 14.

NEW SECTION. **Sec. 12.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

On motion of Senator Linda Smith, the following title amendment was adopted:

On page 1, line 2 of the title, after "statutes;" strike the remainder of the title and insert "amending RCW 74.04.005, 74.04.055, 74.04.500, and 74.04.515; adding a new chapter to Title 74 RCW; creating a new section; and repealing RCW 74.04.390, 74.04.400, 74.04.410, 74.04.420, 74.04.430, 74.04.440, 74.04.450, 74.04.460, 74.04.470, 74.04.473, 74.04.477, 74.04.505, 74.22.010, 74.22.020, 74.22.030, 74.22.040, 74.22.050, 74.22.060, 74.22.070, 74.22.080, 74.22.090, 74.22.100, 74.22.110, 74.22.120, 74.23.005, 74.23.010, 74.23.020, 74.23.030, 74.23.040, 74.23.050, 74.23.060, 74.23.070, 74.23.080, 74.23.090, 74.23.100, 74.23.110, 74.23.120, and 74.23.900."

MOTION

On motion of Senator Linda Smith, the rules were suspended, Substitute House Bill No. 1052, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1052, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1052, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vogniild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Rasmussen, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 1052, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1275, by House Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson and Cooper)

Adjusting provisions relating to local government.

The bill was read the second time.

MOTIONS

Senator McCaslin moves that the following Committee on Governmental Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 29.18.022 and 1987 c 110 s 1 are each amended to read as follows:

The names of all candidates for partisan office, for the office of superintendent of public instruction, for port district and public utility district office, and for all judicial offices shall be rotated in each precinct in the manner specified by RCW 29.30.040, 29.30.340, and 29.30.440. The order of names of candidates for such offices on sample ballots and on absentee ballots in primaries shall be determined in the following manner:

(1) After the close of business on the last day for candidates to file for office, the officer with whom declarations of candidacy are filed shall, from among those filings made in person and by mail in accordance with RCW 29.18.045(2), determine by lot the order in which the names of those candidates shall appear on the sample and absentee ballots under the appropriate office heading. The determination shall be done publicly, and may be witnessed by the media and by any candidate desiring to do so.

(2) For the purposes of this section and RCW 29.18.045, "filing officer" means the officer with whom declarations of candidacy for an office must be filed.

Sec. 2. RCW 29.30.025 and 1990 c 59 s 80 are each amended to read as follows:

After the close of business on the last day for candidates to file for office, the filing officer shall, from among those filings made in person and by mail, determine by lot the order in which the names of those candidates will appear on all sample and absentee ballots. In the case of candidates for city, town, and district office, except for port district and public utility district office, this procedure shall also determine the order for candidate names on the official primary ballot used at the polling place. The determination shall be done publicly and may be witnessed by the media and by any candidate. If no primary is required for any nonpartisan office under RCW 29.15.150 or 29.21.015, the names shall appear on the general election ballot in the order determined by lot.

Sec. 3. RCW 29.21.010 and 1977 c 53 s 3 are each amended to read as follows: All cities and towns shall hold primary elections irrespective of type or form of government which shall be nonpartisan and held as provided in RCW 29.13.070, as now or hereafter amended. All districts, except those districts which require ownership of property within ((said)) the districts as a prerequisite to voting, shall hold primary elections which shall be nonpartisan and held as provided in RCW 29.13.070 as now or hereafter amended.

All names of candidates to be voted upon at city, town, and such district primary elections, except for port district and public utility district primary elections, shall be printed upon the official primary ballot alphabetically in groups under the designation of the respective titles of the offices for which they are candidates. The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes for each position, shall appear in that order on the city, town, or district general election ballot concerned under the designation for each respective office. In the event there are two or more offices to be filled for the same

position, then names of candidates receiving the highest number of votes equal in number to twice the offices to be filled shall appear on the city, town, or district general election ballot so that the voter shall have a choice of two candidates for each position: PROVIDED, That no name of any candidate shall appear on the city, town, or district general election ballot unless said candidate shall receive at least five percent of the total votes cast for that office. The sequence of names of candidates printed on the city, town, or district general election ballot shall be in relation to the number of votes each candidate received at the primary. Names of candidates printed upon the city, town, or district primary and general election ballot need not be rotated.

The purpose of this section is to establish the holding of a primary election, subject to the exemptions as contained in RCW 29.21.015 as now or hereafter amended, as a uniform procedural requirement to the holding of city, town, and district elections and such provisions shall supersede any and all other statutes, whether general or special in nature, having different election requirements.

Sec. 4. RCW 29.30.040 and 1990 c 59 s 94 are each amended to read as follows:

At primaries, the names of candidates for federal, state, and county partisan offices, for the office of superintendent of public instruction, for port district and public utility district office, and for judicial offices shall, for each office or position, be arranged initially in the order determined under RCW 29.30.025. Additional sets of ballots shall be prepared in which the positions of the names of all candidates for each office or position shall be changed as many times as there are candidates in the office or position in which there are the greatest number of names. As nearly as possible an equal number of ballots shall be prepared after each change. In making the changes of position between each set of ballots, the candidates for each such office in the first position under the office heading shall be moved to the last position under that office heading, and each other name shall be moved up to the position immediately above its previous position under that office heading. The effect of this rotation of the order of the names shall be that the name of each candidate for an office or position shall appear first, second, and so forth for that office or position on the ballots of a nearly equal number of registered voters in that jurisdiction. In a precinct using voting devices, the names of the candidates for each office shall appear in only one sequence in that precinct. The names of candidates for city, town, and district office on the ballot at the primary shall not be rotated. RCW 35.02.020 and 1986 c 234 s 3 are each amended to read as follows:

A petition for incorporation must be signed by ((qualified)) registered voters resident within the limits of the proposed city or town equal in number to ten percent of the ((votes cast)) number of voters who voted at the last ((state)) general municipal election and presented to the auditor of the county in which all, or the largest portion of, the proposed city or town is located.

Sec. 5. RCW 35.02.090 and 1986 c 234 s 12 are each amended to read as follows:

The elections on the proposed incorporation and for the nomination and election of the initial elected officials shall be conducted in accordance with the general election laws of the state, except as provided in this chapter. No person is entitled to vote ((thereat)) unless he or she is a ((qualified elector)) registered voter of the county, or any of the counties in which the proposed city or town is located, and has resided within the limits of the proposed city or town for at least thirty days next preceding the date of election.

Sec. 6. RCW 35.06.020 and 1965 c 7 s 35.06.020 are each amended to read as follows:

When a petition is filed signed by ((electors)) registered voters of a city or town, in number equal to not less than one-fifth of the votes cast at the last general municipal election, seeking reorganization thereof as a city of a higher class than that

indicated by the last preceding federal or state census, the city or town council to which the petition is presented shall forthwith cause a census to be taken by one or more suitable persons of all the inhabitants of such town or city in which census the full name of each person shall be plainly written, and the names alphabetically arranged and regularly numbered in complete series. The census shall be verified before an officer authorized to administer oaths and filed with the city or town clerk.

If the census shows such city or town qualified for the class named in the petition, the same proceedings shall be had as if the census were a federal or state census.

If the census shows such city or town not qualified for the class named in the petition, no further proceedings shall be had: PROVIDED, That the city or town may be reorganized as a city or town of the class indicated by the census, upon a proper petition filed within six months from the filing of such census with the clerk, without other or further census.

Sec. 7. RCW 35.06.030 and 1965 c 7 s 35.06.030 are each amended to read as follows:

If the census prescribed in RCW 35.06.020 shows that the city or town belongs to the class named in the petition, the city or town council shall cause notice to be given as in other cases, that at the ((the)) next general election of the city or town, or at a special election to be called for that purpose, the ((electors)) voters may vote for or against the advancement, their ballots to contain the words "for advancement" and the words "against advancement."

Sec. 8. RCW 35.06.050 and 1965 c 7 s 35.06.050 are each amended to read as follows:

The clerk shall lay the certificate of election and census before the council at its next regular meeting after the same has been filed in his or her office, and if ((~~it appear that all the votes cast for the advancement are not a majority of the votes cast at the election~~)) a majority of those voting on the advancement are not in favor of advancement, no further proceedings shall be had on that petition; but this shall not bar any new proceedings for such purpose.

Sec. 9. RCW 35.24.020 and 1987 c 3 s 9 are each amended to read as follows: The government of a third class city shall be vested in a mayor, a city council of seven members, a city attorney, a clerk, a treasurer, all elective; and a chief of police, municipal judge, city engineer, street superintendent, health officer and such other appointive officers as may be provided for by statute or ordinance: PROVIDED, That the council may enact an ordinance providing for the appointment of the city clerk, city attorney, and treasurer by the mayor, which appointment shall be subject to confirmation by a majority vote of the city council. Such ordinance shall be enacted and become effective not later than thirty days prior to the first day allowed for filing declarations of candidacy for such offices when such offices are subject to an approaching city primary election. Elective incumbent city clerks, city attorneys, and city treasurers shall serve for the remainder of their unexpired term notwithstanding any appointment made pursuant to RCW 35.24.020 and 35.24.050. If a free public library and reading room is established, five library trustees shall be appointed. The city council by ordinance shall prescribe the duties and fix the compensation of all officers and employees: PROVIDED, That the provisions of any such ordinance shall not be inconsistent with any statute: PROVIDED FURTHER, That where the city council finds that the appointment of a full time city engineer is unnecessary, it may in lieu of such appointment, by resolution provide for the performance of necessary engineering services on either a part time, temporary or periodic basis by a qualified engineering firm, pursuant to any reasonable contract.

The mayor shall appoint and at his or her pleasure may remove all appointive officers except as otherwise provided herein: PROVIDED, That municipal judges shall be removed only upon conviction of misconduct or malfeasance in office, or because

of physical or mental disability rendering (~~him~~) the judge incapable of performing the duties of his or her office. Every appointment or removal must be in writing signed by the mayor and filed with the city clerk.

Sec. 10. RCW 35.24.180 and 1965 c 7 s 35.24.180 are each amended to read as follows:

The city council and mayor shall meet on the first Tuesday in January next succeeding the date of each general municipal election, and shall take the oath of office, and shall hold regular meetings at least once during each month but not to exceed one regular meeting in each week, at such times as may be fixed by ordinance.

Special meetings may be called by the mayor by written notice (~~delivered to each member of the council at least three hours before the time specified for the proposed meeting~~) as provided in RCW 42.30.080. No ordinances shall be passed or contract let or entered into, or bill for the payment of money allowed at any special meeting.

All meetings of the city council shall be held within the corporate limits of the city at such place as may be designated by ordinance. All meetings of the city council must be public.

Sec. 11. RCW 35.24.190 and 1969 c 101 s 3 are each amended to read as follows:

The members of the city council at their first meeting after each general municipal election and thereafter whenever a vacancy occurs, shall elect from among their number a mayor pro tempore, who shall hold office at the pleasure of the council and in case of the absence of the mayor, perform the duties of mayor except that he or she shall not have the power to appoint or remove any officer or to veto any ordinance. If a vacancy occurs in the office of mayor, the city council at their next regular meeting shall elect from among their number a mayor, who shall serve until a mayor is elected and certified at the next municipal election.

In the event of the extended excused absence or disability of a councilmember, the remaining members by majority vote may appoint a councilmember pro tempore to serve during the absence or disability.

The mayor and the mayor pro tempore shall have power to administer oaths and affirmations, take affidavits and certify them. The mayor or the mayor pro tempore when acting as mayor, shall sign all conveyances made by the city and all instruments which require the seal of the city.

Sec. 12. RCW 35.27.010 and 1965 c 7 s 35.27.010 are each amended to read as follows:

Every municipal corporation of the fourth class shall be entitled the "Town of" (naming it), and by such name shall have perpetual succession, may sue, and be sued in all courts and places, and in all proceedings whatever; shall have and use a common seal, alterable at the pleasure of the town authorities, and may purchase, lease, receive, hold, and enjoy real and personal property and control (~~and~~), lease, sublease, convey, or otherwise dispose of the same for the common benefit.

Sec. 13. RCW 35.27.070 and 1987 c 3 s 12 are each amended to read as follows:

The government of a town shall be vested in a mayor and a council consisting of five members and a treasurer, all elective; the mayor shall appoint a clerk and a marshal; and may appoint a town attorney, pound master, street superintendent, a civil engineer, and such police and other subordinate officers and employees as may be provided for by ordinance. All appointive officers and employees shall hold office at the pleasure of the mayor and shall not be subject to confirmation by the town council.

Sec. 14. RCW 35.27.130 and 1990 c 212 s 2 are each amended to read as follows:

The mayor and members of the town council may be reimbursed for actual expenses incurred in the discharge of their official duties upon presentation of a claim

therefor and its allowance and approval by resolution of the town council. The mayor and members of the council may also receive such salary as the council may fix by ordinance.

The treasurer and treasurer-clerk shall severally receive at stated times a compensation to be fixed by ordinance.

The compensation of all other officers and employees shall be fixed from time to time by the council.

Any town that provides a pension for any of its employees under a plan not administered by the state must notify the state auditor of the existence of the plan at the time of an audit of the town by the auditor. No town may establish a pension plan for its employees that is not administered by the state, except that any defined contribution plan in existence as of January 1, 1990, is deemed to have been authorized. No town that provides a defined contribution plan for its employees as authorized by this section may make any material changes in the terms or conditions of the plan after June 7, 1990.

Sec. 15. RCW 35.27.270 and 1965 c 7 s 35.27.270 are each amended to read as follows:

The town council shall meet on the second Tuesday in January succeeding the date of the general municipal election, shall take the oath of office, and shall hold regular meetings at least once each month at such times as may be fixed by ordinance. Special meetings may be called at any time by the mayor or by three ~~((councilmen))~~ councilmembers, by written notice ~~((delivered to each member at least three hours before the time specified for the proposed meeting))~~ as provided in RCW 42.30.080. No resolution or order for the payment of money shall be passed at any other than a regular meeting. No such resolution or order shall be valid unless passed by the votes of at least three ~~((councilmen))~~ councilmembers.

All meetings of the council shall be held within the corporate limits of the town, at such places as may be designated by ordinance and shall be public.

Sec. 16. RCW 35.27.280 and 1965 c 107 s 2 are each amended to read as follows:

A majority of the ~~((councilmen))~~ councilmembers shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

In the event of the extended excused absence or disability of a councilmember, the remaining members by majority vote may appoint a councilmember pro tempore to serve during the absence or disability.

The mayor shall preside at all meetings of the council. The mayor shall have a vote only in case of a tie in the votes of the ~~((councilmen))~~ councilmembers. In the absence of the mayor the council may appoint a president pro tempore; in the absence of the clerk, the mayor, or president pro tempore, shall appoint one of the councilmembers as clerk pro tempore. The council may establish rules for the conduct of its proceedings and punish any members or other person for disorderly behavior at any meeting. At the desire of any member, the ayes and noes shall be taken on any question and entered in the journal.

NEW SECTION. **Sec. 17.** A new section is added to chapter 35.21 RCW to read as follows:

(1) It is the purpose of this section to provide a means whereby all cities and towns may obtain, through a single source, information regarding ordinances of other cities and towns that may be of assistance to them in enacting appropriate local legislation.

(2) For the purposes of this section, (a) "clerk" means the city or town clerk or other person who is lawfully designated to perform the recordkeeping function of that

office, and (b) "municipal research council" means the municipal research council created by chapter 43.110 RCW.

(3) The clerk of every city and town is directed to provide to the municipal research council or its designee, promptly after adoption, a copy of each of its regulatory ordinances and such other ordinances or kinds of ordinances as may be described in a list or lists promulgated by the municipal research council or its designee from time to time, and may provide such copies without charge. The municipal research council may provide that information to the entity with which it contracts for the provision of municipal research and services, in order to provide a pool of information for all cities and towns in the state of Washington.

(4) This section is intended to be directory and not mandatory.

Sec. 18. RCW 35A.12.010 and 1985 c 106 s 1 are each amended to read as follows:

The government of any noncharter code city or charter code city electing to adopt the mayor-council plan of government authorized by this chapter shall be vested in an elected mayor and an elected council. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants, the council shall consist of seven members: PROVIDED, That if the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven member council. If, after a city has become a mayor-council code city, its population increases to twenty-five hundred or more inhabitants, the number of councilmanic offices in such city may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of councilmanic offices in the city. When the population of a mayor-council code city having five councilmanic offices increases to five thousand or more inhabitants, the number of councilmanic offices in the city shall increase from five to seven members. In the event of an increase in the number of councilmanic offices, the city council shall, by majority vote, pursuant to RCW 35A.12.050, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term: PROVIDED, That both persons shall be elected to a two-year term when (a) the city council has divided the city into wards pursuant to RCW 35A.12.180, and (b) the terms of office of a majority of the other councilmanic offices expire at such election. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the mayor-council plan of government set forth in this chapter, may provide for an uneven number of councilmen not exceeding eleven.

A noncharter code city of less than five thousand inhabitants which has elected the mayor-council plan of government and which has seven councilmanic offices may establish a five-member council in accordance with the following procedure. At least six months prior to a municipal general election, the city council shall adopt an ordinance providing for reduction in the number of councilmanic offices to five. The ordinance shall specify which two councilmanic offices, the terms of which expire at the next general election, are to be terminated. The ordinance shall provide for the renumbering of council positions and shall also provide for a two-year extension of the term of office of a retained councilmanic office, if necessary, in order to comply with RCW 35A.12.040.

Sec. 19. RCW 35A.39.010 and 1967 ex.s. c 119 s 35A.39.010 are each amended to read as follows:

Every code city shall keep a journal of minutes of its legislative meetings with orders, resolutions and ordinances passed, and records of the proceedings of any city department, division or commission performing quasi judicial functions as required by

ordinances of the city and general laws of the state and shall keep such records open to the public as required by RCW 42.32.030 and shall keep and preserve all public records and publications or reproduce and destroy the same as provided by Title 40 RCW. Each code city (~~shall provide three copies of each of its ordinances of general application to the association of Washington cities without charge and~~) may duplicate and sell copies of its ordinances at fees reasonably calculated to defray the cost of such duplication and handling.

Sec. 20. RCW 41.08.040 and 1973 1st ex.s. c 154 s 60 are each amended to read as follows:

Immediately after appointment the commission shall organize by electing one of its members (~~chairman~~) chair and hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of their duties.

They shall appoint a secretary and chief examiner, who shall keep the records of the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

The secretary and chief examiner shall be appointed as a result of competitive examination which examination may be either original and open to all properly qualified citizens of the city, town or municipality, or promotional and limited to persons already in the service of the fire department or of the fire department and other departments of said city, town or municipality, as the commission may decide. The secretary and chief examiner may be subject to suspension, reduction or discharge in the same manner and subject to the same limitations as are provided in the case of members of the fire department. It shall be the duty of the civil service commission:

(1) To make suitable rules and regulations not inconsistent with the provisions of this chapter. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this chapter, or which may be found to be in the interest of good personnel administration. Such rules and regulations may be changed from time to time. The rules and regulations and any amendments thereof shall be printed, mimeographed or multigraphed for free public distribution. Such rules and regulations may be changed from time to time.

(2) All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made, and may include tests of physical fitness and/or of manual skill.

(3) The rules and regulations adopted by the commission shall provide for a credit (~~of ten percent~~) in accordance with RCW 41.04.010 in favor of all applicants for appointment under civil service, who, in time of war, or in any expedition of the armed forces of the United States, have served in and been honorably discharged from the armed forces of the United States, including the army, navy, and marine corps and the American Red Cross. These credits apply to entrance examinations only.

(4) The commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions and employments affected by this chapter, and ascertain whether this chapter and all such rules and regulations are being obeyed. Such investigations may be made by the commission or by any commissioner designated by the commission for that purpose. Not only must these investigations be made by the commission as aforesaid, but the commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such

investigation the commission or designated commissioner, or chief examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts appertaining to the investigation and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a superior court judge in his or her judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this chapter, and punishable as such.

(5) All hearings and investigations before the commission, or designated commissioner, or chief examiner, shall be governed by this chapter and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission, nor designated commissioner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission: PROVIDED, HOWEVER, That no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members.

(6) To hear and determine appeals or complaints respecting the administrative work of the personnel department; appeals upon the allocation of positions; the rejection of an examination, and such other matters as may be referred to the commission.

(7) Establish and maintain in card or other suitable form a roster of officers and employees.

(8) Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions, and to provide that persons laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed.

(9) When a vacant position is to be filled, to certify to the appointing authority, on written request, the name of the person highest on the eligible list for the class. If there are no such lists, to authorize provisional or temporary appointment list of such class. Such temporary or provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year.

(10) Keep such records as may be necessary for the proper administration of this chapter.

Sec. 21. RCW 41.12.040 and 1937 c 13 s 5 are each amended to read as follows:

Immediately after appointment the commission shall organize by electing one of its members (~~(chairman)~~ **chair**) and hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of their duties.

They shall appoint a secretary and chief examiner, who shall keep the records for the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

The secretary and chief examiner shall be appointed as a result of competitive examination which examination may be either original and open to all properly qualified citizens of the city, town, or municipality, or promotional and limited to

persons already in the service of the police department or of the police department and other departments of said city, town, or municipality, as the commission may decide. The secretary and chief examiner may be subject to suspension, reduction, or discharge in the same manner and subject to the same limitations as are provided in the case of members of the police department. It shall be the duty of the civil service commission:

(1) To make suitable rules and regulations not inconsistent with the provisions of this chapter. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions, and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this chapter, or which may be found to be in the interest of good personnel administration. Such rules and regulations may be changed from time to time. The rules and regulations and any amendments thereof shall be printed, mimeographed, or multigraphed for free public distribution. Such rules and regulations may be changed from time to time;

(2) All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made, and may include tests of physical fitness and/or of manual skill;

(3) The rules and regulations adopted by the commission shall provide for a credit (~~of ten percent~~) in accordance with RCW 41.04.010 in favor of all applicants for appointment under civil service, who, in time of war, or in any expedition of the armed forces of the United States, have served in and been honorably discharged from the armed forces of the United States, including the army, navy, and marine corps and the American Red Cross. These credits apply to entrance examinations only;

(4) The commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions, and employments affected by this chapter, and ascertain whether this chapter and all such rules and regulations are being obeyed. Such investigations may be made by the commission or by any commissioner designated by the commission for that purpose. Not only must these investigations be made by the commission as aforesaid, but the commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation the commission or designated commissioner, or chief examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents, and accounts appertaining to the investigation, and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a superior court judge in his or her judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this chapter, and punishable as such;

(5) Hearings and Investigations: How conducted. All hearings and investigations before the commission, or designated commissioner, or chief examiner, shall be governed by this chapter and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission, nor designated commissioner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission: PROVIDED, HOWEVER,

That no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members;

(6) To hear and determine appeals or complaints respecting the administrative work of the personnel department; appeals upon the allocation of positions; the rejection of an examination, and such other matters as may be referred to the commission;

(7) Establish and maintain in card or other suitable form a roster of officers and employees;

(8) Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions, and to provide that ~~(men)~~ persons laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed;

(9) When a vacant position is to be filled, to certify to the appointing authority, on written request, the name of the person highest on the eligible list for the class. If there are no such lists, to authorize provisional or temporary appointment list of such class. Such temporary or provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as provisional appointee in any one fiscal year;

(10) Keep such records as may be necessary for the proper administration of this chapter.

Sec. 22. RCW 42.17.310 and 1991 c 1 s 1 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapters 43.163 ((RCW)) and ((chapter)) 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapters 43.163 ((RCW and chapters)), 43.31, 43.63A, and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(x) Information obtained by the board of pharmacy and its representatives as provided in RCW 69.41.044 and 69.41.280.

(y) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(z) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or

retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(aa) Financial and valuable trade information under RCW 51.36.120.

(bb) Effective April 19, 1991, the work and home addresses, other than the city of residence, of a person shall remain undisclosed or be omitted from all documents made available for public review if that person requests in writing, under oath, that these addresses be kept private because disclosure would endanger his or her life, physical safety, or property. This provision does not in any way restrict the sharing or collection of information by state and local governmental agencies required for the daily administration of their duties. The secretary of state shall administer this provision and establish the procedures and rules that are necessary for its operation. An agency that has not been furnished with a request for confidentiality of address information is not liable for damages resulting from its disclosure of the information. For purpose of service of process, the secretary of state shall serve as agent for each person who submits a request under this subsection. A request shall be of no force or effect if the requester does not include a statement, along with or part of the request, designating the secretary of state as agent of the requester for purposes of service of process.

(cc) Personal information in files maintained for patients or clients who have been provided emergency medical services by a publicly operated emergency medical service provider.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 23. RCW 54.08.010 and 1985 c 469 s 55 are each amended to read as follows:

At any general election held in an even-numbered year, the county legislative authority of any county in this state may, or, on petition of ten percent of the (~~qualified electors~~) registered voters of the county based on the total vote cast in the last general county election held in an even-numbered year, shall, by resolution, submit to the voters of the county the proposition of creating a public utility district which shall be coextensive with the limits of the county as now or hereafter established. A form of petition for the creation of a public utility district shall be submitted to the county auditor within ten months prior to the election at which the proposition is to be submitted to the voters. Petitions shall be filed with the county auditor not less than four months before the election and the county auditor shall within thirty days examine the signatures thereof and certify to the sufficiency or insufficiency thereof. If the petition be found to be insufficient, it shall be returned to the persons filing the same, who may amend or add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his or her certificate thereto. No person having signed the petition

shall be allowed to withdraw his or her name therefrom after the filing of the same with the county auditor: PROVIDED, That each signature shall be dated and that no signature dated prior to the date on which the form of petition was submitted to the county auditor shall be valid. Whenever the petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his or her certificate of sufficiency attached thereto, to the county legislative authority which shall submit the proposition to the voters of the county at the next general election in an even-numbered year occurring forty-five days after submission of the proposition to the legislative authority. The notice of the election shall state the boundaries of the proposed public utility district and the object of such election, and shall in other respects conform to the requirements of the general laws of the state of Washington, governing the time and manner of holding elections. In submitting the question to the voters for their approval or rejection, the proposition shall be expressed on the ballot substantially in the following terms:

Public Utility District No. YES ()
 Public Utility District No. NO ()

Any petition for the formation of a public utility district may describe a less area than the entire county in which the petition is filed, the boundaries of which shall follow the then existing precinct boundaries and not divide any voting precinct; and in the event that such a petition is filed the county legislative authority shall fix a date for a hearing on such petition, and shall publish the petition, without the signatures thereto appended, for two weeks prior to the date of the hearing, together with a notice stating the time of the meeting when the petition will be heard. The publication, and all other publications required by this act, shall be in a newspaper of general circulation in the county in which the district is situated. The hearing on the petition may be adjourned from time to time, not exceeding four weeks in all. If upon the final hearing the county legislative authority shall find that any lands have been unjustly or improperly included within the proposed public utility district and will not be benefited by inclusion therein, it shall change and fix the boundary lines in such manner as it shall deem reasonable and just and conducive to the public welfare and convenience, and make and enter an order establishing and defining the boundary lines of the proposed public utility district: PROVIDED, That no lands shall be included within the boundaries so fixed lying outside the boundaries described in the petition, except upon the written request of the owners of those lands. Thereafter the same procedure shall be followed as prescribed in this chapter for the formation of a public utility district including an entire county, except that the petition and election shall be confined solely to the lesser public utility district.

No public utility district created after September 1, 1979, shall include any other public utility district within its boundaries: PROVIDED, That this paragraph shall not alter, amend, or modify provisions of chapter 54.32 RCW.

Sec. 24. RCW 54.08.070 and 1979 ex.s. c 240 s 2 are each amended to read as follows:

Any district which does not own or operate electric facilities for the generation, transmission or distribution of electric power on March 25, 1969, or any district which hereafter does not construct or acquire such electric facilities within ten years of its creation, shall not construct or acquire any such electric facilities without the approval of such proposal by the voters of such district: PROVIDED, That a district shall have the power to construct or acquire electric facilities within ten years following its creation by action of its commission without voter approval of such action.

At any general election held in an even-numbered year, the proposal to construct or acquire electric facilities may be submitted to the voters of the district by resolution of the public utility district commission or shall be submitted to the voters of the

district by the county legislative authority on petition of ten percent of the (~~qualified electors~~) registered voters of (~~such~~) the district, based on the total vote cast in the last general county election held in an even-numbered year. A form of petition for the construction or acquisition of electric facilities by the public utility district shall be submitted to the county auditor within ten months prior to the election at which such proposition is to be submitted to the voters. Petitions shall be filed with the county auditor not less than four months before such election and the county auditor shall within thirty days examine the signatures thereof and certify to the sufficiency or insufficiency thereof. If such petition is found to be insufficient, it shall be returned to the persons filing the same, who may amend and add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his or her certificate thereto. No person having signed such petition shall be allowed to withdraw his or her name therefrom after the filing of the same with the county auditor: PROVIDED, That each signature shall be dated and that no signature dated prior to the date on which the form of petition was submitted to the county auditor shall be valid. Whenever such petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his or her certificate of sufficiency attached thereto, to the county legislative authority which shall submit such proposition to the voters of (~~said~~) the district at the next general election in an even-numbered year occurring forty-five days after submission of the proposition to (~~said~~) the legislative authority. The notice of the election shall state the object of such election, and shall in other respects conform to the requirements of the general laws of Washington, governing the time and manner of holding elections.

The proposal submitted to the voters for their approval or rejection, shall be expressed on the ballot substantially in the following terms:

Shall Public Utility District No. of County construct or acquire electric facilities for the generation, transmission or distribution of electric power?

- Yes ()
- No ()

Within ten days after such election, the election board of the county shall canvass the returns, and if at such election a majority of the voters voting on such proposition shall vote in favor of such construction or acquisition of electric facilities, the district shall be authorized to construct or acquire electric facilities.

Sec. 25. RCW 54.08.080 and 1969 c 106 s 4 are each amended to read as follows:

Any district now or hereafter created under the laws of this state may be dissolved, as hereinafter provided, by a majority vote of the (~~qualified electors~~) registered voters of (~~such~~) the district at any general election upon a resolution of the district commission, or upon petition being filed and such proposition for dissolution submitted to (~~said electors~~) the voters in the same manner provided by chapter 54.08 RCW for the creation of public utility districts. The returns of the election on such proposition for dissolution shall be canvassed and the results declared in the same manner as is provided by RCW 54.08.010: PROVIDED, HOWEVER, That any such proposition to dissolve a district shall not be submitted to the (~~electors~~) voters if within five years prior to the filing of such petition or resolution such district has undertaken any material studies or material action relating to the construction or acquisition of any utility properties or if such district at the time of the submission of such proposition is actually engaged in the operation of any utility properties.

If a majority of the (~~votes cast~~) registered voters voting on the dissolution at the election favor dissolution, the commission of the district shall petition, without any filing fee, the superior court of the county in which such district is located for an order

authorizing the payment of all indebtedness of the district and directing the transfer of any surplus funds or property to the general fund of the county in which such district is organized.

NEW SECTION. Sec. 26. Sections 1 and 3 of this act shall expire July 1, 1992.

NEW SECTION. Sec. 27. Sections 2 and 4 of this act shall take effect July 1, 1992.

Senator Madsen moved that the following amendments by Senators Madsen and McCaslin to the Committee on Governmental Operations amendment be considered simultaneously and be adopted:

On page 1, line 10 of the amendment, after "for" strike "port district and"

On page 2, at the beginning of line 8 of the amendment, strike "port district and"

On page 2, line 25 of the amendment, after "for" strike "port district and"

On page 3, line 27 of the amendment, after "for" strike "port district and"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Madsen and McCaslin on page 1, line 10; page 2, at the beginning of line 8 and line 25; and page 3, line 27; to the Committee on Governmental Operations striking amendment to Substitute House Bill No. 1275.

The motion by Senator Madsen carried and the amendments to the committee amendment were adopted.

MOTIONS

On motion of Senator Barr, the following amendment by Senators Barr and Hansen to the Committee on Governmental Operations amendment was adopted:

On page 32, after line 9 of the amendment, insert the following:

Sec. 27. RCW 70.44.040 and 1990 c 259 s 39 are each amended to read as follows:

The provisions of Title 29 RCW relating to elections shall govern public hospital districts, except that: (1) The total vote cast upon the proposition to form a hospital district shall exceed forty percent of the total number of votes cast in the precincts comprising the proposed district at the preceding general and county election; and (2) in public hospital districts encompassing portions of more than one county, the total vote cast upon the proposition to form the district shall exceed forty percent of the total number of votes cast in each portion of each county lying within the proposed district at the next preceding general and county election. If the public hospital district is coextensive with the limits of a county and if the county is not operating under a home rule charter, then, at the first election of commissioners and until any change is made in the boundaries of the public hospital district commissioner districts in accordance with RCW 29.70.100, one public hospital district commissioner shall be chosen from each of the three county commissioner districts of the county in which the public hospital district is located. If the public hospital district comprises only a portion of a county or encompasses portions of more than one county, or if the public hospital district is located in a county operating under a home rule charter, then the petition for the formation of the public hospital district shall describe three public hospital district commissioner districts, numbered consecutively, having approximately equal population and boundaries, following ward and precinct lines, as far as practicable, and, at the first election of commissioners and until any change is made

in the boundaries of the public hospital district commissioner districts in accordance with RCW 29.70.100, one commissioner shall be elected from each of the public hospital district commissioner districts described in the petition. If the boundaries described in the petition for the formation of a public hospital district are changed prior to the election on the proposition for the formation of the public hospital district, then the auditor of the county in which the public hospital district is located or, if the public hospital district encompasses portions of more than one county, the auditor of the county in which the largest portion of the public hospital district is located shall redetermine the boundaries of the commissioner districts in accordance with the above provisions. Any candidate for a particular public hospital district commissioner district position must be a registered voter of that commissioner district. Public hospital district commissioners shall hold office for the term of six years and until their successors are elected and qualified, each term to commence on the first day in January following the election. At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commissioners shall be elected to hold office, respectively, for the terms of two, four, and six years. All candidates shall be voted upon by the entire district, and the candidate residing in commissioner district No. 1 receiving the highest number of votes in the hospital district shall hold office for the term of six years; the candidate residing in commissioner district No. 2 receiving the highest number of votes in the hospital district shall hold office for the term of four years; and the candidate residing in commissioner district No. 3 receiving the highest number of votes in the hospital district shall hold office for the term of two years. The first commissioners to be elected shall take office immediately when qualified in accordance with RCW 29.01.135. Each term of the initial commissioners shall date from the time above specified following the organizational election, but shall also include the period intervening between the organizational election and the first day of January following the next district general election: PROVIDED, That in public hospital districts ((encompassing portions of more than one county, the total vote cast upon the proposition to form the district shall exceed forty percent of the total number of votes cast in each portion of each county lying within the proposed district at the next preceding general county election. The portion of the proposed district located within each county shall constitute a separate commissioner district. There shall be three district commissioners whose terms shall be six years. Each district shall be designated by the name of the county in which it is located. All candidates for commissioners shall be voted upon by the entire district. Not more than one commissioner shall reside in any one district. PROVIDED FURTHER, That in the event there are only two districts then two commissioners may reside in one district. The term of each commissioner shall commence on the first day in January in each year following his election. At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commissioners shall be elected to hold office, respectively, for the terms of two, four, and six years. The candidate receiving the highest number of votes within the district, as constituted by the election, shall serve a term of six years; the candidate receiving the next highest number of votes shall hold office for a term of four years; and the candidate receiving the next highest number of votes shall hold office for a term of two years: PROVIDED FURTHER, That the holding of each such term of office shall be subject to the residential requirements for district commissioners hereinbefore set forth in this section)) created with five or seven commissioners pursuant to RCW 70.44.051 the commissioners shall be elected and the initial terms of office shall be determined as provided in RCW 70.44.055 and 70.44.057.

NEW SECTION. Sec. 28. This act shall not be construed as affecting any public hospital district created prior to the effective date of this act.

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

Senator Vognild moved that the following amendment by Senators Vognild and McCaslin to the Committee on Governmental Operations be adopted:

On page 32, after line 9 of the amendment, insert the following:

NEW SECTION. Sec. 27. Tax levies authorized by voter approval of a ballot proposition submitted by a city under RCW 84.55.050 at an election held prior to 1988 for the purpose of funding the cost of library improvements, plus the costs of borrowing such amount for up to twenty years, may be levied in the amounts and in the years authorized by the voters in addition to the levies otherwise allowed by this chapter until the expiration of the limited period or satisfaction of the limited purpose so authorized, whichever comes first, notwithstanding the provisions of RCW 84.55.050(2). This act is curative and shall apply retroactively to all limited ballot propositions described herein. The elections at which any such ballot propositions were submitted, and the tax levies authorized thereby, shall be valid and effective in all respects. This act shall not be construed to adversely affect the validity or reduce the amount of any tax levies authorized by any other ballot proposition heretofore or hereafter submitted under RCW 84.55.050.

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

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Vognild and McCaslin on page 32, line 9, to the Committee on Governmental Operations striking amendment.

The motion by Senator Vognild carried and the amendment to the committee amendment was adopted.

MOTIONS

On motion of Senator Madsen, the following amendment by Senators Madsen and McCaslin to the Committee on Governmental Operations amendment was adopted:

On page 32, after line 13 of the amendment, insert the following:

Sec. 29. RCW 35.02.078 and 1986 c 234 s 10 are each amended to read as follows:

An election shall be held in the area proposed to be incorporated to determine whether the proposed city or town shall be incorporated if the boundary review board approves or modifies and approves the proposal, or if the county legislative authority does not disapprove the proposal as provided in RCW 35.02.070. Voters at this election shall determine if the area is to be incorporated.

The initial election on the question of incorporation shall be held at the next special election date specified in RCW 29.13.020 that occurs sixty or more days after the final public hearing by the county legislative authority or authorities, or the approval or modification and approval by the boundary review board or boards. The county legislative authority or authorities shall call for this election and, if the incorporation is approved, shall call for other elections to elect the elected officials as provided in this section. If the vote in favor of the incorporation receives ~~((forty))~~ thirty percent or less of the total vote on the question of incorporation, no new election on the question of incorporation for the area or any portion of the area proposed to be incorporated may be held for a period of three years from the date of the election in which the incorporation failed. This three-year prohibition shall not apply to any

proposed city or town in which such election was held after September 1, 1990, but before the effective date of this section and the vote in favor of the incorporation received thirty percent or more of the total on the question of incorporation.

If the incorporation is authorized as provided by RCW 35.02.120, separate elections shall be held to nominate and elect persons to fill the various elective offices prescribed by law for the population and type of city or town, and to which it will belong. The primary election to nominate candidates for these elective positions shall be held at the next special election date, as specified in RCW 29.13.020, that occurs sixty or more days after the election on the question of incorporation or, if the incorporation election was held in April or May, at a special election by mail ballots to be held on the third Tuesday in July. The election to fill these elective positions shall be held at the next special election date, as specified in RCW 29.13.020, that occurs thirty or more days after certification of the results of the primary election or, if the primary election was held in April or May, at a special election by mail ballots to be held on the third Tuesday in July.

Senator Conner moved that the following amendment to the Committee on Governmental Operations amendment be adopted:

On page 32, after line 9 of the amendment, insert the following:

Sec. 27. RCW 73.08.080 and 1985 c 181 s 2 are each amended to read as follows:

The legislative authorities of the several counties in this state shall levy, in addition to the taxes now levied by law, a tax in a sum equal to the amount which would be raised by not less than ~~((one and one eighth))~~ two cents per thousand dollars of assessed value, and not greater than twenty-seven cents per thousand dollars of assessed value against the taxable property of their respective counties, to be levied and collected as now prescribed by law for the assessment and collection of taxes, for the purpose of creating the veteran's assistance fund for the relief of honorably discharged veterans as defined in RCW 41.04.005 and the indigent wives, husbands, widows, widowers and minor children of such indigent or deceased veterans, to be disbursed for such relief by such county legislative authority: PROVIDED, That if the funds on deposit, less outstanding warrants, residing in the veteran's assistance fund on the first Tuesday in September exceed the expected yield of ~~((one and one eighth))~~ two cents per thousand dollars of assessed value against the taxable property of the county, the county legislative authority may levy a lesser amount: PROVIDED FURTHER, That the costs incurred in the administration of said veteran's assistance fund shall be computed by the county treasurer not less than annually and such amount may then be transferred from the veteran's assistance fund as herein provided for to the county current expense fund.

The amount of a levy allocated to the purposes specified in this section may be reduced in the same proportion as the regular property tax levy of the county is reduced by chapter 84.55 RCW.

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

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Conner on page 32, after line 9, to the Committee on Governmental Operations striking amendment to Substitute House Bill No. 1275.

The motion by Senator Conner failed and the amendment to the Committee on Governmental Operations striking amendment was not adopted.

MOTIONS

On motion of Senator Roach, the following amendment by Senators Roach and Sutherland to the Committee on Governmental Operations amendment was adopted:

On page 32, after line 13 of the amendment, insert the following:

NEW SECTION. Sec. 29. A new section is added to chapter 36.32 RCW to read as follows:

A county when calling for competitive bids for the procurement of road maintenance materials may award to multiple bidders for the same commodity when the bid specifications provide for the factors of haul distance to be included in the determination of which vendor is truly the lowest price to the county. The county may readvertise for additional bidders and vendors if it deems it necessary in the public interest.

Senator Nelson moved that the following amendment by Senators Nelson and Vognild to the Committee on Governmental Operations amendment be adopted:

Beginning on page 32 of the amendment, after line 13, insert the following:

NEW SECTION. Sec. 29. It is the purpose of this chapter to regulate certain adult entertainment businesses to promote the health, safety, and welfare of the citizens of the state of Washington. The legislature finds that these businesses, when unregulated, promote illegal activities including obscenity, pornography, assaults, drug offenses, sexual offenses, and prostitution.

NEW SECTION. Sec. 30. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adult entertainment business" means a nightclub, bar, restaurant, theater, concert hall, auditorium, or similar commercial establishment that regularly features live performances by nude or seminude persons.

(2) "Applicant" means a person or persons applying for a license under this chapter.

(3) "Business license" means a license issued by the department under this chapter to an adult entertainment business.

(4) "Department" means the department of licensing.

(5) "Director" means the director of licensing.

(6) "Licensee" means a person or persons in whose name a license has been issued under this chapter.

(7) "Nude" means a state of dress that exposes a person's bare buttock, anus, genital, or breast, or a state of dress which fails to cover opaquely a person's buttock, anus, genital, or areola of the breast.

(8) "Own or operate" means a person has a substantial interest in an adult entertainment business.

(9) "Performer's license" means a license issued by the department under this chapter to a performer in an adult entertainment business.

(10) "Seminude" means a state of dress other than nude that, with respect to a person's torso, opaquely covers only the buttocks, anus, genitals, and areolae of the breasts, as well as portions of the body covered by supporting straps or devices.

(11) "Substantial interest" means the interest possessed by a person when:

(a) With respect to a sole proprietorship, the person, or his or her marital community, owns, operates, manages, or conducts, directly or indirectly, the business, or any part of it; or

(b) With respect to a partnership, the person or his or her marital community, shares in any of the profits, or potential profits, of the business; or

(c) With respect to a corporation, the person or his or her spouse, is an officer, or director, or the person or his or her marital community is a holder, directly or beneficially, of ten percent or more of any class of stock of the business; or

(d) With respect to an organization not covered in (a), (b), or (c) of this subsection, the person or his or her spouse, is an officer or manages the business affairs, or the person or his or her marital community is owner of or otherwise controls ten percent or more of the assets of the business; or

(e) The person, or his or her marital community, furnishes ten percent or more of the capital, whether in cash, goods, or services, for the operation of the business during any calendar year.

NEW SECTION. Sec. 31. (1) It is a gross misdemeanor for a person to own, operate, or manage, or act as the agent for one who owns, operates, or manages, an adult entertainment business in the state of Washington unless the person has obtained a business license pursuant to this chapter.

(2) It is a gross misdemeanor for a performer to appear nude or seminude in an adult entertainment business unless the performer has obtained a performer's license pursuant to this chapter.

NEW SECTION. Sec. 32. (1) Each owner, operator, manager, or agent of a business must obtain and maintain a separate business license.

(2) An application for a business license must be made on a form provided by the department. The applicant shall provide: (a) The name, address, phone number, and date of birth of the applicant; (b) two passport-size color photographs of the applicant; (c) the applicant's principal occupation; (d) a description of the proposed establishment; (e) the nature of the proposed business; (f) the trade name of the proposed business; (g) location of the proposed business; (h) a list of all prior business license numbers; (i) a record of all prior criminal convictions for any offense listed under section 49(1) of this act; and (j) such other information as the department may require by rule.

(3) The department shall require the applicant to submit to fingerprinting to assist the Washington state patrol in conducting a background check under section 57 of this act.

(4) At the time of applying, the applicant shall post notice of the application at the proposed business location in a form and manner as required by the department by rule.

NEW SECTION. Sec. 33. (1) The department shall grant or refuse a business license in accordance with this chapter.

(2) Every business license shall be issued in the name of the applicant or applicants, and the holder of a license shall not allow any other person to use it.

(3) No business license may be issued to:

(a) An individual, partnership, or corporation, unless qualified to obtain a business license, as provided in this chapter;

(b) An applicant whose business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications as are required of the business licensee;

(c) A corporation, unless it was created under the laws of the state of Washington or holds a certificate of authority to transact business in the state of Washington;

(d) An applicant who is under eighteen years of age;

(e) An applicant who has failed to provide information reasonably necessary for issuance of the business license or who has falsely answered a question or request for information on the application form; or

(f) An applicant who has proposed the location of the business within a zone where such use is prohibited by state or local authority.

(4) Upon receipt of an application for a business license, the department shall give notice of the application to the chief executive officer of the incorporated city or

town, if the application is for a business license within an incorporated city or town, or to the county legislative authority, if the application is for a business license outside the boundaries of incorporated cities or towns, or to all the appropriate executive officers in the case of a regional adult entertainment business plan. Upon the granting of a business license under this chapter the department shall send a duplicate of the license or written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns, or to all chief executive officers of impacted cities, towns, or counties participating in a regional adult entertainment business plan.

(5)(a) Except as set forth in (b) of this subsection, the department shall not issue an initial business license covering any premises, if at the time the initial license is to be issued the premises are within a buffer zone of one thousand feet surrounding any residential zone, single or multifamily dwelling, church, park, playground, day care center, or elementary or secondary school. The one thousand feet shall be measured on a straight line between the closest points of the property on which the premises are located and the property of the residential zone, dwelling, church, park, playground, day care center, or school. For the purpose of this section, church means a building erected for and used exclusively for religious worship and schooling or other activity in connection with the worship and schooling. The department may rely on the measurements of the relevant local jurisdictions in determining the boundaries of a buffer zone.

(b) The legislative authority of a city, town, or county:

(i) May establish a buffer zone less than that established in (a) of this subsection if the legislative authority finds (A) that the adverse secondary effects of adult entertainment businesses on public health, safety, or welfare would not be greater as a result of the smaller buffer zone or (B) that failure to establish a smaller buffer zone will effectively prohibit any adult entertainment business in the city, town, or county and there is no regional agreement with neighboring cities, towns, or counties that provides adequate opportunities for such businesses; or

(ii) May establish a buffer zone greater than that established in (a) of this subsection if the legislative authority finds (A) that the adverse secondary effects of adult entertainment businesses on public health, safety, or welfare would not be reasonably and effectively mitigated without the larger buffer zone and (B) that establishing a larger buffer zone will not effectively prohibit any adult entertainment business in the city, town, or county, or that there is a regional agreement with neighboring cities, towns, or counties that provides adequate opportunities for such businesses.

(c) If the location requirements established pursuant to this chapter effectively preclude location of adult entertainment businesses within a city, town, or county, such city, town, or county shall join with neighboring cities, towns, or counties in a regional adult entertainment business location plan in order to provide reasonable opportunity for location of adult entertainment businesses in the regional area.

NEW SECTION. Sec. 34. (1) The department may, subject to the provisions of this chapter and as provided by rule, suspend or cancel a business license; and all rights of the licensee under this chapter shall be suspended or terminated, as the case may be.

(2) Upon receipt of notice of the suspension or cancellation of a business license, the licensee shall forthwith deliver the license to the department. Where the business license has been suspended only, the department shall return the license to the licensee at the expiration or termination of the period of suspension.

NEW SECTION. Sec. 35. (1) Every business license issued under this chapter is subject to all conditions and restrictions imposed by this chapter. All conditions and restrictions imposed by the department in the issuance of an individual business license

shall be listed on the face of the individual license along with the trade name, address, and expiration date.

(2) Every business licensee shall post and keep posted its license in a conspicuous place on the premises.

NEW SECTION. Sec. 36. The department shall not issue a business license to a transferee until the transferee has applied for and received a business license under this chapter.

NEW SECTION. Sec. 37. (1)(a) At the time of the original issuance of a business license, the department shall prorate the license fee charged to the new licensee according to the number of calendar quarters, or portion thereof, remaining until the first renewal of that license is required.

(b) Unless canceled sooner, every business license issued by the department shall expire at midnight of the thirtieth day of June of the fiscal year for which it was issued. However, if the department deems it feasible and desirable to do so, it may establish, by rule pursuant to chapter 34.05 RCW, a system for staggering the annual renewal dates for business licenses. If such a system of staggered annual renewal dates is established by the department, the business license fees provided by this chapter shall be appropriately prorated during the first year that the system is in effect.

(2) The adult entertainment business license fee shall be established under RCW 43.24.086, but shall be at least seven hundred fifty dollars per annum, and shall be paid at the time of application. One-half of the fee shall be refunded if the application is withdrawn prior to a denial of the license by the department.

NEW SECTION. Sec. 38. (1) The holder of a business license may not assign or transfer the license, except that a transfer may be made to the surviving spouse of a deceased licensee if the transferor and transferee were maintaining a marital community and the license was issued in the name of one or both of them.

(2) A change in an owner or operator of a licensed business or a change in the manager or agent of a business must be reported to the department within thirty days, and any new owner, operator, manager, or agent must meet the requirements of section 33 of this act. The department shall charge a fee established under RCW 43.24.086 that is at least seventy-five dollars for the processing of a change in an owner, operator, manager, or agent.

NEW SECTION. Sec. 39. The department in suspending a business license may further provide in the order of suspension that such suspension shall be vacated upon payment to the department by the licensee of a monetary penalty in an amount fixed by the department but not to exceed ten thousand dollars.

NEW SECTION. Sec. 40. (1)(a) An application for a performer's license must be made on a form provided by the department. The performer shall provide the following: (i) The performer's name, including all aliases, address, phone number, and date of birth; (ii) two passport-size color photographs of the performer; (iii) principal occupation; (iv) the name and address of any business, if known, at which the performer will perform; (v) a list of all prior performer's license numbers; (vi) a record of all prior criminal convictions for any offense listed under section 49(1) of this act; and (v) such other information as the department may require by rule.

(b) The department shall require the applicant to submit to fingerprinting to assist the Washington state patrol in conducting a background check under section 57 of this act.

(c) Identifying information provided by an applicant under this subsection is exempt from public disclosure, and the department shall not disclose such information except to the extent necessary to carry out its responsibilities under this chapter, or to comply with a request from another governmental entity, or to comply with a court order.

(2) No performer's license may be issued to:

(a) A performer who is under eighteen years of age;

(b) A performer who has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.

(3) The performer's license fee shall be established under RCW 43.24.086, but shall be at least seventy-five dollars per annum and shall be paid at the time of application. One-half of the fee shall be refunded if the application is withdrawn prior to denial of the license by the department.

(4) Every performer shall keep his or her performer's license on the premises while performing.

NEW SECTION. Sec. 41. Every business licensed under section 33 of this act shall file monthly reports with the department pursuant to rule. The reports shall include the following: (1) The name, address, date of birth, and the performer's license number for all performers appearing nude or seminude during the month; and (2) such further information as the department may require.

NEW SECTION. Sec. 42. An action, order, or decision of the department as to a denial of an application for the issuance or renewal of a business or performer's license or as to a revocation, suspension, or modification of a license is subject to the applicable provisions of chapter 34.05 RCW.

(1) An opportunity for a hearing must be provided a licensee prior to a revocation or modification of a business or performer's license and, except as provided in subsection (3) of this section, prior to the suspension of a license.

(2) No hearing shall be required until demanded by the applicant or licensee.

(3) The department may summarily suspend a business or performer's license for a period of up to thirty days without a prior hearing if it finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order; and proceedings for revocation or other action must be promptly instituted and determined.

NEW SECTION. Sec. 43. No provision in this chapter limits the authority of cities, towns, and counties from further regulating adult entertainment businesses as to hours of operation, location of premises, or manner of operation.

The provisions of this chapter relating to the licensing of any adult entertainment business shall not be exclusive and any city, town, or county within whose jurisdiction the adult entertainment business is located may require any registrations or licenses, or charge any fee for the same or similar purpose; and nothing in this chapter shall limit or abridge the authority of any city, town, or county to levy and collect a general and nondiscriminatory license fee levied upon all businesses, or to levy a tax based upon gross business conducted by any firm within the city, town, or county.

NEW SECTION. Sec. 44. The director has the following authority:

(1) To adopt, amend, or repeal such rules as are deemed necessary to carry out this chapter;

(2) To investigate all complaints or reports of conduct in violation of this chapter and to hold hearings as provided in this chapter;

(3) To issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;

(4) To take or cause depositions to be taken and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;

(5) To compel attendance of witnesses at hearings;

(6) To take emergency action ordering summary suspension of a business or performer's license, or restriction or limitation of the licensee's practice pending further disciplinary action under section 49 of this act;

(7) To use the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings. However, the director or the director's designee shall make the final decision in the hearing;

(8) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(9) To grant or deny business or performer's license applications, and to impose any sanction against a license applicant or license holder provided by this chapter;

(10) To establish or increase in accordance with RCW 43.24.086 business and performer's license fees above the minimum set by this chapter;

(11) To enter into an assurance of discontinuance in lieu of issuing a statement of charges or conducting a hearing. The assurance shall consist of a statement of the law in question and an agreement not to violate the stated provision. The applicant or license holder shall not be required to admit to any violation of the law, nor shall the assurance be construed as such an admission. Violation of an assurance under this subsection is grounds for disciplinary action;

(12) To designate individuals authorized to sign subpoenas and statements of charges; and

(13) To employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter.

NEW SECTION. Sec. 45. A person, including but not limited to a customer, licensee, corporation, organization, or state or local governmental agency, may submit a written complaint to the department charging a business or performer's license holder or applicant with a violation of this chapter. If the department determines that the complaint merits investigation, or if the department has reason to believe, without a formal complaint, that a license holder or applicant may have violated this chapter, the department may investigate to determine whether there has been a violation. A person who files a complaint under this section in good faith is immune from suit in any civil action related to the filing or contents of the complaint.

NEW SECTION. Sec. 46. (1) If the department determines, upon investigation pursuant to section 45 of this act, that there is reason to believe a violation of this chapter has occurred, a statement of charge or charges may be prepared and served upon the business or performer's license holder or applicant. The statement of charge or charges shall be accompanied by a notice that the license holder or applicant may request a hearing to contest the charge or charges. The license holder or applicant must file a request for hearing with the department within twenty days after being served the statement of charges. The failure to request a hearing constitutes a default, upon which the director or the director's designee may enter an order pursuant to RCW 34.05.440(1).

(2) If a hearing is requested, the time of the hearing shall be scheduled but the hearing shall not be held earlier than thirty days after service of the charges upon the license holder or applicant. A notice of hearing shall be issued at least twenty days prior to the hearing, specifying the time, date, and place of the hearing.

NEW SECTION. Sec. 47. The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern all hearings requested under section 46 of this act.

NEW SECTION. Sec. 48. (1) Upon a finding that a business or performer's license holder or applicant has engaged in conduct or violated conditions that are grounds for denial of a license or for disciplinary action under section 49 of this act, the director may issue an order providing for one or any combination of the following:

- (a) Revocation of the license;
- (b) Suspension of the license for a fixed or indefinite term;
- (c) Censure or reprimand;
- (d) Compliance with conditions of probation for a designated period of time;
- (e) Payment of a fine for each violation of this chapter, not to exceed one thousand dollars per violation, which shall be paid to the department;
- (f) Denial of the license request.

(2) Any of the actions under this section may be totally or partly stayed by the director. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

NEW SECTION. Sec. 49. The following conduct, acts, or conditions, constitute grounds for denial of a license or for disciplinary action against any business or performer's license holder or applicant under the jurisdiction of this chapter:

(1) With respect to a license holder, commission of an act that constitutes an obscenity or pornography offense under chapter 9.68 RCW, a sexual exploitation of children offense under chapter 9.68A RCW, an assault under chapter 9A.36 RCW, a sexual offense under chapter 9A.44 RCW, a prostitution or indecent exposure offense under chapter 9A.88 RCW, a drug offense under chapter 69.41, 69.50, 69.52, or 69.53 RCW, or a substantially similar ordinance adopted by the legislative authority of a city, town, or county or other state statute. Conviction in a criminal proceeding is not a condition precedent to disciplinary action under this section. Upon a conviction, however, the judgment and sentence is conclusive evidence at an ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes a plea of guilty or nolo contendere and also includes all sentence deferrals or suspensions;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in license reinstatement;

(3) All advertising that is false, fraudulent, or misleading;

(4) Failure to cooperate with the department in the conduct of an investigation by:

(a) Not furnishing any requested papers or documents;

(b) Not furnishing in writing a full and complete explanation regarding the matter under investigation; or

(c) Not responding to subpoenas issued by the director, whether or not the recipient of the subpoena is the subject of the investigation;

(5) Failure to comply with an order issued by the director or an assurance of discontinuance entered into with the director;

(6) Aiding and abetting an unlicensed person to own or operate a business or to perform when a license is required;

(7) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the director or the director's authorized representative, or by the use of threats or harassment against any witness to prevent him or her from providing evidence in a disciplinary proceeding or any other legal action;

(8) Violating this chapter or any rule adopted pursuant to this chapter.

NEW SECTION. Sec. 50. (1) The director shall investigate complaints under this chapter concerning ownership or operation of a business without a license or performing without a license. In the investigation of the complaints, the director shall have the same authority as provided the director under section 44 of this act. The director shall issue a cease and desist order to a person after notice and hearing and upon a determination that the person has owned or operated a business without a license, or has performed without a license, in violation of this chapter. If the director makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the director may issue a temporary cease and desist order before the notice and hearing. A cease and desist order does not relieve the person so owning or operating a business or performing without a license from criminal prosecution. The remedy of a cease and desist order is in addition to any criminal liability. A cease and desist order is conclusive proof of unlicensed practice and may be enforced through remedial sanctions under chapter 7.21 RCW. Enforcement of the cease and desist order under chapter 7.21 RCW may be used in addition to, or as an

alternative to, any provisions for enforcement of agency orders set out in chapter 34.05 RCW.

(2) The attorney general, a county prosecuting attorney, the department, or any person may, in accordance with the law of this state governing injunctions, maintain an action to enjoin any person owning or operating a business, or performing, without a license required by this chapter from continuing such ownership, operation, or performing until the required license is secured. However, an injunction does not relieve a person from criminal prosecution and the remedy by injunction is in addition to any criminal liability.

NEW SECTION. Sec. 51. A person or business that violates an injunction issued under this chapter shall pay a civil penalty, as determined by the court, of not more than twenty-five thousand dollars, which shall be paid to the department. For the purpose of this section, the superior court issuing any injunction shall retain jurisdiction and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties.

NEW SECTION. Sec. 52. (1) The director or individuals acting on the director's behalf are immune from suit in any civil or criminal action based on any disciplinary proceedings or other official acts performed in the course of their duties in the administration and enforcement of this chapter.

(2) Legislative authorities of cities, towns, and counties are immune from suit in any civil or criminal action based on any official acts performed in the course of their duties in the administration or enforcement of this chapter.

In any challenge to location, distance, or conduct requirements imposed by the legislative authority of a city, town, or county pursuant to this chapter, the legislative authority may request that the state assume some or all of the obligation to defend the constitutionality of this chapter. The attorney general may grant or deny the request. Nothing in this chapter creates any state liability for actions of a city, town, or county.

NEW SECTION. Sec. 53. Existing adult entertainment businesses are exempt from any location restrictions imposed by this chapter until January 1, 1995.

NEW SECTION. Sec. 54. It is a gross misdemeanor for any person to permit any person under the age of eighteen on the premises of any adult entertainment business under his or her control.

NEW SECTION. Sec. 55. It is a class C felony for any person to employ or permit any person under the age of eighteen to appear nude or seminude on the premises of any adult entertainment business under his or her control.

NEW SECTION. Sec. 56. Sections 29 through 55 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 57. A new section is added to chapter 43.43 RCW to read as follows:

The department of licensing may request information from the Washington state patrol criminal identification system regarding the conviction of offenses listed under section 49(1) of this act for any applicant or for a license holder who is the subject of an investigation under section 45 of this act.

Sec. 58. RCW 7.48A.040 and 1985 c 235 s 1 are each amended to read as follows:

(1) No person shall with knowledge maintain a moral nuisance.

(2) Upon a determination that a defendant has with knowledge maintained a moral nuisance, the court shall impose a civil fine and judgment of an amount as the court shall determine to be appropriate. In imposing the civil fine, the court shall consider the wilfulness of the defendant's conduct and the profits made by the defendant attributable to the lewd matter, lewdness, or prostitution, whichever is applicable. In no event shall the civil fine exceed the greater of ((~~twenty-five~~) fifty) thousand dollars or these profits.

NEW SECTION. Sec. 59. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 60. Sections 29 through 62 of this act shall take effect January 1, 1992. The department of licensing may take such steps before then, including the adoption of rules, as are necessary to ensure that sections 29 through 62 of this act are implemented on January 1, 1992.

NEW SECTION. Sec. 61. The municipal research council, created under chapter 43.110 RCW, in conjunction with the association of Washington cities, shall report to the legislature by January 1, 1993, regarding the implementation of the regulation of certain adult entertainment businesses as provided in sections 29 through 60 of this act. The report shall also examine the effectiveness of these provisions in reducing illegal activity on or near the adult entertainment businesses, and contain further suggested legislative enactments designed to reduce illegal activities associated with these businesses, including, but not limited to, obscenity, pornography, assaults, drug offenses, sexual offenses, and prostitution.

NEW SECTION. Sec. 62. The provisions of the open public meetings act, contained in chapter 42.30 RCW, shall apply to all meetings conducted by the governing body of a public agency regarding the regulation of adult entertainment businesses pursuant to sections 29 through 61 of this act.

POINT OF ORDER

Senator Murray: "I rise to a point of order. Mr. President, I would challenge the scope and object of this amendment. Although these are very laudable goals in this amendment, and I do support them and feel that they are something that we should put into statute, they deal primarily with regulating adult entertainment and the bill before us, as I read it, has to do with election procedures in towns and cities and I think it does not fit under the scope of this bill."

Further debate ensued.

MOTION

On motion of Senator Hayner, further consideration of Substitute House Bill No. 1275 was deferred.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1172, by House Committee on Education (originally sponsored by Representatives Holland, Cole, Peery, Brumsickle, G. Fisher, Valle, Brough, Phillips, Rasmussen, Jones, Dorn, P. Johnson, Jacobsen, Winsley, R. King, Pruitt, H. Myers, Ogden, Wood, Vance, Sheldon, Day, Spanel, Leonard, Paris, Rust, Scott, Haugen, Mitchell, Hine, Cantwell, Wynne, Nealey, Miller, Bowman, Moyer, Fraser, O'Brien, Sprenkle, Orr and Tate) (by request of Task Force on Student Transportation Safety)

Creating the school pathway and bus stop improvement program.

The bill was read the second time.

MOTION

Senator Bailey moved that the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the number of motor vehicles on the roads of the state has increased dramatically in recent years, and that this increase has created unsafe conditions for many of our children as they travel to and from school. The legislature further finds that responsibility to ensure safe walking conditions and bus stops for our children is fragmented, and that inadequate resources have been devoted to improving pedestrian safety.

NEW SECTION. Sec. 2. The school pathway and bus stop improvement program is hereby created. The purpose of the program is to establish a council to make recommendations about roads, streets, and bus stops that the council considers inadequate for school children as they travel to school, and develop a program for making safety improvements.

NEW SECTION. Sec. 3. The school pathway and bus stop improvement program council is established. Membership on the council shall include two members of the senate, two members of the house of representatives, and representatives from the department of transportation, the office of the superintendent of public instruction, school district administrators, school board members, counties, cities, the traffic safety commission, school bus drivers, and parents. The president of the senate shall select the senate members and the speaker of the house of representatives shall select the house of representatives members. Representatives of state agencies shall be selected by the respective agency. Other representatives shall be selected by appropriate state-wide organizations. The council shall select a chair from among its members. Staffing and administrative support shall be provided by the Washington traffic safety commission.

NEW SECTION. Sec. 4. (1) The council established in section 3 of this act shall:

(a) Formulate criteria for identifying roads and school bus stops that the council considers inadequate for elementary school students and establish recommendations for standards for making safety improvements;

(b) Based on the criteria and standards in (a) of this subsection, inventory those roads within a one-mile radius of elementary schools and those school bus stops considered inadequate by the council, and recommend priority safety improvement projects;

(c) Develop a plan by which the recommended priority safety improvement projects may be implemented, and make the plan available to applicable local jurisdictions;

(d) Based on the criteria and standards in (a) of this subsection, formulate recommended guidelines for student pedestrian safety within a one-mile radius of new elementary schools. At a minimum, the council shall develop recommended guidelines for incorporating pedestrian safety considerations into school siting decisions, constructing pedestrian safety infrastructure improvements within a specified time after new elementary schools are opened, and creating incentives and enforcement measures to ensure that the safety improvements are completed; and

(e) Estimate the cost of implementing state-wide sidewalk crossing rules.

(2) By June 30, 1993, the council shall submit its recommendations and findings required in subsection (1) of this section to the appropriate committees of the house of representatives and the senate, the governor, local governments, school districts, and other appropriate agencies and organizations. After July 1, 1992, the council shall

provide general oversight, coordination, and assistance to local governments, state agencies, and private parties in the consideration and implementation of the recommendations.

(3) The recommendations of the council are advisory only and shall not constitute proof of an actual unsafe condition.

(4) Local jurisdictions may adopt, in whole or in part, the recommendations of the council.

NEW SECTION. Sec. 5. Sections 2 through 4 of this act are each added to chapter 28A.160 RCW.

NEW SECTION. Sec. 6. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 7. Sections 1 through 4 of this act shall expire June 30, 1996.

POINT OF INQUIRY

Senator McCaslin: "Senator Bailey, in the bill summary, it states that they are not obligated to correct the hazardous conditions. I hope that is not in the bill. Obviously, it is pointing out that there is a hazardous condition they need not correct. I hope that language--I haven't had time to locate the bill."

Senator Bailey: "I think the summary is not quite accurate. What it does, as I stated in the provision, it includes provisions to prevent local jurisdictions from becoming more liable than what they are now."

The President declared the question before the Senate to be the adoption of the Committee on Education striking amendment to Engrossed Substitute House Bill No. 1172.

The motion by Senator Bailey carried and the Committee on Education amendment to Engrossed Substitute House Bill No. 1172 was adopted.

MOTIONS

On motion of Senator Bailey, the following title amendment was adopted:

On page 1, line 1 of the title, after "safety;" strike the remainder of the title and insert "adding new sections to chapter 28A.160 RCW; creating new sections; and providing an expiration date."

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute House Bill No. 1172, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1172, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1172, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Rasmussen, Sellar - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1172, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Newhouse, the Senate advanced to the ninth order of business.

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Engrossed Substitute House Bill No. 1780, Engrossed Substitute House Bill No. 1027 and House Bill No. 1641.

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill No. 1780, Engrossed Substitute House Bill No. 1027 and House Bill No. 1641 were advanced to second reading and placed on the second reading calendar.

MOTION

Senator McMullen moved that the Committee on Commerce and Labor be relieved of House Bill No. 1279 and that the rules be suspended and the bill be placed on the second reading calendar.

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator McMullen to relieve the Committee of Commerce and Labor of House Bill No. 1279, to suspend the rules and place the bill on the second reading calendar.

ROLL CALL

The Secretary called the roll and the motion by Senator McMullen to relieve the Committee on Commerce and Labor of House Bill No. 1279 failed by the following vote: Yeas, 23; Nays, 24; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, M. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, L. Smith, Thorsness, von Reichbauer, West - 24.

Excused: Senators Rasmussen, Sellar - 2.

MOTION

Senator McMullen moved that the Committee on Commerce and Labor be relieved of House Bill No. 1280 and that the rules be suspended and the bill be placed on the second reading calendar.

Debate ensued.

Senator Snyder demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the motion by Senator McMullen to relieve the Committee of Commerce and Labor of House Bill No. 1280, to suspend the rules and place the bill on the second reading calendar.

ROLL CALL

The Secretary called the roll and the motion by Senator McMullen to relieve the Committee on Commerce and Labor of House Bill No. 1280 failed by the following vote: Yeas, 23; Nays, 24; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, M. Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Johnson, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, L. Smith, Thorsness, von Reichbauer, West - 24.

Excused: Senators Rasmussen, Sellar - 2.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1704 and the pending Committee on Transportation striking amendment deferred April 18, 1991.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Skratek, the President finds that Substitute House Bill No. 1704 is a measure which makes changes in vehicle licensing and fuel tax administration by, among other things, providing authority to the Department of Licensing to assess fuel tax reports and recover property of debtor-distributors; providing for implementation of a collection process for the local option fuel tax and other changes relative to vehicle licensing and mitigation of penalties and assessments in the areas of aircraft fuel and special fuel.

"The committee amendment would, in addition, grant new regulatory authority to the Utilities and Transportation Commission; allow certain drivers an administrative process to seek rescission of license revocation; change the

law regarding garbage trucks and exempt certain employees of the Department of Licensing from civil service right-of-reversion status.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The Committee on Transportation striking amendment to Substitute House Bill No. 1704 was ruled out of order.

PARLIAMENTARY INQUIRY

Senator Nelson: "Would the President entertain our redrafting the remaining amendments to the original bill for consideration by the body?"

REPLY BY THE PRESIDENT

President Pritchard: "Certainly."

There being no objection, the President deferred further consideration of Substitute House Bill No. 1704.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2056, by House Committee on Health Care (originally sponsored by Representative Braddock) (by request of Department of Health)

Making major changes to the regulation and provision of vital statistics.

The bill was read the second time.

MOTIONS

On motion of Senator West, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) To promote and maintain nation-wide uniformity in the system of vital statistics, the certificates required by this chapter or by the rules adopted under this chapter shall include, as a minimum, the items recommended by the federal agency responsible for national vital statistics.

(2) The state board of health by rule may require additional pertinent information relative to the birth and manner of delivery as it may deem necessary for statistical study. This information shall be placed in a confidential section of the birth certificate form and shall not be subject to the view of the public or for certification purposes except upon order of the court. The state board of health may eliminate from the forms items that it determines are not necessary for statistical study.

(3) Each certificate or other document required by this chapter shall be on a form or in a format prescribed by the state registrar.

(4) All vital records shall contain the data required for registration. No certificate may be held to be complete and correct that does not supply all items of information called for or that does not satisfactorily account for the omission of required items.

(5) Information required in certificates or documents authorized by this chapter may be filed and registered by photographic, electronic, or other means as prescribed by the state registrar.

NEW SECTION. Sec. 2. The department is authorized to prescribe by rule the schedule and system for electronic and hard copy transmission of certificates and documents required by this chapter.

NEW SECTION. Sec. 3. The department, in mutual agreement with a local health officer as defined in RCW 70.05.010, may authorize a local registrar to access the state-wide birth data base or death data base and to issue a certified copy of birth or death certificates from the respective state-wide electronic data bases. In such cases, the department may bill local registrars for only direct line charges associated with accessing birth and death data bases.

Sec. 4. RCW 70.58.104 and 1987 c 223 s 2 are each amended to read as follows:

(1) The state registrar may prepare typewritten, photographic, electronic, or other reproductions of records of birth, death, fetal death, marriage, or decrees of divorce, annulment, or legal separation registered under law or that portion of the record of any birth which shows the child's full name, sex, date of birth, and date of filing of the certificate. Such reproductions, when certified by the state registrar, shall be considered for all purposes the same as the original and shall be prima facie evidence of the facts stated therein.

(2) The department may authorize by regulation the disclosure of information contained in vital records for research purposes. All research proposals must be submitted to the department and must be reviewed and approved as to scientific merit and to ensure that confidentiality safeguards are provided in accordance with department policy.

(3) Local registrars may, upon request, furnish certified copies of the records of birth, death, and fetal death, subject to all provisions of state law applicable to the state registrar. ~~((Local registrars in health districts or departments that have within their jurisdiction cities of the first class may issue certified copies only if they have an original certificate in their possession at the time of issuance of a certified copy or have a copy of the original certificate transmitted to the state registrar which was produced by a photographic or other exact reproduction method. Local registrars of all counties or districts may, upon request, furnish certified copies of the records of birth, death, and fetal death during the period that the original certificates are in their possession prior to transmittal of the original certificates to the state registrar. Certified copy forms used by local registrars furnishing certified copies while the original records are in their possession shall be supplied or approved by the state registrar and no other forms shall be used.))~~

NEW SECTION. Sec. 5. Sections 1 through 3 of this act are each added to chapter 70.58 RCW.

NEW SECTION. Sec. 6. RCW 70.58.200 and 1979 ex.s. c 162 s 2, 1975-'76 2nd ex.s. c 42 s 39, 1969 ex.s. c 279 s 2, 1967 c 26 s 10, 1961 ex.s. c 5 s 15, & 1945 c 159 s 6 are each repealed.

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "statistics;" strike the remainder of the title and insert "amending RCW 70.58.104; adding new sections to chapter 70.58 RCW; and repealing RCW 70.58.200."

MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 2056, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2056, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2056, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesemig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Rasmussen, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 2056, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1671, by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Riley, R. Meyers, Jacobsen, Heavey, Roland, Hine, O'Brien, Rust, Betzoff, Paris, Scott, Fraser and Wineberry)

Promoting growth strategies.

The bill was read the second time.

MOTIONS

Senator Patterson moved that the following Committee on Transportation amendment be adopted:

Strike everything after the enacting clause and insert the following:

"HIGHWAY ACCESS MANAGEMENT"

NEW SECTION. Sec. 1. LEGISLATIVE FINDINGS--ACCESS. (1) The legislature finds that:

(a) Regulation of access to the state highway system is necessary in order to protect the public health, safety, and welfare, to preserve the functional integrity of the

state highway system, and to promote the safe and efficient movement of people and goods within the state;

(b) The development of an access management program, in accordance with this chapter, which coordinates land use planning decisions by local governments and investments in the state highway system, will serve to control the proliferation of connections and other access approaches to and from the state highway system. Without such a program, the health, safety, and welfare of the residents of this state are at risk, due to the fact that uncontrolled access to the state highway system is a significant contributing factor to the congestion and functional deterioration of the system; and

(c) The development of an access management program in accordance with this chapter will enhance the development of an effective transportation system and increase the traffic-carrying capacity of the state highway system and thereby reduce the incidences of traffic accidents, personal injury, and property damage or loss; mitigate environmental degradation; promote sound economic growth and the growth management goals of the state; reduce highway maintenance costs and the necessity for costly traffic operations measures; lengthen the effective life of transportation facilities in the state, thus preserving the public investment in such facilities; and shorten response time for emergency vehicles.

(2) In furtherance of these findings, all state highways are hereby declared to be controlled access facilities as defined in section 2 of this act, except those highways that are defined as limited access facilities in chapter 47.52 RCW.

(3) It is the policy of the legislature that:

(a) The access rights of an owner of property abutting the state highway system are subordinate to the public's right and interest in a safe and efficient highway system; and

(b) Every owner of property which abuts a state highway has a right to reasonable access to that highway, unless such access has been acquired pursuant to chapter 47.52 RCW, but may not have the right of a particular means of access. The right of access to the state highway may be restricted if, pursuant to local regulation, reasonable access can be provided to another public road which abuts the property.

(4) The legislature declares that it is the purpose of this chapter to provide a coordinated planning process for the permitting of access points on the state highway system to effectuate the findings and policies under this section.

(5) Nothing in this chapter shall affect the right to full compensation under section 16, Article I of the state Constitution.

NEW SECTION. Sec. 2. DEFINITIONS--ACCESS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Controlled access facility" means a transportation facility to which access is regulated by the governmental entity having jurisdiction over the facility. Owners or occupants of abutting lands and other persons have a right of access to or from such facility at such points only and in such manner as may be determined by the governmental entity.

(2) "Connection" means approaches, driveways, turnouts, or other means of providing for the right of access to or from controlled access facilities on the state highway system.

(3) "Permitting authority" means the department for connections in unincorporated areas or a city or town within incorporated areas which are authorized to regulate access to state highways pursuant to chapter 47.24 RCW.

NEW SECTION. Sec. 3. REGULATING CONNECTIONS. (1) Vehicular access and connections to or from the state highway system shall be regulated by the permitting authority in accordance with the provisions of this chapter in order to protect the public health, safety, and welfare.

(2) The department shall by July 1, 1992, adopt administrative procedures pursuant to chapter 34.05 RCW which establish state highway access standards and rules for its issuance and modification of access permits, closing of unpermitted connections, revocation of permits, and waiver provisions in accordance with this chapter. The department shall consult with the association of Washington cities and obtain concurrence of the city design standards committee as established by RCW 35.78.030 in the development and adoption of rules for access standards for city streets designated as state highways under chapter 47.24 RCW.

(3) Cities and towns shall, no later than July 1, 1993, adopt standards for access permitting on streets designated as state highways which meet or exceed the department's standards, provided that such standards may not be inconsistent with standards adopted by the department.

NEW SECTION. Sec. 4. ACCESS PERMITS. (1) No connection to a state highway shall be constructed or altered without obtaining an access permit in accordance with this chapter in advance of such action. A permitting authority has the authority to deny access to the state highway system at the location specified in the permit until the permittee constructs or alters the connection in accordance with the permit requirements.

(2) The cost of construction or alteration of a connection shall be borne by the permittee, except for alterations which are not required by law or administrative rule, but are made at the request of and for the convenience of the permitting authority. The permittee, however, shall bear the cost of alteration of any connection which is required by the permitting authority due to increased or altered traffic flows generated by changes in the permittee's facilities or nature of business conducted at the location specified in the permit.

(3) Except as otherwise provided in this chapter, an unpermitted connection is subject to closure by the appropriate permitting authority which shall have the right to install barriers across or remove the connection. When the permitting authority determines that a connection is unpermitted and subject to closure, it shall provide reasonable notice of its impending action to the owner of property served by the connection. The permitting authority's procedures for providing notice and preventing the operation of unpermitted connections shall be adopted by rule.

NEW SECTION. Sec. 5. PERMIT FEE. The department shall establish by rule a schedule of fees for permit applications made to the department. The fee shall be nonrefundable and shall be used only to offset the costs of administering the access permit review process and the costs associated with administering the provisions of this chapter.

NEW SECTION. Sec. 6. PERMIT REVIEW PROCESS. The review process for access permit applications made by the department shall be as follows: Any person seeking an access permit shall file an application with the department. The department by rule shall establish application form and content requirements. The fee required by section 5 of this act must accompany the applications.

NEW SECTION. Sec. 7. PERMIT CONDITIONS. The permitting authority may issue a permit subject to any conditions necessary to carry out the provisions of this chapter, including, but not limited to, requiring the use of a joint-use connection. The permitting authority may revoke a permit if the applicant fails to comply with the conditions upon which the issuance of the permit was predicated.

NEW SECTION. Sec. 8. PERMIT REMOVAL. (1) Unpermitted connections to the state highway system in existence on July 1, 1990, shall not require the issuance of a permit and may continue to provide access to the state highway system, unless the permitting authority determines that such a connection does not meet minimum acceptable standards of highway safety. However, a permitting authority may require that a permit be obtained for such a connection if a significant change occurs in the use, design, or traffic flow of the connection or of the state highway to which it

provides access. If a permit is not obtained, the connection may be closed pursuant to section 4 of this act.

(2) Access permits granted prior to adoption of the permitting authorities' standards shall remain valid until modified or revoked. Access connections to state highways identified on plats and subdivisions approved prior to July 1, 1991, shall be deemed to be permitted pursuant to chapter ____, Laws of 1991 (this act). The permitting authority may, after written notification, under rules adopted in accordance with section 3 of this act, modify or revoke an access permit granted prior to adoption of the standards by requiring relocation, alteration, or closure of the connection if a significant change occurs in the use, design, or traffic flow of the connection.

(3) The permitting authority may issue a nonconforming access permit after finding that to deny an access permit would leave the property without a reasonable means of access to the public roads of this state. Every nonconforming access permit shall specify limits on the maximum vehicular use of the connection and shall be conditioned on the availability of future alternative means of access for which access permits can be obtained.

NEW SECTION. Sec. 9. ACCESS MANAGEMENT STANDARDS. (1) The department shall develop, adopt, and maintain an access control classification system for all routes on the state highway system, the purpose of which shall be to provide for the implementation and continuing applications of the provision of this chapter.

(2) The principal component of the access control classification system shall be access management standards, the purpose of which shall be to provide specific minimum standards to be adhered to in the planning for and approval of access to state highways.

(3) The control classification system shall be developed consistent with the following:

(a) The department shall, no later than January 1, 1993, adopt rules setting forth procedures governing the implementation of the access control classification system required by this chapter. The rule shall provide for input from the entities described in (b) of this subsection as well as for public meetings to discuss the access control classification system. Nothing in this chapter shall affect the validity of the department's existing or subsequently adopted rules concerning access to the state highway system. Such rules shall remain in effect until repealed or replaced by the rules required by this chapter.

(b) The access control classification system shall be developed in cooperation with counties, cities and towns, the state department of community development, regional transportation planning organizations, and other local governmental entities, and for city streets designated as state highways pursuant to chapter 47.24 RCW, adopted with the concurrence of the city design standards committee.

(c) The rule required by this section shall provide that assignment of a road segment to a specific access category be made in consideration of the following criteria:

- (i) Local land use plans and zoning, as set forth in comprehensive plans;
- (ii) The current functional classification as well as potential future functional classification of each road on the state highway system;
- (iii) Existing and projected traffic volumes;
- (iv) Existing and projected state, local, and metropolitan planning organization transportation plans and needs;
- (v) Drainage requirements;
- (vi) The character of lands adjoining the highway;
- (vii) The type and volume of traffic requiring access;
- (viii) Other operational aspects of access;
- (ix) The availability of reasonable access by way of county roads and city streets to a state highway; and

(x) The cumulative effect of existing and projected connections on the state highway system's ability to provide for the safe and efficient movement of people and goods within the state.

(d) Access management standards shall include, but not be limited to, connection location standards, safety factors, design and construction standards, desired levels of service, traffic control devices, and effective maintenance of the roads. The standards shall also contain minimum requirements for the spacing of connections, intersecting streets, roads, and highways.

(e) An access control category shall be assigned to each segment of the state highway system by July 1, 1993.

"TRANSPORTATION DEMAND MANAGEMENT"

NEW SECTION. **Sec. 10. FINDINGS--DEMAND MANAGEMENT.** The legislature finds that automotive traffic in Washington's metropolitan areas is the major source of emissions of air contaminants. This air pollution causes significant harm to public health, causes damage to trees, plants, structures, and materials and degrades the quality of the environment.

Increasing automotive traffic is also aggravating traffic congestion in Washington's metropolitan areas. This traffic congestion imposes significant costs on Washington's businesses, governmental agencies, and individuals in terms of lost working hours and delays in the delivery of goods and services. Traffic congestion worsens automobile-related air pollution, increases the consumption of fuel, and degrades the habitability of many of Washington's cities and suburban areas. The capital and environmental costs of fully accommodating the existing and projected automobile traffic on roads and highways are prohibitive. Decreasing the demand for vehicle trips is significantly less costly and at least as effective in reducing traffic congestion and its impacts as constructing new transportation facilities such as roads and bridges, to accommodate increased traffic volumes.

The legislature also finds that increasing automotive transportation is a major factor in increasing consumption of gasoline and, thereby, increasing reliance on imported sources of petroleum. Moderating the growth in automotive travel is essential to stabilizing and reducing dependence on imported petroleum and improving the nation's energy security.

The legislature further finds that reducing the number of commute trips to work made via single occupant cars and light trucks is an effective way of reducing automobile-related air pollution, traffic congestion, and energy use. Major employers have significant opportunities to encourage and facilitate reducing single occupant vehicle commuting by employees.

The intent of this chapter is to require local governments in those counties experiencing the greatest automobile-related air pollution and traffic congestion to develop and implement plans to reduce single occupant vehicle commute trips. Such plans shall require major employers and employers at major worksites to implement programs to reduce single occupant vehicle commuting by employees at major worksites. Local governments in counties experiencing significant but less severe automobile-related air pollution and traffic congestion may implement such plans. State agencies shall implement programs to reduce single occupant vehicle commuting at all major worksites throughout the state.

NEW SECTION. **Sec. 11. DEFINITIONS.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "A major employer" means a private or public employer that employs one hundred or more full-time employees at a single worksite who begin their regular work

day between 6:00 a.m. and 9:00 a.m. on weekdays for at least twelve continuous months during the year.

(2) "Major worksite" means a building or group of buildings that are on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights of way, and at which there are one hundred or more full-time employees of one or more employers, who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays, for at least twelve continuous months.

(3) "Commute trip reduction zones" mean areas, such as census tracts or combinations of census tracts, within a jurisdiction that are characterized by similar employment density, population density, level of transit service, parking availability, access to high occupancy vehicle facilities, and other factors that are determined to affect the level of single occupancy vehicle commuting.

(4) "Commute trip" means trips made from a worker's home to a worksite during the peak period of 6:00 a.m. to 9:00 a.m. on weekdays.

(5) "Proportion of single occupant vehicle commute trips" means the number of commute trips made by single occupant automobiles divided by the number of full-time employees.

(6) "Commute trip vehicle miles traveled per employee" means the sum of the individual vehicle commute trip lengths in miles over a set period divided by the number of full-time employees during that period.

(7) "Base year" means the year January 1, 1992, through December 31, 1992, on which goals for vehicle miles traveled and single occupant vehicle trips shall be based. Base year goals may be determined using the 1990 journey-to-work census data projected to the year 1992 and shall be consistent with the growth management act. The task force shall establish a method to be used by jurisdictions to determine reductions of vehicle miles traveled.

NEW SECTION. Sec. 12. REQUIREMENTS FOR COUNTIES AND CITIES.

(1) Each county with a population over one hundred fifty thousand, and each city or town within those counties containing a major employer shall, by July 1, 1992, adopt by ordinance and implement a commute trip reduction plan for all major employers. The plan shall be developed in cooperation with local transit agencies, regional transportation planning organizations as established in RCW 47.80.020, major employers, and the owners of and employers at major worksites. The plan shall be designed to achieve reductions in the proportion of single occupant vehicle commute trips and the commute trip vehicle miles traveled per employee by employees of major public and private sector employers in the jurisdiction.

(2) All other counties, and cities and towns in those counties, may adopt and implement a commute trip reduction plan.

(3) The department of ecology may, after consultation with the state energy office, as part of the state implementation plan for areas that do not attain the national ambient air quality standards for carbon monoxide or ozone, require municipalities other than those identified in subsection (1) of this section to adopt and implement commute trip reduction plans if the department determines that such plans are necessary for attainment of said standards.

(4) A commute trip reduction plan shall be consistent with the guidelines established under section 15 of this act and shall include but is not limited to (a) goals for reductions in the proportion of single occupant vehicle commute trips and the commute trip vehicle miles traveled per employee; (b) designation of commute trip reduction zones; (c) requirements for major public and private sector employers to implement commute trip reduction programs; (d) a commute trip reduction program for employees of the county, city, or town; (e) a review of local parking policies and ordinances as they relate to employers and major worksites and any revisions necessary to comply with commute trip reduction goals and guidelines; (f) an appeals process by which major employers, who as a result of special characteristics of their business or

its locations would be unable to meet the requirements of a commute trip reduction plan, may obtain waiver or modification of those requirements; and (g) means for determining base year values of the proportion of single occupant vehicle commute trips and the commute trip vehicle miles traveled per employee and progress toward meeting commute trip reduction plan goals on an annual basis. Goals which are established shall take into account existing transportation demand management efforts which are made by major employers. Each jurisdiction shall ensure that employers shall receive full credit for the results of transportation demand management efforts and commute trip reduction programs which have been implemented by major employers prior to the base year. The goals for miles traveled per employee for all major employers shall not be less than a fifteen percent reduction from the base year value of the commute trip reduction zone in which their worksite is located by January 1, 1995, twenty-five percent reduction from the base year values by January 1, 1997, and thirty-five percent reduction from the base year values by January 1, 1999.

(5) A county, city, or town may, as part of its commute trip reduction plan, require commute trip reduction programs for employers other than major employers at major worksites if the regional air pollution control board determines such programs are necessary to comply with ambient air standards for carbon monoxide and ozone.

(6) The commute trip reduction plans adopted by counties, cities, and towns under this chapter shall be consistent with and may be incorporated in applicable state or regional transportation plans and local comprehensive plans and shall be coordinated, and consistent with, the commute trip reduction plans of counties, cities, or towns with which the county, city, or town has, in part, common borders or related regional issues. Such regional issues shall include assuring consistency in the treatment of employers who have worksites subject to the requirements of this chapter in more than one jurisdiction. Counties, cities, or towns adopting commute trip reduction plans may enter into agreements through the interlocal cooperation act or by resolution or ordinance as appropriate with other jurisdictions, local transit agencies, or regional transportation planning organizations to coordinate the development and implementation of such plans. Counties, cities, or towns adopting a commute trip reduction plan shall review it annually and revise it as necessary to be consistent with applicable plans developed under RCW 36.70A.070.

(7) Each county, city, or town implementing a commute trip reduction program shall, within thirty days submit a summary of its plan along with certification of adoption to the commute trip reduction task force established under section 15 of this act.

(8) Each county, city, or town implementing a commute trip reduction program shall submit an annual progress report to the commute trip reduction task force established under section 15 of this act. The report shall be due July 1, 1994, and each July 1 thereafter through July 1, 2000. The report shall describe progress in attaining the applicable commute trip reduction goals for each commute trip reduction zone and shall highlight any problems being encountered in achieving the goals. The information shall be reported in a form established by the commute trip reduction task force.

(9) Any waivers or modifications of the requirements of a commute trip reduction plan granted by a jurisdiction shall be submitted for review to the commute trip reduction task force established under section 15 of this act. The commute trip reduction task force may not deny the granting of a waiver or modification of the requirements of a commute trip reduction plan by a jurisdiction but they may notify the jurisdiction of any comments or objections.

(10) Each county, city, or town implementing a commute trip reduction program shall count commute trips eliminated through work-at-home options or alternate work schedules as one and two-tenths vehicle trips eliminated for the purpose of meeting trip reduction goals.

(11) Plans implemented under this section shall not apply to commute trips for seasonal agricultural employees.

(12) Plans implemented under this section shall not apply to construction worksites when the expected duration of the construction project is less than two years.

NEW SECTION. Sec. 13. REQUIREMENTS FOR EMPLOYERS. (1) Not more than six months after the adoption of the commute trip reduction plan by a jurisdiction, each major employer in that jurisdiction shall develop a commute trip reduction program and shall submit a description of that program to the jurisdiction for review. The program shall be implemented not more than six months after submission to the jurisdiction.

(2) A commute trip reduction program shall consist of, at a minimum (a) designation of a transportation coordinator and the display of the name, location, and telephone number of the coordinator in a prominent manner at each affected worksite; (b) regular distribution of information to employees regarding alternatives to single occupant vehicle commuting; (c) an annual review of employee commuting and reporting of progress toward meeting the single occupant vehicle reduction goals to the county, city, or town consistent with the method established in the commute trip reduction plan; and (d) implementation of a set of measures designed to achieve the applicable commute trip reduction goals adopted by the jurisdiction. Such measures may include but are not limited to:

(i) Provision of preferential parking or reduced parking charges, or both, for high occupancy vehicles;

(ii) Instituting or increasing parking charges for single occupant vehicles;

(iii) Provision of commuter ride matching services to facilitate employee ridesharing for commute trips;

(iv) Provision of subsidies for transit fares;

(v) Provision of vans for van pools;

(vi) Provision of subsidies for car pooling or van pooling;

(vii) Permitting the use of the employer's vehicles for car pooling or van pooling;

(viii) Permitting flexible work schedules to facilitate employees' use of transit, car pools, or van pools;

(ix) Cooperation with transportation providers to provide additional regular or express service to the worksite;

(x) Construction of special loading and unloading facilities for transit, car pool, and van pool users;

(xi) Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;

(xii) Provision of a program of parking incentives such as a rebate for employees who do not use the parking facility;

(xiii) Establishment of a program to permit employees to work part or full time at home or at an alternative worksite closer to their homes;

(xiv) Establishment of a program of alternative work schedules such as compressed work week schedules which reduce commuting; and

(xv) Implementation of other measures designed to facilitate the use of high-occupancy vehicles such as on-site day care facilities and emergency taxi services.

(3) Employers or owners of worksites may form or utilize existing transportation management associations to assist members in developing and implementing commute trip reduction programs.

NEW SECTION. Sec. 14. JURISDICTIONS' REVIEW AND PENALTIES. (1) Each jurisdiction implementing a commute trip reduction plan under this chapter or as part of a plan or ordinance developed under RCW 36.70A.070 shall review each employer's initial commute trip reduction program to determine if the program is likely to meet the applicable commute trip reduction goals. The employer shall be notified

by the jurisdiction of its findings. If the jurisdiction finds that the program is not likely to meet the applicable commute trip reduction goals, the jurisdiction will work with the employer to modify the program as necessary. The jurisdiction shall complete review of each employer's initial commute trip reduction program within three months of receipt.

(2) Each jurisdiction shall annually review each employer's progress toward meeting the applicable commute trip reduction goals. If it appears an employer is not likely to meet the applicable commute trip reduction goals, the jurisdiction shall work with the employer to make modifications to the commute trip reduction program.

(3) If an employer fails to meet the applicable commute trip reduction goals, the jurisdiction shall propose modifications to the program and direct the employer to revise its program within thirty days to incorporate those modifications or modifications which the jurisdiction determines to be equivalent.

(4) Each jurisdiction implementing a commute trip reduction plan pursuant to this chapter may impose civil penalties, in the manner provided in chapter 7.80 RCW, for failure by an employer to implement a commute trip reduction program or to modify its commute trip reduction program as required in subsection (3) of this section. No major employer shall be liable for civil penalties under this chapter if failure to achieve a commute trip reduction program goal was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by the employer and pursued in good faith.

NEW SECTION. Sec. 15. (1) A twenty-three member state commute trip reduction task force shall be established as follows:

(a) The director of the state energy office or the director's designee who shall serve as chair;

(b) The secretary of the department of transportation or the secretary's designee;

(c) The director of the department of ecology or the director's designee;

(d) The director of the department of community development or the director's designee;

(e) The director of the department of general administration or the director's designee;

(f) Three representatives from counties appointed by the governor from a list of at least six recommended by the Washington state association of counties;

(g) Three representatives from cities and towns appointed by the governor from a list of at least six recommended by the association of Washington cities;

(h) Three representatives from transit agencies appointed by the governor from a list of at least six recommended by the Washington state transit association;

(i) Six representatives of major employers in Washington appointed by the governor from a list of at least twelve recommended by the association of Washington business; and

(j) Three citizens appointed by the governor.

Members of the commute trip reduction task force shall serve without compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Members appointed by the governor shall be compensated in accordance with RCW 43.03.220. The task force has all powers necessary to carry out its duties as prescribed by this chapter. The task force shall be dissolved on July 1, 2000.

(2) By March 1, 1992, the commute trip reduction task force shall establish guidelines for commute trip reduction plans. The guidelines are intended to ensure consistency in commute trip reduction plans and goals among jurisdictions while fairly taking into account differences in employment and housing density, employer size, existing and anticipated levels of transit service, special employer circumstances, and other factors the task force determines to be relevant. The guidelines shall include:

(a) Criteria for establishing commute trip reduction zones;

(b) Methods and information requirements for determining base year values of the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee and progress toward meeting commute trip reduction plan goals;

(c) Model commute trip reduction ordinances;

(d) Methods for assuring consistency in the treatment of employers who have worksites subject to the requirements of this chapter in more than one jurisdiction;

(e) An appeals process by which major employers, who as a result of special characteristics of their business or its locations would be unable to meet the requirements of a commute trip reduction plan, may obtain a waiver or modification of those requirements and criteria for determining eligibility for waiver or modification;

(f) Methods to ensure that employers shall receive full credit for the results of transportation demand management efforts and commute trip reduction programs which have been implemented by major employers prior to the base year;

(g) Alternative commute trip reduction goals for major employers which cannot meet the goals of this chapter because of the unique nature of their business; and

(h) Alternative commute trip reduction goals for major employers whose worksites change and who contribute substantially to traffic congestion in a trip reduction zone.

(3) The task force shall review progress toward implementing commute trip reduction plans and programs and the costs and benefits of commute trip reduction plans and programs and shall make recommendations to the legislature by December 1, 1995, and December 1, 1999. In assessing the costs and benefits, the task force shall consider the costs of not having implemented commute trip reduction plans and programs. The task force shall examine other transportation demand management programs nationally and incorporate its findings into its recommendations to the legislature. The recommendations shall address the need for continuation, modification, or termination or any or all requirements of this chapter. The recommendations made December 1, 1995, shall include recommendations regarding extension of the requirements of this chapter to employers with fifty or more full-time employees at a single worksite who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays for more than twelve continuous months.

NEW SECTION. Sec. 16. TECHNICAL ASSISTANCE TEAM. (1) A technical assistance team shall be established under the direction of the state energy office and include representatives of the departments of transportation and ecology. The team shall provide staff support to the commute trip reduction task force in carrying out the requirements of section 15 of this act and to the department of general administration in carrying out the requirements of section 19 of this act.

(2) The team shall provide technical assistance to counties, cities, and towns, the department of general administration, other state agencies, and other employers in developing and implementing commute trip reduction plans and programs. The technical assistance shall include: (a) Guidance in determining base and subsequent year values of single occupant vehicle commuting proportion and commute trip reduction vehicle miles traveled to be used in determining progress in attaining plan goals; (b) developing model plans and programs appropriate to different situations; and (c) providing consistent training and informational materials for the implementation of commute trip reduction programs. Model plans and programs, training and informational materials shall be developed in cooperation with representatives of local governments, transit agencies, and employers.

(3) In carrying out this section the state energy office and department of transportation may contract with state-wide associations representing cities, towns, and counties to assist cities, towns, and counties in implementing commute trip reduction plans and programs.

NEW SECTION. Sec. 17. USE OF FUNDS. A portion of the funds made available for the purposes of this chapter shall be used to fund the commute trip reduction task force in carrying out the responsibilities of section 16 of this act, and

the interagency technical assistance team, including the activities authorized under section 16(2) of this act, and to assist counties, cities, and towns implementing commute trip reduction plans. Funds shall be provided to the counties in proportion to the number of major employers and major worksites in each county. The counties shall provide funds to cities and towns within the county which are implementing commute trip reduction plans in proportion to the number of major employers and major worksites within the city or town.

NEW SECTION. Sec. 18. LEGISLATIVE INTENT--STATE LEADERSHIP. The legislature hereby recognizes the state's crucial leadership role in establishing and implementing effective commute trip reduction programs. Therefore, it is the policy of the state that the department of general administration and other state agencies shall aggressively develop substantive programs to reduce commute trips by state employees. Implementation of these programs will reduce energy consumption, congestion in urban areas, and air and water pollution associated with automobile travel.

NEW SECTION. Sec. 19. GENERAL ADMINISTRATION. (1) The director of general administration, with the concurrence of an interagency task force established for the purposes of this section, shall coordinate a commute trip reduction plan for state agencies which are phase 1 major employers by January 1, 1993. The task force shall include representatives of the state energy office, the departments of transportation and ecology and such other departments as the director of general administration determines to be necessary to be generally representative of state agencies. The state agency plan shall be consistent with the requirements of sections 12 and 13 of this act and shall be developed in consultation with state employees, local and regional governments, local transit agencies, the business community, and other interested groups. The plan shall consider and recommend policies applicable to all state agencies including but not limited to policies regarding parking and parking charges, employee incentives for commuting by other than single-occupant automobiles, flexible and alternative work schedules, alternative worksites, and the use of state-owned vehicles for car and van pools. The plan shall also consider the costs and benefits to state agencies of achieving commute trip reductions and consider mechanisms for funding state agency commute trip reduction programs. The department shall, within thirty days, submit a summary of its plan along with certification of adoption to the commute trip reduction task force established under section 15 of this act.

(2) Not more than three months after the adoption of the commute trip reduction plan, each state agency shall, for each facility which is a major employer, develop a commute trip reduction program. The program shall be designed to meet the goals of the commute trip reduction plan of the county, city, or town or, if there is no local commute trip reduction plan, the state. The program shall be consistent with the policies of the state commute trip reduction plan and section 13 of this act. The agency shall submit a description of that program to the local jurisdiction implementing a commute trip reduction plan or, if there is no local commute trip reduction plan, to the department of general administration. The program shall be implemented not more than three months after submission to the department. Annual reports required in section 13(2)(c) of this act shall be submitted to the local jurisdiction implementing a commute trip reduction plan and to the department of general administration. An agency which is not meeting the applicable commute trip reduction goals shall, to the extent possible, modify its program to comply with the recommendations of the local jurisdiction or the department of general administration.

(3) State agencies sharing a common location may develop and implement a joint commute trip reduction program or may delegate the development and implementation of the commute trip reduction program to the department of general administration.

(4) The department of general administration in consultation with the state technical assistance team shall review the initial commute trip reduction program of each state agency subject to the commute trip reduction plan for state agencies to

determine if the program is likely to meet the applicable commute trip reduction goals and notify the agency of any deficiencies. If it is found that the program is not likely to meet the applicable commute trip reduction goals, the team will work with the agency to modify the program as necessary.

(5) For each agency subject to the state agency commute trip reduction plan, the department of general administration in consultation with the technical assistance team shall annually review progress toward meeting the applicable commute trip reduction goals. If it appears an agency is not meeting or is not likely to meet the applicable commute trip reduction goals, the team shall work with the agency to make modifications to the commute trip reduction program.

(6) The department of general administration shall submit an annual progress report for state agencies subject to the state agency commute trip reduction plan to the commute trip reduction task force established under section 15 of this act. The report shall be due April 1, 1993, and each April 1 through 2000. The report shall report progress in attaining the applicable commute trip reduction goals for each commute trip reduction zone and shall highlight any problems being encountered in achieving the goals. The information shall be reported in a form established by the commute trip reduction task force.

NEW SECTION. Sec. 20. CODIFICATION. Sections 1 through 9 of this act shall constitute a new chapter in Title 47 RCW.

NEW SECTION. Sec. 21. CODIFICATION. Sections 10 through 19 of this act shall constitute a new chapter in Title 81 RCW.

NEW SECTION. Sec. 22. HEADINGS. Section captions and part headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 23. TDM--NULL AND VOID. If funding for the purposes of sections 10 through 19 of this act is not provided by June 30, 1991, sections 10 through 19 and 21 of this act shall be null and void.

NEW SECTION. Sec. 24. EMERGENCY CLAUSE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

NEW SECTION. Sec. 25. SEVERABILITY CLAUSE. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

MOTIONS

On motion of Senator Patterson, the following amendment to the Committee on Transportation striking amendment was adopted:

On page 11, line 11, after "by" strike "July" and insert "October"

Senator Patterson moved that the following amendments to the Committee on Transportation amendment be considered simultaneously be adopted:

On page 13, line 1, after "(5)" strike all material through "ozone." on line 5 and insert:

"A county, city, or town may, as part of its commute trip reduction plan, require commute trip reduction programs for employers with ten or more full time employees at major worksites in federally designated non-attainment areas for carbon monoxide and ozone. The county, city or town shall develop the programs in cooperation with affected employers and provide technical assistance to the employers in implementing such programs."

On page 18, line 12, after "of" strike "major employers" and insert "employers at or owners of major work sites"

On page 19, line 25, after "(3)" insert:

"The task force shall assess the commute trip reduction options available to employers other than major employers and make recommendations to the legislature by October 1, 1992. The recommendations shall include the minimum size of employer who shall be required to implement trip reduction programs and the appropriate methods those employers can use to accomplish trip reduction goals."

Renumber the remaining subsection consecutively.

MOTION

On motion of Senator Newhouse, further consideration of Second Substitute House Bill No. 1671 was deferred.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1211, by House Committee on Judiciary (originally sponsored by Representatives Belcher, Hine, Silver, G. Fisher, Fraser, Winsley, Padden and Phillips)

Revising retirement benefits.

The bill was read the second time.

MOTION

Senator Newhouse moved that the following Committee on Ways and Means amendment be adopted:

On page 2, line 9, after "dissolution," insert "invalidity,"

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means amendment on page 2, line 9, to Engrossed Substitute House Bill No. 1211.

The motion by Senator Newhouse carried and the committee amendment was adopted.

MOTION

Senator Craswell moved that the following amendment by Senators Johnson and Craswell be adopted:

On page 41, after line 22, insert the following:

Sec. 33. RCW 41.32.550 and 1970 ex.s. c 35 s 4 are each amended to read as follows:

Should the ((~~board~~)) director determine from the report of the medical director that a member ((~~in full time service~~)) employed under an annual contract with an employer has become permanently disabled for the performance of his or her duties or at any time while a member is receiving temporary disability benefits that a member's disability will be permanent, a member shall have the option of then receiving (1) all of his or her accumulated contributions in a lump sum payment and canceling his or her membership, or (2) of accepting a retirement allowance based on service or age, if eligible under RCW 41.32.480, or (3) if he or she had five or more years of

Washington membership service credit established with the retirement system, a retirement allowance because of disability: PROVIDED, That any member applying for a retirement allowance who is eligible for benefits on the basis of service or age shall receive a retirement allowance based on the provision of law governing retirement for service or age. If the member qualifies to receive a retirement allowance because of disability he or she shall be paid the maximum annuity which shall be the actuarial equivalent of his or her accumulated contributions at his or her age of retirement and a pension equal to the service pension to which he or she would be entitled under RCW 41.32.497 as now or hereafter amended. If the member dies before he or she has received in annuity payments the present value of his or her accumulated contributions at the time of his or her retirement, the unpaid balance shall be paid to his or her estate or to such persons as he or she shall have nominated by written designation executed and filed with the (~~board of trustees~~) department.

A member retired for disability may be required at any time to submit to reexamination. If medical findings reveal that the individual is no longer disabled for the performance of public school service, the retirement allowance granted because of disability may be terminated by action of the (~~board of trustees~~) director or upon written request of the member. In case of such termination, the individual shall be restored to full membership in the retirement system.

NEW SECTION. Sec. 34. A new section is added to chapter 41.32 RCW to read as follows:

Persons who were under an annual half-time contract with an employer anytime during the period of September 1, 1986, through August 31, 1987, shall be eligible for benefits provided by RCW 41.32.550, as amended by chapter ..., Laws of 1991 (this act), if during that period they were medically determined to be permanently disabled for the performance of their duty.

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Johnson and Craswell on page 41, after line 22, to Engrossed Substitute House Bill No. 1211.

The motion by Senator Craswell carried and the amendment was adopted.

MOTION

Senator Wojahn moved that the following amendment by Senators Rasmussen, Wojahn, Roach, Stratton, Niemi, Skratek, Murray and Rinehart be adopted:

On page 41, after line 22, add a section as follows:

Sec. 33. Section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 1, chapter 418, Laws of 1987 and RCW 41.26.030 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the "Washington law enforcement officers' and fire fighters' retirement system" provided herein.

(2) (a) "Employer" for persons who establish membership in the retirement system on or before September 30, 1977, means the legislative authority of any city, town, county or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild,

association, or organization, which represents the fire fighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or fire fighters as defined in this chapter.

(b) "Employer" for persons who establish membership in the retirement system on or after October 1, 1977, means the legislative authority of any city, town, county, or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter.

(3) "Law enforcement officer" means any person who is serving on a full time, fully compensated basis as a county sheriff or deputy sheriff, including sheriffs or deputy sheriffs serving under a different title pursuant to a county charter, city police officer, or town marshal or deputy marshal, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers;

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended) if such individual has five years previous membership in the retirement system established in chapter 41.20 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply; and

(e) The term "law enforcement officer" also includes any person employed on or after November 1, 1975, and prior to December 1, 1975, as a director of public safety so long as the duties of the director substantially involve only police and/or fire duties and no other duties.

(4) "Fire fighter" means:

(a) any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for fire fighter, or fireman if this title is used by the department, and who is actively employed as such;

(b) anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination;

(c) supervisory fire fighter personnel;

(d) any full time executive secretary of an association of fire protection districts authorized under RCW 52.12.031: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply;

(e) the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply;

(f) any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a

dispatcher was required to have passed a civil service examination for fireman or fire fighter;

(g) any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971 was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW; and

(h) the term "fire fighter" also includes any person employed on or after November [1,] 1975, and prior to December 1, 1975, as a director of public safety so long as the duties of the director substantially involve only police and/or fire duties and no other duties.

(5) "Retirement board" means the Washington public employees' retirement system board established in chapter 41.40 RCW, including two members of the retirement system and two employer representatives as provided for in **RCW 41.26.050. The retirement board shall be called the Washington law enforcement officers' and fire fighters' retirement board and may enter in legal relationships in that name. Any legal relationships entered into in that name prior to the adoption of *this 1972 amendatory act are hereby ratified.

(6) "Surviving spouse" for persons who establish membership in the retirement system on or before September 30, 1977, means the surviving widow or widower of a member(~~(The word shall not include the divorced spouse of a member)~~) or an ex-spouse who has been provided benefits under any court decree of dissolution or legal separation or in any court order or court approved property settlement agreement incident to any court decree of dissolution or legal separation. In order to qualify as a surviving spouse under this subsection: (a) a person shall have been married to the member for at least thirty years, including at least twenty years prior to the member's retirement or separation from service if a vested member; (b) the decree or court order must be currently effective; and (c) the decree or court order must have been entered after the member's retirement and prior to December 31, 1979. If two or more persons are eligible as surviving spouses under this subsection, benefits shall be divided between the surviving spouses based on the percentage of total service credit the member accrued during each marriage. This definition shall apply retroactively.

(7) "Child" or "children" whenever used in this chapter means every natural born child and stepchild where that relationship was in existence prior to the date benefits are payable under this chapter, posthumous child, child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter, and illegitimate child legitimized prior to the date any benefits are payable under this chapter, all while unmarried, and either under the age of eighteen years or mentally or physically handicapped as determined by the retirement board except a handicapped person in the full time care of a state institution. A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(8) "Member" means any fire fighter, law enforcement officer, or other person as would apply under subsections (3) or (4) of this section whose membership is transferred to the Washington law enforcement officers' and fire fighters' retirement system on or after March 1, 1970, and every law enforcement officer and fire fighter who is employed in that capacity on or after such date.

(9) "Retirement fund" means the "Washington law enforcement officers' and fire fighters' retirement system fund" as provided for herein.

(10) "Employee" means any law enforcement officer or fire fighter as defined in subsections (3) and (4) above.

(11) (a) "Beneficiary" for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(12) (a) "Final average salary" for persons who establish membership in the retirement system on or before September 30, 1977, means (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (iv) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(b) "Final average salary" for persons who establish membership in the retirement system on or after October 1, 1977, means the monthly average of the member's basic salary for the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.

(13) (a) "Basic salary" for persons who establish membership in the retirement system on or before September 30, 1977, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(b) "Basic salary" for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That in any year in which a member serves in the legislature the member shall have the option of having such member's basic salary be the greater of:

(i) the basic salary the member would have received had such member not served in the legislature; or

(ii) such member's actual basic salary received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because basic salary under subparagraph (i) of this subsection is greater than basic salary under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(14) (a) "Service" for persons who establish membership in the retirement system on or before September 30, 1977, means all periods of employment for an employer as a fire fighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all months of service rendered by a member from and after the member's initial commencement of

employment as a fire fighter or law enforcement officer, during which the member worked for seventy or more hours, or was on disability leave or disability retirement. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. In addition to the foregoing, for members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall include (i) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under the member's particular prior pension act, and (ii) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act: PROVIDED, That if such member's prior service is not creditable due to the withdrawal of his contributions plus accrued interest thereon from a prior pension system, such member shall be credited with such prior service, as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to that which was withdrawn from the prior system by such member, as a law enforcement officer or fire fighter: PROVIDED FURTHER, That if such member's prior service is not creditable because, although employed in a position covered by a prior pension act, such member had not yet become a member of the pension system governed by such act, such member shall be credited with such prior service as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to the employer's contributions which would have been required under the prior act when such service was rendered if the member had been a member of such system during such period: AND PROVIDED FURTHER, That where a member is employed by two employers at the same time, he shall only be credited with service to one such employer for any month during which he rendered such dual service.

(b) "Service" for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month.

Members of the retirement system who are elected or appointed to a state elective position may elect to continue to be members of this retirement system.

Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

If a member receives basic salary from two or more employers during any calendar month, the individual shall receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

(15) "Accumulated contributions" means the employee's contributions made by a member plus accrued interest credited thereon.

(16) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay the member's future benefits during the period of retirement.

(17) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(18) "Disability board" means either the county disability board or the city disability board established in RCW 41.26.110 for persons who establish membership in the retirement system on or before September 30, 1977.

(19) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to the member's full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(20) "Disability retirement" for persons who establish membership in the retirement system on or before September 30, 1977, means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(21) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(22) "Medical services" for persons who establish membership in the retirement system on or before September 30, 1977, shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses", provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopath licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic x-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes, and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when he is injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

(23) "Regular interest" means such rate as the director may determine.

(24) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or

other benefit provided by this chapter resulting from service rendered to an employer by such member.

(25) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(26) "Director" means the director of the department.

(27) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(28) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

Renumber the remaining sections accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen, Wojahn, Roach, Stratton, Niemi, Skratek, Murray and Rinehart on page 41, after line 22, to Engrossed Substitute House Bill No. 1211.

The motion by Senator Wojahn carried and the amendment was adopted.

MOTIONS

On motion of Senator McDonald, the following amendment was adopted: On page 42, beginning on line 1, strike the remainder of the bill

On motion of Senator McDonald, the following title amendments were considered simultaneously and were adopted:

On page 1, line 6 of the title, after "41.26.510," add "41.26.030,"

On page 1, line 6 of the title, after "43.43.280; strike the remainder of the title and insert "and adding new sections to chapter 41.50 RCW."

On page 1, line 6 of the title, strike "and 43.43.280" and insert "43.43.280, and 41.32.550"

On page 1, line 6 of the title, after "41.50 RCW;" insert "adding a new section to chapter 41.32 RCW;"

MOTION

On motion of Senator McDonald, the rules were suspended, Engrossed Substitute House Bill No. 1211, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1211, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1211, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson,

Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Rasmussen, Sellar - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1211, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

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

SENATE RESOLUTION 1991-8649

By Senators Saling, Vognild, Thorsness, Gaspard and von Reichbauer

WHEREAS, The Washington State Legislature, in 1981, established the Washington Scholars Program to recognize selected senior students from Washington public and private high schools for their academic achievements, leadership abilities, and community service contributions; and

WHEREAS, Three senior students are selected from each of the state's forty-nine legislative districts by a review committee composed of distinguished secondary and postsecondary educators; and

WHEREAS, The students selected for special recognition as Washington Scholars have distinguished themselves by their energy and diversity as student leaders; as participants in music, debate, sports, and other programs; and through valuable service to their communities; and

WHEREAS, The families of the students have nurtured and supported the interests and talents of their children; and

WHEREAS, These selected students must maintain a 3.3 grade point average at Washington's public colleges and universities in order to receive tuition and fee waivers and at private institutions in order to receive grants; and

WHEREAS, The state of Washington benefits from the accomplishments of these caring and gifted individuals, not only as students but, as citizens of our communities and our state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate commends the families of these students for their encouragement and support; and

BE IT FURTHER RESOLVED, That the Washington Scholars be recognized and congratulated for their hard work, dedication, and maturity in achieving this noteworthy accomplishment; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to all of the Washington scholars from each of the forty-nine legislative districts.

Senator Saling spoke to Senate Resolution 1991-8649.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the Washington Scholars students and their parents who were seated in the gallery.

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2100, by House Committee on Health Care (originally sponsored by Representatives Braddock, Locke, Wineberry and Wang)

Exempting nursing homes for underserved ethnic minorities from certificate of need requirements.

The bill was read the second time.

MOTIONS

On motion of Senator West, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 70.38 RCW to read as follows:

(1) The legislature recognizes that in this state ethnic minorities currently use nursing home care at a lower rate than the general population. The legislature also recognizes and supports the federal mandate that nursing homes receiving federal funds provide residents with a homelike environment. The legislature finds that certain ethnic minorities have special cultural, language, dietary, and other needs not generally met by existing nursing homes which are intended to serve the general population. Accordingly, the legislature further finds that there is a need to foster the development of nursing homes designed to serve the special cultural, language, dietary, and other needs of ethnic minorities.

(2) The department shall establish a separate pool of no more than two hundred fifty beds for nursing homes designed to serve the special needs of ethnic minorities. The pool shall be made up of nursing home beds that become available on or after March 15, 1991, due to:

(a) Loss of license or reduction in licensed bed capacity if the beds are not otherwise obligated for replacement; or

(b) Expiration of a certificate of need.

(3) The department shall develop procedures for the fair and efficient award of beds from the special pool. In making its decisions regarding the award of beds from the pool, the department shall consider at least the following:

(a) The relative degree to which the long-term care needs of an ethnic minority are not otherwise being met;

(b) The percentage of low-income persons who would be served by the proposed nursing home;

(c) The financial feasibility of the proposed nursing home; and

(d) The impact of the proposal on the area's total need for nursing home beds.

(4) To be eligible to apply for or receive an award of beds from the special pool, an application must be to build a new nursing home, or add beds to a nursing home, that:

(a) Will be owned and operated by a nonprofit corporation, and at least fifty percent of the board of directors of the corporation are members of the ethnic minority the nursing home is intended to serve;

(b) Will be designed, managed, and administered to serve the special cultural, language, dietary, and other needs of an ethnic minority; and

(c) Will not discriminate in admissions against persons who are not members of the ethnic minority whose special needs the nursing home is designed to serve.

(5) If a nursing home or portion of a nursing home that is built as a result of an award from the special pool is sold or leased within ten years to a party not eligible under subsection (4) of this section:

(a) The purchaser or lessee may not operate those beds as nursing home beds without first obtaining a certificate of need for new beds under this chapter; and

(b) The beds that had been awarded from the special pool shall be returned to the special pool.

(6) The department shall initially award up to one hundred beds before that number of beds are actually in the special pool, provided that the number of beds so awarded are subtracted from the total of two hundred fifty beds that can be awarded from the special pool.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "minorities;" strike the remainder of the title and insert "adding a new section to chapter 70.38 RCW; creating a new section; and declaring an emergency."

MOTION

On motion of Senator West, the rules were suspended, Engrossed Substitute House Bill No. 2100, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2100, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2100, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse,

Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senators Barr, Matson, Vognild - 3.

Excused: Senators Rasmussen, Sellar - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2100, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:30 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:50 a.m. by President Pritchard.

MOTION

At 11:50 a.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:00 p.m. by President Pritchard.

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

MESSAGE FROM THE HOUSE

April 18, 1991

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5015,

SENATE BILL NO. 5023,

SUBSTITUTE SENATE BILL NO. 5027,

SENATE BILL NO. 5053,

SECOND SUBSTITUTE SENATE BILL NO. 5127,

SENATE BILL NO. 5290,

SUBSTITUTE SENATE BILL NO. 5359,

ENGROSSED SENATE BILL NO. 5476, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5015,

SENATE BILL NO. 5023,

SUBSTITUTE SENATE BILL NO. 5027,

SENATE BILL NO. 5053,
 SECOND SUBSTITUTE SENATE BILL NO. 5127,
 SENATE BILL NO. 5290,
 SUBSTITUTE SENATE BILL NO. 5359,
 ENGROSSED SENATE BILL NO. 5476.

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

SECOND READING

HOUSE BILL NO. 2198, by Representatives Dellwo, H. Sommers, Locke, Silver, Jacobsen, O'Brien, Orr, Moyer, Day, Ebersole, D. Sommers, Wang, Mielke, Wood, Rust, Anderson, Dorn, Morris, Phillips, Hine, Kremen, Riley, Rasmussen, Spanel, Braddock, Sprengle, Inslee, Winsley, Sheldon, Bray, Leonard, Ogden, Franklin, R. Johnson, R. Fisher, Fraser, Valle, H. Myers, Paris, Peery, R. Meyers, Jones, Zellinsky, Van Luven, Rayburn, Pruitt, R. King, Ferguson, G. Fisher, Padden, Basich, Ludwig, Haugen, Cole, Cantwell, Cooper, Nelson, Hochstatter, Chandler, Forner, P. Johnson, Casada, Brumsickle, Vance, McLean, Mitchell, Tate, Horn, Lisk, Wynne, Beck, Fuhrman, Ballard and Morton

Making changes to the joint center for higher education.

The bill was read the second time.

MOTION

On motion of Senator Saling, the rules were suspended, House Bill No. 2198 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2198.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2198 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 2; Absent, 6; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Patterson, Pelz, Rinehart, Saling, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, Wognild, von Reichbauer, West, Williams - 39.

Voting nay: Senators Niemi, Wojahn - 2.

Absent: Senators Erwin, Matson, Moore, Owen, Roach, Stratton - 6.

Excused: Senators Rasmussen, Sellar - 2.

HOUSE BILL NO. 2198, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Murray, Senators Owen and Moore were excused.
On motion of Senator Anderson, Senator Erwin was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1780, by House Committee on Human Services (originally sponsored by Representatives Morris, Padden, Appelwick, Riley, H. Myers, Leonard, Belcher, Phillips, Silver, Holland, Paris, R. Johnson, May, Kremen, Rayburn, Cantwell, Broback, D. Sommers, Vance, Ebersole, Inslee, Morton, Cooper, Winsley, Wynne, Hochstatter, Moyer, Rasmussen, Basich, Van Luven, Neher, P. Johnson, Forner, Casada, Roland, Tate, Brumsickle, Orr and Haugen)

Authorizing work crews for criminal offenders.

The bill was read the second time.

MOTION

Senator Nelson moved that the following Committee on Law and Justice amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 9.94A.030 and 1990 c 3 s 602 are each amended to read as follows"

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early

release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(12)(a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" shall always include juvenile convictions for sex offenses and shall also include a defendant's other prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(13) "Department" means the department of corrections.

(14) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(15) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include

payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(16) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(17) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to comply with any limitations on the inmate's movements while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(18) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(19) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(20)(a) "First-time offender" means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction except for adjudications of sex offenses.

(21) "Nonviolent offense" means an offense which is not a violent offense.

(22) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(23) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in ~~((the residence of either the defendant or a member of the defendant's immediate family))~~ an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release ~~((and)),~~ home detention, work crew, and a combination of work crew and home detention as defined in this section.

(24) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(25) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(26) "Serious traffic offense" means:

(a) Driving while intoxicated (RCW 46.61.502), actual physical control while intoxicated (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(27) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(28) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(29) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) A felony with a finding of sexual motivation under RCW 9.94A.127; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(30) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(31) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(32) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(33) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(34) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with section 2 of this act. The civic improvement tasks shall be performed on public property or on private property owned or operated by nonprofit entities, except that, for emergency purposes only, work crews may perform snow removal on any private property. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385.

(35) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

((35)) (36) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, any drug offense, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, unlawful imprisonment as defined in RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention may be imposed for offenders convicted of possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403) if the offender fulfills the participation conditions set forth in this subsection and is monitored for drug use by treatment alternatives to street crime (TASC) or a comparable court or agency-referred program. Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender: (a) Successfully completing twenty-one days in a work release program, (b) having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary, (c) having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense, (d) having no prior charges of escape, and (e) fulfilling the other conditions of the home detention program.

Participation in a home detention program shall be conditioned upon: ((a)) (i) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender, ((b)) (ii) abiding by the rules of the home detention program, and ((c)) (iii) compliance with court-ordered legal financial obligations. The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.

NEW SECTION. Sec. 2. A new section is added to chapter 9.94A RCW to read as follows:

Participation in a work crew is conditioned upon the offender's acceptance into the program, abstinence from alcohol and controlled substances as demonstrated by urinalysis and breathalyzer monitoring, with the cost of monitoring to be paid by the offender, unless indigent; and upon compliance with the rules of the program, which

rules shall include the requirements that the offender work to the best of his or her abilities and that he or she provide the program with accurate, verified residence information. Work crew may be imposed simultaneously with electronic home detention.

Where work crew is imposed as part of a sentence of nine months or more, the offender must serve a minimum of thirty days of total confinement before being eligible for work crew.

An offender who has successfully completed four weeks of work crew at thirty-five hours per week shall thereafter receive credit toward the work crew sentence for hours worked at approved, verified employment. Such employment credit may be earned for up to twenty-four hours actual employment per week provided, however, that every such offender shall continue active participation in work crews projects according to a schedule approved by a work crew supervisor until the work crew sentence has been served.

The hours served as part of a work crew sentence may include substance abuse counseling and/or job skills training.

The civic improvement tasks performed by offenders on work crew shall be unskilled labor for the benefit of the community as determined by the head of the county executive branch or his or her designee. Civic improvement tasks shall not be done on private property unless it is owned or operated by a nonprofit entity, except that, for emergency purposes only, work crews may perform snow removal on any private property. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. In case any dispute arises as to a civic improvement task having more than minimum negative impact on existing private industries or labor force in the county where their service or labor is performed, the matter shall be referred by an interested party, as defined in RCW 39.12.010(4), for arbitration to the director of the department of labor and industries of the state.

Whenever an offender receives credit against a work crew sentence for hours of approved, verified employment, the offender shall pay to the department administering the program the monthly assessment of an amount not less than ten dollars per month nor more than fifty dollars per month. This assessment shall be considered payment of the costs of providing the work crew program to an offender. The court may exempt a person from the payment of all or any part of the assessment based upon any of the following factors:

(1) The offender has diligently attempted but has been unable to obtain employment that provided the offender sufficient income to make such payment.

(2) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(3) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the court.

(4) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship.

(5) Other extenuating circumstances as determined by the court. RCW 9.94A.120 and 1990 c 3 s 705 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum five-year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (a) Devote time to a specific employment or occupation;
- (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
- (c) Pursue a prescribed, secular course of study or vocational training;
- (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (e) Report as directed to the court and a community corrections officer; or
- (f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (A) Frequency and type of contact between offender and therapist;

(B) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;

(D) Anticipated length of treatment; and

(E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sexual offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eight years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community supervision for the length of the suspended sentence or three years, whichever is greater; and

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

(I) Devote time to a specific employment or occupation;

(II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(III) Report as directed to the court and a community corrections officer;

(IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or

(V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the

advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community supervision, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community supervision.

(v) The court may revoke the suspended sentence at any time during the period of community supervision and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(vi) After July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

For purposes of this subsection, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(b) When an offender is convicted of any felony sex offense committed before July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of social and health services for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment program at the location determined by the secretary of social and health services or the secretary's designee, only if the report indicates that the offender is amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.

If the offender does not comply with the conditions of the treatment program, the secretary of social and health services may refer the matter to the sentencing court. The sentencing court shall commit the offender to the department of corrections to serve the balance of the term of confinement.

If the offender successfully completes the treatment program before the expiration of the term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of community supervision, the court may order the offender to serve out the balance of the community supervision term in confinement in the custody of the department of corrections.

After June 30, 1993, this subsection (b) shall cease to have effect.

(c) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(iii) Report as directed to the court and a community corrections officer;

(iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

Nothing in (c) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (c) does not apply to any crime committed after July 1, 1990.

(d) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(8)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or serious violent offense committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with

RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

(i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(ii) The offender shall work at department of corrections-approved education, employment, and/or community service;

(iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;

(iv) An offender in community custody shall not unlawfully possess controlled substances; and

(v) The offender shall pay supervision fees as determined by the department of corrections.

(c) The court may also order any of the following special conditions:

(i) The offender shall remain within, or outside of, a specified geographical boundary;

(ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(iii) The offender shall participate in crime-related treatment or counseling services;

(iv) The offender shall not consume alcohol;

(v) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or

(vi) The offender shall comply with any crime-related prohibitions.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(9) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(10) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

(11) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(12) All offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligation shall be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow explicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(13) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(14) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

(15) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(16) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

(17) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release ~~(or)~~, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(18) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

Sec. 3. RCW 9.94A.180 and 1988 c 154 s 4 are each amended to read as follows:

(1) An offender sentenced to a term of partial confinement shall be confined in the facility for at least eight hours per day or, if serving a work crew sentence shall comply with the conditions of that sentence as set forth in RCW 9.94A.030(23) and section 2 of this act. The offender shall be required as a condition of partial confinement to report to the facility at designated times. An offender may be required to comply with crime-related prohibitions during the period of partial confinement.

(2) An offender in a county jail ordered to serve all or part of a term of less than one year in work release, work crew, or a program of home detention who violates the rules of the work release facility, work crew, or program of home detention or fails to remain employed or enrolled in school may be transferred to the appropriate county detention facility without further court order but shall, upon request, be notified of the right to request an administrative hearing on the issue of whether or not the offender failed to comply with the order and relevant conditions. Pending such hearing, or in the absence of a request for the hearing, the offender shall serve the remainder of the term of confinement as total confinement. This subsection shall not affect transfer or

placement of offenders committed to the state department of corrections. RCW 9.94A.190 and 1988 c 154 s 5 are each amended to read as follows:

(1) A sentence that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state. Except as provided for in subsection (3) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county, or if home detention or work crew has been ordered by the court, in the residence of either the defendant or a member of the defendant's immediate family.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use of the facility as provided for in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of funds provided by the legislature to the department of corrections for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial management shall reestablish reimbursement rates each even-numbered year.

(3) A person who is sentenced for a felony to a term of not more than one year, and who is committed or returned to incarceration in a state facility on another felony conviction, either under the indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter shall serve all terms of confinement, including a sentence of not more than one year, in a facility or institution operated, or utilized under contract, by the state, consistent with the provisions of RCW 9.94A.400, RCW 9A.76.010 and 1979 c 155 s 35 are each amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Custody" means restraint pursuant to a lawful arrest or an order of a court, or any period of service on a work crew: PROVIDED, That custody pursuant to chapter 13.34 RCW and RCW 74.13.020 and 74.13.031 and chapter 13.32A RCW shall not be deemed custody for purposes of this chapter;

(2) "Detention facility" means any place used for the confinement of a person (a) arrested for, charged with or convicted of an offense, or (b) charged with being or adjudicated to be a juvenile offender as defined in RCW 13.40.020 as now existing or hereafter amended, or (c) held for extradition or as a material witness, or (d) otherwise confined pursuant to an order of a court, except an order under chapter 13.34 RCW or chapter 13.32A RCW, or (e) in any work release, furlough, or other such facility or program;

(3) "Contraband" means any article or thing which a person confined in a detention facility is prohibited from obtaining or possessing by statute, rule, regulation, or order of a court.

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Law and Justice striking amendment to Engrossed Substitute House Bill No. 1780.

The motion by Senator Nelson carried and the committee amendment was adopted.

MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 9.94A.030, 9.94A.120, 9.94A.180, 9.94A.190, and 9A.76.010; and adding a new section to chapter 9.94A RCW."

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 1780, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1780, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1780, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 43.

Absent: Senator Vognild - 1.

Excused: Senators Erwin, Moore, Owen, Rasmussen, Sellar - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1780, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1649, by House Committee on Environmental Affairs (originally sponsored by Representative Rust) (by request of Department of Ecology and Office of Financial Management)

Updating municipality water discharge fees.

The bill was read the second time.

POINT OF ORDER

Senator Talmadge: "Mr. President, a point of order. I rise to a point of order that House Bill No. 1649 is not properly before the Senate in light of the cutoff resolution. I believe the bill actually emerged from the Committee on Environment and Natural Resources on the seventeenth of April, which is

long after the date that is authorized by the cutoff resolution for consideration of bills in the Senate. I would ask the President to so rule."

There being no objection, the President deferred further consideration of Substitute House Bill No. 1649.

There being no objection, the Senate resumed consideration of Second Substitute House Bill No. 1671 and the pending amendments by Senator Patterson on page 13, line 1; page 18, line 12; and page 19, line 25; to the Committee on Transportation striking amendment, deferred earlier today.

The President declared the question before the Senate to be the adoption of the amendments by Senator Patterson on page 13, line 1; page 18, line 12; and page 19, line 25; to the Committee on Transportation striking amendment to Second Substitute House Bill No. 1671.

Debate ensued.

The motion by Senator Patterson carried and the amendments to the committee amendment were adopted.

The President declared the question before the Senate to be the adoption of the Committee on Transportation striking amendment, as amended, to Second Substitute House Bill No. 1671.

The Committee on Transportation striking amendment, as amended, to Second Substitute House Bill No. 1671 was adopted.

MOTIONS

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 1 of the title, after "strategies;" strike the remainder of the title and insert "adding a new chapter to Title 47 RCW; adding a new chapter to Title 81 RCW; creating new sections; prescribing penalties; providing an effective date; and declaring an emergency."

On motion of Senator Patterson, the rules were suspended, Second Substitute House Bill No. 1671, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1671, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1671, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson,

Newhouse, Niemi, Oke, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senator Stratton - 1.

Excused: Senators Owen, Rasmussen, Sellar - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 1671, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1275 and the pending amendment beginning on page 32, after line 13, to the Committee on Governmental Operations striking amendment, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Murray to the scope and object of the amendment by Senators Nelson and Vognild to the Committee on Governmental Operations striking amendment, the President finds that Substitute House Bill No. 1275 is a broad measure dealing with local government. The bill addresses many subjects: Elections, Open Public Meetings, Public Records Exceptions, Changes in Civil Service Laws, Employee Salaries and Disposal of Public Property.

"In addition, amendments previously adopted by the Senate have further expanded the bill by: Changing the law on formation of public hospital districts; amending procedures relative to certain tax levies authorized by voter approval; allowing counties greater flexibility in awarding competitive bids for the procurement of road maintenance materials; and changing the law on incorporation elections.

"The bill, and the amendments, address local government and have the effect of increasing authority and flexibility of local governments in the administration of their respective jurisdictions.

"The amendment by Senators Nelson and Vognild to the Committee on Governmental Operations amendment would regulate adult entertainment businesses and make local governments partners with the state in this effort. The amendment would, among other things: Grant local authority to exclude these businesses through zoning; allow, under certain circumstances, towns, cities and counties to establish buffer zones; permit a city, town or county to register, license or tax these businesses; allow a local government agency to file written complaints with the state; allow county prosecuting attorneys to seek injunctive relief on the issue of business licensing; grant immunity to local governments who enforce or administer this new chapter and allow a city, town, or county to request state legal assistance if forced to defend the new law's constitutionality.

"The President believes that the amendment, while introducing yet another subject to the bill, establishes the rights and responsibilities of local government in regulating and enforcing laws on certain businesses which are, or seek to be, located within their jurisdictions.

"The President, therefore, finds the proposed amendment, to the committee amendment, does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senators Nelson and Vognild beginning on page 32, after line 13, to the Committee on Governmental Operations striking amendment to Substitute House Bill No. 1275 was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment by Senators Nelson and Vognild beginning on page 32, after line 13, to the Committee on Governmental Operations striking amendment to Substitute House Bill No. 1275.

The motion by Senator Nelson carried and the amendment to the committee amendment was adopted.

There being no objection, the President deferred further consideration of Substitute House Bill No. 1275.

Vice President Pro Tempore Bluechel assumed the Chair.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1608 and the pending amendment by Senator Talmadge on page 5, after line 17, to the Committee on Children and Family Services striking amendment, deferred April 16, 1991.

RULING BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Bluechel: "In ruling on the point of order raised by Senator Craswell, the President finds that Engrossed Substitute House Bill No. 1608 is a broad measure which relates to several residential and treatment services provided by the Department of Social and Health Services for children and youth. Services include therapeutic family homes, crisis residential centers, drug and street gang activity and foster and groups care.

"The amendment by Senator Talmadge to the Committee on Children and Family Services amendment would direct the Department of Social and Health Services to establish a complaint resolution process related to foster and relative care.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senator Talmadge on page 5, after line 17, to the Committee on Children and Family Services striking amendment was ruled in order.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 5, after line 17, to the Committee on Children and Family Services striking amendment to Engrossed Substitute House Bill No. 1608.

Debate ensued.

The amendment by Senator Talmadge to the Committee on Children and Family Services striking amendment was adopted.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Children and Family Services striking amendment, as amended, to Engrossed Substitute House Bill No. 1608.

The Committee on Children and Family Services striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Roach, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 13.34.030; adding a new section to chapter 74.13 RCW; adding a new section to chapter 13.40 RCW; adding new sections to chapter 13.34 RCW; and creating new sections."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 13.34.030; 74.13.032, 74.13.035, 74.13.300, and 13.34.110, adding a new section to chapter 13.40 RCW; adding new sections to chapter 74.13 RCW; adding new section to chapter 13.34 RCW; creating new sections; and declaring an emergency."

On motion of Senator Roach, the rules were suspended, Engrossed Substitute House Bill No. 1608 as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1608, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1608, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senators Erwin, Pelz - 2.

Excused: Senators Owen, Rasmussen, Sellar - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1608, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1704, deferred on second reading earlier today after the Committee on Transportation striking amendment was ruled out of order.

MOTIONS

On motion of Senator Hansen, the following amendment was adopted:

On page 8, line 14, after "another state" strike "or province." and insert "of the United States or province of a foreign country."

Senator Nelson moved that the following amendment by Senators Nelson and Hansen be adopted:

On page 24, after line 8, insert the following: RCW 46.80.030 and 1990 c 250 s 72 are each amended to read as follows:

Application for a motor vehicle wrecker's license or renewal of a vehicle wrecker's license shall be made on a form for this purpose, furnished by the department of licensing, and shall be signed by the motor vehicle wrecker or his authorized agent and shall include the following information:

(1) Name and address of the person, firm, partnership, association or corporation under which name the business is to be conducted;

(2) Names and residence address of all persons having an interest in the business or, if the owner is a corporation, the names and addresses of the officers thereof;

(3) Certificate of approval of ~~((the chief of police of any city or town having a population of over five thousand persons and in all other instances))~~ a member of the Washington state patrol certifying that:

(a) The applicant has an established place of business at the address shown on the application, and;

(b) In the case of a renewal of a vehicle wrecker's license, the applicant is in compliance with this chapter and the provisions of Title 46 RCW, relating to registration and certificates of title: PROVIDED, That the above certifications in any instance can be made by an authorized representative of the department of licensing;

(4) Any other information that the department may require.

Sec. 16. RCW 46.80.040 and 1971 ex.s. c 7 s 3 are each amended to read as follows:

Such application, together with a fee of ~~((twenty five dollars, and a surety bond as herein after provided))~~ one hundred dollars and a surety bond as provided in RCW 46.80.070, shall be forwarded to the department. Upon receipt of the application the department shall, if the application be in order, issue a motor vehicle wrecker's license authorizing him to do business as such and forward the fee, together with an itemized and detailed report, to the state treasurer, to be deposited in the motor vehicle fund. Upon receiving the certificate the owner shall cause it to be prominently displayed in his place of business, where it may be inspected by an investigating officer at any time.

Sec. 17. RCW 46.80.050 and 1985 c 109 s 7 are each amended to read as follows:

A license issued on this application shall remain in force until suspended or revoked and may be renewed annually ~~((upon reapplication according to RCW 46.80.030))~~ before its expiration by filing with the department an application containing the information the department may require and ((upon payment of)) paying a fee of ~~((ten))~~ one hundred dollars. Any motor vehicle wrecker who fails or neglects to renew

~~((his))~~ the license before the assigned expiration date shall be required to pay the fee for an original motor vehicle wrecker license as provided in this chapter.

Whenever a motor vehicle wrecker ceases to do business as such or ~~((his))~~ the license has been suspended or revoked, he or she shall immediately surrender such license to the department.

Sec. 18. RCW 46.80.080 and 1977 ex.s. c 253 s 6 are each amended to read as follows:

(1) Every motor vehicle wrecker shall maintain books or files in which he or she shall keep a record and a description of:

(a) Every vehicle wrecked, dismantled, disassembled, or substantially altered by him or her; and

(b) Every major component part acquired by him or her; together with a bill of sale signed by a seller whose identity has been verified and the name and address of the person, firm, or corporation from whom he or she purchased the vehicle or part(~~(= PROVIDED, That))~~. Major component parts shall be further identified by the vehicle identification number of the vehicle from which the part came.

(2) ~~((Such))~~ The record shall also contain the following data regarding the wrecked or acquired vehicle or vehicle which is the source of a major component part:

(a) The certificate of title number (if previously titled in this or any other state);

(b) Name of state where last registered;

(c) Number of the last license number plate issued;

(d) Name of vehicle;

(e) Motor or identification number and serial number of the vehicle;

(f) Date purchased;

(g) Disposition of the motor and chassis;

(h) Yard number assigned by the licensee to the vehicle or major component part which shall also appear on the identified vehicle or part; and

(i) ~~((Such))~~ Other information as the department may require.

(3) ~~((Such))~~ These records shall also contain a bill of sale signed by the seller for other minor component parts acquired by the licensee, identifying the seller by name, address, and date of sale.

(4) ~~((Such))~~ These records shall be maintained by the licensee at ~~((his))~~ the established place of business for a period of three years from the date of acquisition.

(5) ~~((Such))~~ These records shall be subject to inspection at all times during regular business hours by members of the police department, sheriff's office, members of the Washington state patrol, or officers or employees of the department. For inspection purposes, business hours are between 10:00 a.m. and 4:00 p.m. on weekdays, excluding legal holidays. When not open for business during this period, business operators shall post their hours in a plainly visible location at the established place of business.

(6) A motor vehicle wrecker shall also maintain a similar record of all disabled vehicles that have been towed or transported to the motor vehicle wrecker's place of business or to other places designated by the owner of the vehicle or his or her representative. This record shall specify the name and description of the vehicle, name of owner, number of license plate, condition of the vehicle and place to which it was towed or transported.

Sec. 19. RCW 46.80.090 and 1979 c 158 s 194 are each amended to read as follows:

Within thirty days after a vehicle has been acquired by the motor vehicle wrecker it shall be the duty of such motor vehicle wrecker to furnish a written report to the department on forms ~~((furnished))~~ prescribed by the department. This report shall be in such form as the department shall prescribe and shall be accompanied by the certificate of title, if the vehicle has been last registered in a state which issues a certificate, or a record of registration if registered in a state which does not issue a

certificate of title, or other ownership documents as provided by rule. No motor vehicle wrecker (~~(shall acquire)~~) may dismantle a vehicle without first obtaining such record or title. (~~(It shall be the duty of)~~) The motor vehicle wrecker ((to) shall furnish a monthly report of all vehicles wrecked, dismantled, disassembled, or substantially changed in form by (~~him~~) the wrecker. This report shall be made on forms prescribed by the department and contain such information as the department may require. This statement shall be signed by the motor vehicle wrecker or his or her authorized representative (~~(and the facts therein sworn to before a notary public, or before an officer or employee of the department of licensing designated by the director to administer oaths or acknowledge signatures, pursuant to RCW 46.01.180)).~~

Sec. 20. RCW 46.80.100 and 1977 ex.s. c 253 s 8 are each amended to read as follows:

If, after issuing a motor vehicle wrecker's license, the bond is canceled by the surety in a method provided by law, the department shall immediately notify the principal covered by (~~such~~) the bond by registered mail and afford (~~him~~) the principal the opportunity of obtaining another bond before the termination of the original (~~(and should such)~~). If the principal fails, neglects, or refuses to obtain (~~such~~) a replacement bond or to maintain the required penalty value of the bond, the (~~director may cancel or suspend the~~) motor vehicle wrecker's license (~~(which has been issued to him under the provisions of this chapter)~~) will be automatically canceled. RCW 46.80.110 and 1989 c 337 s 17 are each amended to read as follows":

The director or a designee may, pursuant to the provisions of chapter 34.05 RCW, by order deny, suspend, or revoke the license of any motor vehicle wrecker, or assess a civil fine of up to five hundred dollars for each violation, if the director finds that the applicant or licensee has:

(1) (~~(Acquired)~~) Dismantled or sold a vehicle or major component part other than by first obtaining title or other documentation as provided by this chapter;

(2) Willfully misrepresented the physical condition of any motor or integral part of a motor vehicle;

(3) Sold, had in his possession, or disposed of a motor vehicle or trailer or any part thereof when he knows that such vehicle or part has been stolen, or appropriated without the consent of the owner;

(4) Sold, bought, received, concealed, had in his possession, or disposed of a motor vehicle or trailer or part thereof having a missing, defaced, altered, or covered manufacturer's identification number, unless approved by a law enforcement officer;

(5) Committed forgery or misstated a material fact on any title, registration, or other document covering a vehicle that has been reassembled from parts obtained from the disassembling of other vehicles;

(6) Committed any dishonest act or omission which the director has reason to believe has caused loss or serious inconvenience as a result of a sale of a motor vehicle, trailer, or part thereof;

(7) Failed to comply with any of the provisions of this chapter or with any of the rules adopted under it, or with any of the provisions of Title 46 RCW relating to registration and certificates of title of vehicles;

(8) Procured a license fraudulently or dishonestly or that such license was erroneously issued;

(9) Been convicted of a crime that directly relates to the business of a vehicle wrecker and the time elapsed since conviction is less than ten years, or suffered any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purposes of this section, conviction means in addition to a final conviction in either a federal, state, or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the sentence is deferred or the penalty is suspended.

Sec. 21. RCW 46.80.130 and 1971 ex.s. c 7 s 9 are each amended to read as follows:

It (~~(shall be)~~) is unlawful for any motor vehicle wrecker to keep any motor vehicle or any integral part thereof in any place other than the established place of business, designated in the certificate issued by the department, without permission of the department. All premises containing such motor vehicles or parts thereof shall be enclosed by a wall or fence of such height as to obscure the nature of the business carried on therein. To the extent reasonably necessary or permitted by the topography of the land, the department shall have the right to establish specifications or standards for ~~((said))~~ the fence or wall (~~(:—PROVIDED, HOWEVER, That such))~~. The wall or fence shall be painted or stained a neutral shade which shall blend in with the surrounding premises, and ~~((that such))~~ the wall or fence must be kept in good repair. A living hedge of sufficient density to ~~((prevent a view of the confined area))~~ meet the standards of RCW 47.41.030 may be substituted for ~~((such a))~~ the wall or fence. Any dead or dying portion of ~~((such))~~ the hedge shall be replaced.

Sec. 22. RCW 46.80.140 and 1967 c 32 s 104 are each amended to read as follows:

The director (~~(is hereby authorized to promulgate))~~ and the chief of the Washington state patrol may jointly adopt reasonable rules (~~(and regulations))~~ not in conflict with provisions (~~(hereof))~~ of this chapter for the proper operation and enforcement of this chapter.

Sec. 23. RCW 46.80.150 and 1983 c 142 s 9 are each amended to read as follows:

~~((It shall be the duty of the chiefs of police, or the Washington state patrol, in cities having a population of over five thousand persons, and in all other cases))~~ The Washington state patrol (~~(-to))~~ shall make periodic inspection of ~~((the))~~ a motor vehicle wrecker's licensed premises and records provided for in this chapter during normal business hours, and furnish a certificate of inspection to the department in such manner as may be determined by the department (~~(:—PROVIDED, That the above))~~. The inspection in any instance ~~((and))~~ may also be made by an authorized representative of the department.

Sec. 24. RCW 46.80.170 and 1977 ex.s. c 253 s 11 are each amended to read as follows:

~~((It shall be a gross misdemeanor for any person to violate any of the provisions))~~ A violation of this chapter or the rules ~~((and regulations promulgated as provided under this chapter))~~ adopted under it is a traffic infraction. A second or subsequent violation of this chapter or rules adopted under it by the same person, at the same location, and within two years of the previous violation is a gross misdemeanor, and any person so convicted shall be punished by imprisonment for not less than thirty days or more than one year in jail or by a fine of one thousand dollars.

NEW SECTION. **Sec. 25.** A new section is added to chapter 46.80 RCW to read as follows:

Whenever it appears to the director that a person has engaged in or is about to engage in an act or practice constituting a violation of this chapter or a rule adopted under it, the director may issue an order directing the person to cease and desist from continuing the act or practice. The director shall give reasonable notice of and opportunity for a hearing. The director may issue a temporary order pending a hearing. The temporary order remains in effect until ten days after the hearing is held and becomes final if the person to whom the notice is addressed does not request a hearing within fifteen days after the receipt of the notice.

NEW SECTION. **Sec. 26.** A new section is added to chapter 46.80 RCW to read as follows:

If a person whose license has previously been canceled for cause by the department files an application for a license to conduct business as a motor vehicle

wrecker, or if the department is of the opinion that the application is not filed in good faith or that the application is filed by some person as a subterfuge for the real person in interest whose license has previously been canceled for cause, the department may refuse to issue the person a license to conduct business as a vehicle wrecker.

POINT OF ORDER

Senator McMullen: "Mr. President, a point of order. We would like to ask a ruling on whether or not this amendment falls within the scope and objection of the underlying bill."

Further debate ensued.

There being no objection, the President deferred further consideration of Substitute House Bill No. 1704.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1275 and the pending Committee on Governmental Operations striking amendment, as amended, deferred earlier today.

MOTION

Senator McCaslin moved that the following amendment by Senators McCaslin and Madsen to the Committee on Governmental Operations amendment be adopted:

On page 32, after line 13, insert the following:

Sec. 29. RCW 35.14.010 and 1985 c 281 s 24 are each amended to read as follows:

Whenever unincorporated territory is annexed by a city or town pursuant to the provisions of chapter 35.13 RCW, or whenever unincorporated territory is annexed to a code city pursuant to the provisions of chapter 35A.14 RCW, community municipal corporations may be organized ((in the manner provided for in this 1967 amendatory act)) for the territory comprised of all or a part of an unincorporated area annexed to a city or town pursuant to chapter 35.13 or 35A.14 RCW, if: (1) The service area is such as would be eligible for incorporation as a city or town; or (2) the service area has a minimum population of not less than three hundred inhabitants and ten percent of the population of the annexing city or town; or (3) the service area has a minimum population of not less than one thousand inhabitants.

Whenever two or more cities are consolidated pursuant to the provisions of chapter 35.10 RCW, a community municipal corporation may be organized within one or more of the consolidating cities.

No territory shall be included in the service area of more than one community municipal corporation. Whenever a new community municipal corporation is formed embracing all of the territory of an existing community municipal corporation, the prior existing community municipal corporation shall be deemed to be dissolved on the effective date of the new corporation.

NEW SECTION. Sec. 30. A new section is added to chapter 35.10 RCW to read as follows:

Voters of one or more of the cities that are proposed to be consolidated may have a ballot proposition submitted to them authorizing the simultaneous creation of a community municipal corporation and election of community council members as provided for under chapter 35.14 RCW. The joint resolution that initiates a consolidation under RCW 35.10.410 may provide for the question of whether a community municipal corporation shall be created to be submitted to the voters of one

or more of the cities that are proposed to be consolidated as a separate ballot measure from the ballot measure authorizing the consolidation or as part of the same ballot measure authorizing the consolidation. The petitions that are signed by the voters of each of the cities that are proposed to be consolidated under RCW 35.10.420 may provide for the question of whether to create a community municipal corporation to be submitted to the voters of that city as a separate ballot measure from the ballot measure authorizing the consolidation or as part of the same ballot measure authorizing the consolidation.

The ballots shall contain the words "For consolidation and creation of community municipal corporation" and "Against consolidation and creation of community municipal corporation," or "For creation of community municipal corporation" and "Against creation of community municipal corporation," as the case may be. Approval of either optional ballot proposition shall be by simple majority vote of the voters voting on the proposition, but the consolidation must be authorized by the voters of each city proposed to be consolidated before a community municipal corporation is created.

NEW SECTION. Sec. 31. A new section is added to chapter 35A.14 RCW to read as follows:

The resolution initiating the annexation of territory under RCW 35A.14.015, and the petition initiating the annexation of territory under RCW 35A.14.020, may provide for the simultaneous creation of a community municipal corporation and election of community council members as provided for in chapter 35.14 RCW, as separate ballot measures or as part of the same ballot measure authorizing the annexation, or for the simultaneous inclusion of the annexed area into a named existing community municipal corporation operating under chapter 35.14 RCW, as separate ballot measures or as part of the same ballot measure authorizing the annexation. If the petition so provides for the creation of a community municipal corporation and election of community council members, the petition shall describe the boundaries of the proposed service area, state the number of voters residing therein as nearly as may be, and pray for the election of community council members by the voters residing in the service area.

The ballots shall contain the words "For annexation and creation of community municipal corporation" and "Against annexation and creation of community municipal corporation," or "For creation of community municipal corporation" and "Against creation of community municipal corporation," as the case may be. Approval of either optional ballot proposition shall be by simple majority vote of the voters voting on the proposition, but the annexation must be authorized before a community municipal corporation is created.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators McCaslin and Madsen on page 32, after line 13, to the Committee on Governmental Operations striking amendment to Substitute House Bill No. 1275.

The motion by Senator McCaslin carried and the amendment to the committee amendment was adopted.

MOTIONS

On motion of Senator McCaslin, the following amendment by Senators McCaslin and Madsen to the Committee on Governmental Operations striking amendment was adopted:

On page 32, after line 13 of the amendment, insert the following:

NEW SECTION. Sec. 29. PURPOSE. Voters of the unincorporated areas of the state are authorized to establish community councils as provided in this chapter.

It is the purpose of this chapter to provide voters of unincorporated areas with direct input on the planning and zoning of their community by establishing a governmental mechanism to adopt community comprehensive plans and community zoning ordinances that are consistent with components or portions of the county comprehensive plan that the county legislative authority designates as having area-wide applicability and importance. Community comprehensive plans shall replace components or portions of the county comprehensive plan that are not designated as having area-wide applicability and importance, and the subarea plan that the county legislative authority may have adopted for the community. In addition, it is the purpose of this chapter to have community councils serve as forums for the discussion of local issues.

NEW SECTION. Sec. 30. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Community" means a portion of the unincorporated area of a county for which a community council has been established.

(2) "Community comprehensive plan" means a comprehensive plan adopted by a community council.

(3) "Community council" means the governing body established under this chapter to adopt community comprehensive plans and community zoning ordinances for a community.

(4) "Community zoning ordinances" means the zoning ordinances adopted by a community council to implement a community comprehensive plan.

NEW SECTION. Sec. 31. MINIMUM REQUIREMENTS FOR A COMMUNITY COUNCIL. A community for which a community council is created may include only unincorporated territory located in a single county and not included within a city or town. A community council must have at least one thousand persons residing within the community when the community council is created or, where the community only includes an entire island, at least three hundred persons must reside on the island when the community council is created. Any portion of such a community that is annexed by a city or town, or is incorporated as a city or town, shall be removed from the community upon the effective date of the annexation or the official date of the incorporation.

NEW SECTION. Sec. 32. CREATION. (1) The process to create a community council shall be initiated by the filing of petitions with the county auditor of the county in which the community is located which: (a) Call for the creation of a community council; (b) set forth the boundaries for the community; (c) indicate the number of community councilmembers, which shall be five, seven, nine, or eleven; and (d) contain signatures of voters residing within the community equal in number to at least ten percent of the voters residing in the community who voted at the last state general election. The county auditor shall determine if the petitions contain a sufficient number of valid signatures and certify the sufficiency of the petitions within fifteen days of when the petitions were filed. If the petitions are certified as having sufficient valid signatures, the county auditor shall transmit the petitions and certificate to the county legislative authority.

(2) The county legislative authority shall hold a public hearing within the community on the creation of the proposed community council no later than sixty days after the petitions and certificate of sufficiency were transmitted to the county legislative authority. Notice of the public hearing shall be published in a newspaper of general circulation in the community for at least once a week for two consecutive weeks, with the last date of publication no more than ten days prior to the date of the public hearing. At least ten days before the public hearing, additional notice shall be

posted conspicuously in at least five places within the proposed community in a manner designed to attract public attention.

(3) After receiving testimony on the creation of the proposed community council, the county legislative authority may alter the boundaries of the community, but the boundaries may not be altered to reduce the number of persons living within the community by more than ten percent or below the minimum number of residents who must reside within the community at the time of the creation of the community council. If territory is added to the community, another public hearing on the proposal shall be held.

(4) The county legislative authority shall call a special election within the community to determine whether the proposed community council shall be created, and to elect the initial community councilmembers, at the next state general election occurring seventy-five or more days after the initial public hearing on the creation of the proposed community council. The community council shall be created if the ballot proposition authorizing the creation of the community is approved by a simple majority vote of the voters voting on the proposition.

NEW SECTION. Sec. 33. ELECTION OF INITIAL COMMUNITY COUNCILMEMBERS. The initial members of the community council shall be elected at the same election as the ballot proposition is submitted authorizing the creation of the community council. However, the election of the initial community councilmembers shall be null and void if the ballot proposition authorizing the creation of the community council is not approved.

No primary election shall be held to nominate candidates for initial council positions. The initial community council shall consist of the candidate for each council position who receives the greatest number of votes for that council position. Staggering of terms of office shall be accomplished by having the majority of the winning candidates who receive the greatest number of votes being elected to four-year terms of office, and the remaining winning candidates being elected to two-year terms of office, if the election was held in an even-numbered year, or the majority of the winning candidates who receive the greatest number of votes being elected to three-year terms of office, and the remaining winning candidates being elected to one-year terms of office, if the election was held in an odd-numbered year, with the term computed from the first day of January in the year following the election. Initial councilmembers shall take office immediately when qualified in accordance with RCW 29.01.135.

However, where the county operates under a charter providing for the election of members of the county legislative authority in odd-numbered years, the terms of office of the initial councilmembers shall be four years and two years, if the election of the initial councilmembers was held on an odd-numbered year, or three years and one year, if the election of the initial councilmembers was held on an even-numbered year.

NEW SECTION. Sec. 34. COMMUNITY COUNCILMEMBERS. Community councilmembers shall be elected to staggered four-year terms until their successors are elected and qualified. Each council position shall be numbered separately. Candidates shall run for specific council positions. The number of council positions shall be five, seven, nine, or eleven, as specified in the petition calling for the creation of the community council.

Community councilmembers shall be nominated and elected at nonpartisan elections pursuant to general election laws, except the elections shall be held in even-numbered years, unless the county operates under a charter and members of the county legislative authority are elected in odd-numbered years, in which case, community councilmembers shall be elected in odd-numbered years.

The provisions of this section apply to the election and terms of office of the initial community councilmembers, except as provided in section 33 of this act.

A councilmember shall lose his or her council position if his or her primary residence no longer is located within the community. Vacancies on a community council shall be filled by action of the remaining councilmembers.

NEW SECTION. Sec. 35. RESPONSIBILITY OF COUNTY LEGISLATIVE AUTHORITY. (1) Within ninety days of the election at which a community council is created, the county legislative authority shall adopt an ordinance designating those portions or components of the county comprehensive plan having area-wide applicability and importance throughout the unincorporated area of the county that shall serve as an overall guide for the development of community comprehensive plans and community zoning ordinances.

(2) Community comprehensive plans and community zoning ordinances that are adopted by a community council shall be submitted to the county legislative authority for its review of the consistency of these plans and ordinances with the portions or components of the county comprehensive plan designated as having area-wide applicability and importance under subsection (1) of this section. The county legislative authority shall either approve the plans and ordinances as adopted, or refer the plans and ordinances back to the community council with written findings of noncompliance specifying the reasons for noncompliance, within ninety days after they are submitted. The county comprehensive plan, or subarea plan and comprehensive plan, and zoning ordinances shall remain in effect in the community until the community comprehensive plans and community zoning ordinances have been approved.

(3) Each amendment to community comprehensive plans or community zoning ordinances that is adopted by a community council shall be submitted to the county legislative authority for its review of the consistency of the amendment with the portions or components of the county comprehensive plan designated as having area-wide applicability and importance under subsection (1) of this section. The county legislative authority shall either approve the amendment as adopted or refer the amendment back to the community council with written findings of noncompliance specifying the reasons for noncompliance within ninety days after it is submitted. The unamended community comprehensive plans and unamended community zoning ordinances shall remain in effect in the community until the amendment has been approved.

(4) A community council shall be given at least one hundred twenty days to amend its community comprehensive plans and community zoning ordinances after the county legislative authority amends the ordinance it adopted under subsection (1) of this section designating those portions or components of the county comprehensive plan having area-wide applicability and importance throughout the unincorporated area of the county that shall serve as an overall guide for the development of community comprehensive plans and community zoning ordinances. The county legislative authority may amend the community comprehensive plans and community zoning ordinances to achieve consistency with this amended ordinance if the community council fails to obtain approval of the community comprehensive plans and community zoning ordinances within this time period. Nothing in this subsection shall preclude a community council from subsequently obtaining approval of its community comprehensive plans and community zoning ordinances.

(5) Approved community comprehensive plans and community zoning ordinances shall be enforced by the county as if they had been adopted by the county legislative authority. All quasi-judicial actions and permits relating to these plans and ordinances shall be made and decided by the county legislative authority or otherwise as provided by the county legislative authority.

(6) The county shall be responsible for financing the activities of, and providing administrative and staff support for, each community council within its boundaries.

NEW SECTION. Sec. 36. POWERS OF A COMMUNITY COUNCIL. A community council shall adopt community comprehensive plans and community zoning

ordinances as provided in section 35 of this act. Community councils shall not have the authority to take quasi-judicial actions or to decide permit applications. In addition, a community council shall serve as a forum for the discussion of local issues.

Community councils are subject to chapter 42.30 RCW, the open public meetings act.

NEW SECTION. Sec. 37. ANNEXATION. A community council may provide for the annexation of adjacent unincorporated areas to the community that are not included within another community for which a community council has been established. Annexations shall be initiated by either resolution of the community council proposing the annexation or petition of voters residing in the adjacent area, which petition: (a) Requests the annexation; (b) sets forth the boundaries of the area proposed to be annexed; and (c) contains signatures of voters residing within the area that is proposed to be annexed equal in number to at least ten percent of the voters residing in that area who voted at the last state general election. Annexation petitions shall be filed with the county auditor who shall determine if the petitions contain a sufficient number of valid signatures, certify the sufficiency of the petitions, and notify the community council of the sufficiency of the petitions within fifteen days of when the petitions are submitted.

A ballot proposition authorizing the annexation shall be submitted to the voters of the area that is proposed to be annexed at a primary or general election in either an odd-numbered or even-numbered year, if the community council initiated the annexation by resolution or if the community council concurs in an annexation that was initiated by the submission of annexation petitions containing sufficient valid signatures. The annexation shall occur if the ballot proposition authorizing the creation of the community is approved by a simple majority vote of the voters voting on the proposition. The county's comprehensive plan, and where applicable to the county's subarea plan, and zoning ordinances shall continue in effect in the annexed area until amendments to the community comprehensive plans and community zoning ordinance have been approved that apply to the annexed area.

NEW SECTION. Sec. 38. DISSOLUTION. A community council shall be dissolved if the population of the community is reduced to less than five hundred persons, or less than two hundred persons if the community only includes an entire island.

In addition, a community council shall be dissolved by voters of the community approving a ballot proposition to dissolve the community council that has been placed upon the ballot in a primary or general election held in either an odd-numbered or even-numbered year as the result of the community council adopting a resolution placing this matter on the ballot or by petition calling for the dissolution of the community council that has been certified by the county auditor as having valid signatures of voters residing within the community equal in number to at least ten percent of the voters residing in the community who voted at the last state general election. Petitions calling for the dissolution of a community council shall be filed with the county auditor and their sufficiency certified by the county auditor in the same manner as an annexation petition. The community council shall be dissolved if the ballot proposition dissolving the community council is approved by a simple majority vote of the voters voting on the proposition.

NEW SECTION. Sec. 39. The following acts or parts of acts are each repealed:

(1) RCW 36.32.500 and 1984 c 203 s 6; and

(2) RCW 36.32.505 and 1984 c 203 s 7.

NEW SECTION. Sec. 40. Sections 29 through 38 of this act shall constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 41. Section headings as used in this act do not constitute any part of the law.

The President declared the question before the Senate to be the adoption of the Committee on Governmental Operations striking amendment, as amended, to Substitute House Bill No. 1275.

The Committee on Governmental Operations striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator McCaslin, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 29.18.022, 29.30.025, 29.21.010, 29.30.040, 35.02.020, 35.02.090, 35.06.020, 35.06.030, 35.06.050, 35.24.020, 35.24.180, 35.24.190, 35.27.010, 35.27.070, 35.27.130, 35.27.270, 35.27.280, 35A.12.010, 35A.39.010, 41.08.040, 41.12.040, 42.17.310, 54.08.010, 54.08.070, and 54.08.080; adding a new section to chapter 35.21 RCW; providing an effective date; and providing an expiration date."

On page 32, line 22 of the title amendment, after "54.08.070," strike "and" and after "54.08.080" insert ", and 70.44.040"

On page 32, line 22 of the title amendment, after "54.08.070," strike "and" and after "54.08.080" insert ", and 35.02.078"

On page 32, line 22 of the title amendment, after "54.08.070," strike "and 54.08.080" and insert "54.08.080, and 7.48A.040"

On page 32, line 22 of the title amendment, after "54.08.070," strike "and" and after "54.08.080" insert ", and 35.14.010"

On page 32, line 23 of the title amendment, after "RCW;" insert "creating a new section;"

On page 32, line 23 of the title amendment, after "35.21 RCW;" insert "creating a new section;"

On page 32, line 23 of the title amendment, after "35.21 RCW;" insert "adding a new section to chapter 35.10 RCW; adding a new section to chapter 35A.14 RCW;"

On page 32, line 23 of the title amendment, after "35.21 RCW;" insert "adding a new section to chapter 36.32 RCW;"

On page 32, line 23 of the title amendment, strike "providing an effective date" and insert "adding a new chapter to Title 18 RCW; adding a new section to chapter 43.43 RCW; creating new sections; providing effective dates"

On page 32, line 23 of the title amendment, after "35.21 RCW;" insert "adding a new chapter to Title 36 RCW; creating a new section; repealing RCW 36.32.500 and 36.32.505;"

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1275, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1275, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1275, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Wojahn - 44.

Voting nay: Senators Matson, Williams - 2.

Excused: Senators Owen, Rasmussen, Sellar - 3.

SUBSTITUTE HOUSE BILL NO. 1275, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1231, by House Committee on Transportation (originally sponsored by Representatives R. Fisher, R. Meyers, Betzoff and Paris) (by request of Office of Financial Management)

Adopting the 1991-93 transportation budget.

The bill was read the second time.

MOTION

Senator Patterson moved that the following Committee on Transportation amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1993. Any bill enacted during the 1991 legislative session requiring expenditure from a transportation related fund or account that was not heard by either of the respective transportation committees is not funded in this act.

NEW SECTION. Sec. 2. FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund--		
State Appropriation \$	398,000
Highway Safety Fund--Federal Appropriation \$	4,887,000
TOTAL APPROPRIATION \$	5,285,000

\$50,000 of the highway safety fund--federal appropriation, or as much thereof as may be necessary, is appropriated solely for pilot projects identified by the department of licensing and to be used in conducting an evaluation of driver education

and improvement courses mandated in section 10 of this act. The commission staff shall help conduct the study and shall work in conjunction with the department of licensing.

NEW SECTION. Sec. 3. FOR THE TRAFFIC SAFETY COMMISSION

The sum of \$900,000, or as much thereof as may be necessary, is appropriated from the public safety and education account to the traffic safety commission solely to continue the DWI task force program. This appropriation represents seventy-five percent of the requested state funding and funding will be reduced twenty-five percent per biennium thereafter. It is the intent of the legislature that the commission seek funding from sources other than the state.

NEW SECTION. Sec. 4. FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund--Pilotage Account--State

Appropriation	\$	185,000
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No more than \$80,000 may be expended for attorney general fees.

NEW SECTION. Sec. 5. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund--County Arterial Preservation

Account--State Appropriation.	\$	22,427,000
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Motor Vehicle Fund--Rural Arterial Trust Account--

State Appropriation	\$	37,413,000
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Motor Vehicle Fund--State Appropriation.

	\$	1,190,000
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TOTAL APPROPRIATION	\$	61,030,000
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\$153,319 of the motor vehicle fund--county arterial preservation account--state appropriation and \$153,319 of the motor vehicle fund--rural arterial trust account--state appropriation, or as much thereof as may be necessary, are provided solely to provide transportation planning assistance to counties.

NEW SECTION. Sec. 6. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Motor Vehicle Fund--Transportation Improvement

Account--State Appropriation.	\$	104,000,000
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Motor Vehicle Fund--Urban Arterial Trust Account--

State Appropriation	\$	51,848,000
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TOTAL APPROPRIATION	\$	155,848,000
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(1) Up to \$6,000,000 of the transportation improvement account--state appropriation is provided for reimbursement to the motor vehicle fund when the department of transportation incurs expenditures on approved transportation improvement account construction projects on the state highway system.

(2) The legislative transportation committee shall evaluate methods to improve legislative oversight of transportation improvement account projects.

NEW SECTION. Sec. 7. FOR THE STATE PATROL--FIELD OPERATIONS BUREAU

General Fund--Public Safety and Education Account--

State Appropriation	\$	5,199,000
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Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation	\$	131,301,000
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Motor Vehicle Fund--State Patrol Highway Account--

Federal Appropriation	\$	3,033,000
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TOTAL APPROPRIATION	\$	139,533,000
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The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund--state patrol highway account--state appropriation in this section includes \$5,404,000 for sixty additional traffic troopers. The sixty officers

shall be phased in during the 1991-93 biennium. The moneys provided are for training classes beginning in July 1991, January 1992, and July 1992.

(2) The Washington state patrol, department of revenue, and the office of financial management shall report annually to the legislative transportation committee on the number of vehicle license fraud cases investigated, the amount of tax dollars identified as not being paid, and the total collection of vehicle license tax dollars collected as a result of this program.

(3) From May 1, to December 1, 1991, the Washington state patrol, in cooperation with the trucking and shipping industries, the state department of transportation, the Seattle and Tacoma port authorities, the state transportation policy plan's freight mobility subcommittee, and other interested parties shall enter into a pilot project aimed at identifying the number of containers transported by truck that exceed the legal load limitations of chapter 46.44 RCW. The purpose of the study is to assess the amount of pavement damage to state highways that may be attributable to containerized cargo moving by truck into and out of the ports within the state of Washington.

Washington state patrol employees shall weigh trucks carrying containers to and from the ports of Tacoma and Seattle during the pilot project. If an illegal load is identified at the weighing site, no citation will be issued. However, operators transporting overweight loads will be advised of the penalties for transporting the load on public highways.

During the pilot project, the state patrol shall:

(a) Periodically meet with representatives of the trucking and shipping industries, the state department of transportation, the ports of Seattle and Tacoma, the state transportation policy plan's freight mobility subcommittee, and other interested parties to review the data collected and discuss possible recommendations for consideration by the legislative transportation committee;

(b) Contact the California and Oregon state agencies that are responsible for truck weight enforcement in an attempt to address the issue on a regional basis; and

(c) Submit, upon request, progress reports to the legislative transportation committee on data collection, recommendations, and regional cooperation.

The state patrol shall submit a final report with its findings and recommendations to the legislative transportation committee by January 15, 1992.

(4) By January 1, 1992, the state patrol shall establish written and formal agreements with all counties for which traffic-related services are provided by the state patrol. Such agreements will establish the extent of nonreimbursed state patrol traffic-related services to be fatal accident, injury accident, and emergency call responses. The agreements shall establish provisions for local reimbursement of the state patrol for other services.

(5) Any user of Washington state patrol aircraft shall pay its pro rata share of all operating and maintenance costs including capitalization.

NEW SECTION. Sec. 8. FOR THE STATE PATROL--SUPPORT SERVICES BUREAU

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 52,914,000
\$300,000 of the motor vehicle fund--state appropriation in this section is provided solely for the development and implementation of the state patrol's incorporation into the transportation executive information system and of this amount, \$100,000 of the appropriation is for services to be provided by the department of transportation.

NEW SECTION. Sec. 9. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Motor Vehicle Fund--State Appropriation. \$ 47,055,000
Motor Vehicle Fund--Local Appropriation \$ 50,000
General Fund--Marine Fuel Tax Refund Account--

State Appropriation	\$	25,000
General Fund--Wildlife Account--State Appropriation	\$	502,000
TOTAL APPROPRIATION	\$	47,632,000

(1) The legislature recognizes the need to address issues remaining unresolved from the 1991 title and registration study required by the legislature and the governor. The intent of the legislature is to better align the fee structure with the costs associated with providing services for the state. Evidence from the 1991 study indicates inequities exist in cost recovery and/or profits realized between large and small county auditors and their subagents. Further, no policy exists regarding how counties treat excess revenues generated from providing this service. The Washington association of counties, the Washington association of county officials, representatives of the subagents, and the department of licensing, under the direction of the legislative transportation committee, shall report to the legislative transportation committee by December 1, 1991, their recommendations for resolving these policy issues and inequities.

(2) Up to \$50,000 of the motor vehicle fund--local appropriation is provided for a study of motor vehicle excise, business and occupation, and sales and use taxes on rental vehicle fleets. The study is to be paid for by the private sector. Study results are due by January 1, 1993, with an interim report due January 1, 1992, to the legislative transportation committee. The department of licensing is to work jointly with the department of revenue and the department of transportation, appropriate legislative committees, representatives from rental agencies, and other interested parties.

(3) \$80,000 of the motor vehicle fund--state appropriation is provided solely to implement House Bill No. 1878. If House Bill No. 1878 is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(4) \$23,000 of the motor vehicle fund--state appropriation is provided solely to implement House Bill No. 1995. If House Bill No. 1995 is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(5) \$25,000 of the general fund--marine fuel tax refund account--state appropriation is provided solely for the department to conduct the marine fuel use study, as authorized by RCW 43.99.030, to determine the appropriate amount of motor vehicle funds available for deposit into the outdoor recreation account. The results of the study shall be forwarded to the legislative transportation committee, the state treasurer, and the office of financial management.

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

General Fund--Public Safety and Education Account--

State Appropriation	\$	4,388,000
Highway Safety Fund--State Appropriation	\$	49,060,000
Highway Safety Fund--Motorcycle Safety Education Account--		
State Appropriation	\$	884,000
TOTAL APPROPRIATION	\$	54,332,000

(1) The department, in conjunction with the traffic safety commission, shall conduct a study of its driver improvement program and submit the results of the review by December 1, 1991, to the legislative transportation committee. The study will critique the current curriculum of the driver improvement program, review the curriculum of high school driver education, and take a comprehensive look at all other types of traffic safety courses. The department shall report by August 1, 1991, on any traffic safety improvement courses identified as potential pilot projects and shall present a progress report on the study.

(2) \$684,000 of the highway safety fund--state appropriation is provided solely to implement Substitute House Bill No. 1324. If Substitute House Bill No. 1324 is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT OPERATIONS

General Fund--Wildlife Account--State Appropriation	\$	47,000
Highway Safety Fund--State Appropriation.	\$	4,796,000
Highway Safety Fund--Motorcycle Safety Education Account--State Appropriation	\$	95,000
Motor Vehicle Fund--State Appropriation.	\$	4,424,000
General Fund--Public Safety and Education Account-- State Appropriation	\$	418,000
TOTAL APPROPRIATION	\$	9,780,000

The department shall create an information technology review board. The board shall be responsible for adopting policies dealing with an agency-wide systems architecture, acquisition procedures, and systems development review process.

NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS

General Fund--Wildlife Account--State Appropriation	\$	56,000
Highway Safety Fund--State Appropriation.	\$	3,506,000
Highway Safety Fund--Motorcycle Safety Education Account--State Appropriation.	\$	58,000
Motor Vehicle Fund--State Appropriation.	\$	5,961,000
General Fund--Public Safety and Education Account-- State Appropriation	\$	252,000
TOTAL APPROPRIATION	\$	9,833,000

(1) \$320,000 of the motor vehicle fund--state appropriation is provided solely for the development and implementation of the department of licensing's incorporation into the transportation executive information system and of this amount \$100,000 is for services to be provided by the department of transportation.

(2) \$1,100,000 of the motor vehicle fund--state appropriation is provided solely for the licensing application migration project (LAMP). This appropriation is conditioned upon compliance with the provisions of section 55 of this act.

NEW SECTION. Sec. 13. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Fund--State Appropriation.	\$	3,028,000
General Fund--High Capacity Transportation Account-- State Appropriation	\$	550,000
TOTAL APPROPRIATION	\$	3,578,000

(1) The high capacity transportation account reappropriation provided for in this section is for continuation of the public transportation study described in section 12(4), chapter 298, Laws of 1990.

(2) The appropriation provided for in section 40(3) of this act includes funds to carry out the studies described in section 12 (5) and (6), chapter 298, Laws of 1990: PROVIDED, That the completion dates for both studies shall be June 30, 1993.

(3) The committee is authorized to conduct performance analysis and other reviews of state transportation agencies and programs to ensure that the agencies and programs: (a) Are being conducted in accordance with legislative intent; (b) are being conducted in an efficient and effective manner; and (c) continue to serve their intended purposes. The findings and recommendations of any such reviews shall be reported to the legislature.

NEW SECTION. Sec. 14. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY COMMITTEE

Motor Vehicle Fund--State Appropriation. \$ 389,000
NEW SECTION. Sec. 15. FOR THE MARINE EMPLOYEES

COMMISSION

Motor Vehicle Fund--Puget Sound Ferry Operations Account--
 State Appropriation \$ 334,000
 \$20,000 of this appropriation, or as much thereof as may be necessary, is provided solely to fund an expanded salary survey.

NEW SECTION. Sec. 16. FOR THE TRANSPORTATION COMMISSION

Transportation Fund--State Appropriation \$ 1,500,000
 The commission's effort within the innovations unit shall include an evaluation of selected transportation technologies and shall specifically address the feasibility of manual or automated buses operating in vehicle sets.

NEW SECTION. Sec. 17. FOR THE AIR TRANSPORTATION COMMISSION

Transportation Fund--State Appropriation \$ 553,000
NEW SECTION. Sec. 18. FOR THE OFFICE OF FINANCIAL

MANAGEMENT

Motor Vehicle Fund--State Appropriation. \$ 112,000
 The appropriation in this section is null and void if House Bill No. 2140 is not enacted by September 1, 1991.

NEW SECTION. Sec. 19. FOR THE WASHINGTON STATE ENERGY OFFICE

Motor Vehicle Fund--State Appropriation. \$ 203,000
 Transportation Fund--State Appropriation \$ 750,000
 TOTAL APPROPRIATION \$ 953,000

The appropriations contained in this section are subject to the following conditions and limitations:

(1) \$750,000, or as much thereof as may be necessary, is appropriated from the transportation fund--state to be used for grants to state agencies and local governments, and for planning and coordination by the Washington state energy office, for the establishment of a system of compressed natural gas refueling stations.

(2) \$203,000, or as much thereof as may be necessary, is appropriated from the motor vehicle fund--state solely for the petroleum pricing and supply database. Within the appropriation provided, the energy office shall publish the petroleum market's data book by January 1, 1992. The energy office shall prepare semiannual reports to the legislative transportation committee on gasoline pricing and supply in Washington state. The semiannual reports are due on January 15 and July 15 of each year commencing January 15, 1992.

NEW SECTION. Sec. 20. FOR THE DEPARTMENT OF AGRICULTURE

\$209,000, or as much thereof as is necessary, is appropriated from the motor vehicle fund--state solely for the motor fuel quality testing program. Annual reports shall be submitted to the legislative transportation committee commencing January 15, 1992.

NEW SECTION. Sec. 21. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY CONSTRUCTION--PROGRAM A

Motor Vehicle Fund--State Appropriation. \$ 148,878,000
 Motor Vehicle Fund--Federal Appropriation \$ 98,600,000
 Motor Vehicle Fund--Local Appropriation \$ 2,000,000
 TOTAL APPROPRIATION \$ 249,478,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "A" under RCW 47.05.030. It is the intent of the legislature that this appropriation does not

commit the legislature to the transportation commission's proposed category "A" program update.

(2) The department shall establish a highway heritage pilot program to preserve Washington's unique scenic character along its highway corridors and provide travelers with a continuing opportunity to appreciate and obtain information regarding unique natural, cultural, and historic features that are near or accessible by highways.

The department's highway heritage pilot program may:

(a) Acquire by purchase, gift, devise, bequest, grant, or exchange, title to or interest or right in real property adjacent to state highways to accomplish any of the following: Preserve natural beauty or viewpoints, preserve natural buffers between highways, or enhance the visual quality of entrances to cities or other land uses;

(b) Work with public and private landowners, local governments, and private organizations and associations to propose actions to achieve the purposes of this section without land acquisition, to the greatest extent possible, including coordination with local land use and open space plans, state agency programs relating to open space, conservation, urban forestry, and natural resources management;

(c) Provide directional signs and signs with information regarding historical or cultural sites and significant natural features;

(d) Work with the parks and recreation commission, the Washington state historical society, the department of trade and economic development, and cities and counties to identify projects, establish priorities for expenditures of funds under this pilot program, and recommend a strategy for implementing an ongoing program and sources of funding.

The department shall report its findings to the legislative transportation committee by December 1, 1992.

The sum of fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the motor vehicle fund--state to the department of transportation for the highway heritage pilot program.

The appropriation in this subsection shall lapse unless contributions are received by July 1, 1991, as follows: \$20,000 from the counties; \$10,000 from the cities; and \$10,000 from the department of trade and economic development.

(3) The sum of fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the motor vehicle fund--state to the department of transportation to complete its survey of the scenic and recreational highways begun in 1990. The department shall report its findings to the legislative transportation committee by December 1, 1991.

NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF TRANSPORTATION-- HIGHWAY CONSTRUCTION--PROGRAM B

Motor Vehicle Fund--State Appropriation	\$	42,000,000
Motor Vehicle Fund--Federal Appropriation	\$	407,000,000
Motor Vehicle Fund--Local Appropriation	\$	8,000,000
TOTAL APPROPRIATION	\$	457,000,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects on the interstate system designated as category "B" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) \$42,000,000 of the motor vehicle fund--state appropriation includes a maximum of \$32,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.790 and 47.10.801: PROVIDED, That the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) Should cash flow demands exceed the motor vehicle fund--federal appropriation, the motor vehicle fund--state appropriation is increased proportionally to provide matching state funds from the sale of bonds authorized by RCW 47.10.801 and

47.10.790 not to exceed \$10,000,000 and it is understood that the department shall seek authority to expend unanticipated receipts for the federal portion.

(3) It is further recognized that the department may make use of federal cash flow obligations on interstate construction contracts in order to complete the interstate highway system as expeditiously as possible.

(4) It is the intent of the legislature that the department shall place special emphasis on delivering the HOV projects contained in the document dated March, 1991, entitled "Puget Sound HOV Core Lane Needs: 2000". The department shall report progress on program delivery to the legislative transportation committee by November 1, 1991.

NEW SECTION. Sec. 23. Contained within the appropriations to the department of transportation, programs B and C, is \$202,000,000 for HOV lanes, park and ride lots, and surveillance control and driver information systems that are components of the Puget Sound HOV core lane system.

NEW SECTION. Sec. 24. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY CONSTRUCTION--PROGRAM C

Motor Vehicle Fund--State Appropriation	\$	53,600,000
Transportation Fund--State Appropriation	\$	138,000,000
Motor Vehicle Fund--Federal Appropriation	\$	16,000,000
Motor Vehicle Fund--Local Appropriation	\$	4,000,000
TOTAL APPROPRIATION	\$	211,600,000

The appropriations in this section are provided for the location, design, right of way acquisition, and construction of state highway projects designated as category "C" under RCW 47.05.030.

NEW SECTION. Sec. 25. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY CONSTRUCTION--PROGRAM C

Motor Vehicle Fund--Special Category C Account-- State Appropriation	\$	27,000,000
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The appropriation contained in this section is subject to the following conditions and limitations:

(1) It is the intent of the legislature that expenditures for any special category "C" project shall not jeopardize funding for any other special category "C" project.

(2) The city of Seattle shall prepare and submit to the legislative transportation committee by October 1, 1991, an analysis of safety and regional congestion issues relating to the 1st avenue south bridge.

(3) The city of Seattle, in conjunction with the department of transportation, King county, and the port of Seattle and metro shall provide by October 1, 1991, to the legislative transportation committee a comprehensive plan identifying the recommended lead agency for construction of the 1st avenue south bridge. The aforementioned entities shall provide prorata shares of estimated costs and approved costs-sharing agreements to the legislative transportation committee by February 1, 1992.

(4) By October 1, 1991, the department of transportation shall report to the legislative transportation committee on the various stages and funding assumptions on the improvements to SR 18.

(5) Of the \$27,000,000 appropriation contained in this section: Up to \$12,000,000 is provided for SR 18, up to \$11,000,000 is provided for 1st avenue south bridge, and up to \$4,000,000 is provided for the north-south corridor in Spokane: PROVIDED, That the department may transfer moneys between projects after consultation with the legislative transportation committee.

NEW SECTION. Sec. 26. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY CONSTRUCTION--PROGRAM C

Motor Vehicle Fund--Puyallup Tribal Settlement Account--State Appropriation	\$	3,450,000
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Motor Vehicle Fund--Puyallup Tribal Settlement

Account--Federal Appropriation	\$	2,550,000
TOTAL APPROPRIATION	\$	6,000,000

NEW SECTION. Sec. 27. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D

Motor Vehicle Fund--State Appropriation.	\$	39,302,000
Motor Vehicle Fund--Transportation Capital Facilities Account--State Appropriation.	\$	33,149,000
TOTAL APPROPRIATION	\$	72,451,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,700,000 of the transportation capital facilities account--state appropriation is contingent upon the sale of bonds authorized in RCW 47.02.120.

(2) The transportation capital facilities account--state appropriation will be funded by a state treasurer revenue transfer of \$31,449,000 from the motor vehicle fund to the transportation capital facilities account.

(3) No later than August, 1991, the department shall present a comprehensive plan to the legislative transportation committee for creation of an urban mobility office. The plan shall include recommended methods for quantifying reductions in congestion.

NEW SECTION. Sec. 28. FOR THE DEPARTMENT OF TRANSPORTATION--AERONAUTICS--PROGRAM F

General Fund--Aeronautics Account--State Appropriation	\$	3,083,000
General Fund--Aeronautics Account--Federal Appropriation	\$	283,000
TOTAL APPROPRIATION	\$	3,366,000

The appropriations in this section are provided for management and support of the aeronautics division, state fund grants to local airports, development and maintenance of a state-wide airport system plan, maintenance of state-owned emergency airports, federal inspections, and the search and rescue program.

The general fund--aeronautics account--state appropriation contains \$100,000 for transfer to the motor vehicle fund--state as partial repayment of the \$407,430 advanced to pay the tort settlement in the case of Osibov vs. the state of Washington, Spokane county superior court, Cause No. 239168.

NEW SECTION. Sec. 29. FOR THE DEPARTMENT OF TRANSPORTATION--SEARCH AND RESCUE--PROGRAM F

General Fund--Search and Rescue Account--State Appropriation	\$	126,000
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The appropriation in this section is provided for directing and conducting searches for missing, downed, overdue, or presumed downed general aviation aircraft; for safety and education activities necessary to insure safety of persons operating or using aircraft; and for the Washington wing civil air patrol in accordance with RCW 47.68.370.

NEW SECTION. Sec. 30. FOR THE DEPARTMENT OF TRANSPORTATION--COMMUNITY ECONOMIC REVITALIZATION--PROGRAM G

Motor Vehicle Fund--Economic Development Account--State Appropriation	\$	5,000,000
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The appropriation in this section is funded with the proceeds from the sale of bonds authorized by RCW 47.10.801 and is provided for improvements to the state highway system necessitated by planned economic development.

NEW SECTION. Sec. 31. FOR THE DEPARTMENT OF TRANSPORTATION--NONINTERSTATE BRIDGES--PROGRAM H

Motor Vehicle Fund--State Appropriation	\$	65,200,000
Motor Vehicle Fund--Federal Appropriation	\$	52,400,000
Motor Vehicle Fund--Local Appropriation	\$	1,000,000
TOTAL APPROPRIATION	\$	118,600,000

The appropriations in this section are provided to preserve the structural and operating integrity of existing bridges. The appropriations in this section are subject to the following conditions and limitations: \$6,500,000 shall be used for seismic retrofitting of bridges and \$8,100,000 shall be used for preconstruction and construction of stages 2 through 5 of the Ebey Slough bridge project. It is the intent of the legislature that this appropriation does not commit the legislature to the transportation commission's proposed twenty-year bridge program.

NEW SECTION. Sec. 32. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE AND OPERATIONS--PROGRAM M

Motor Vehicle Fund--State Appropriation	\$	215,460,000
Motor Vehicle Fund--Local Appropriation	\$	750,000
TOTAL APPROPRIATION	\$	216,210,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the motor vehicle fund--state appropriation is provided solely for snow and ice removal activities in excess of \$37,100,000. The excess moneys are to be matched with reprioritized maintenance funds of twenty-five percent of the total needed over \$37,100,000 until the \$1,500,000 is matched. The legislative transportation committee must be notified if the resulting total of \$39,100,000 is exceeded.

(2) \$1,000,000 of the motor vehicle fund--state appropriation is provided for public damage repair exceeding \$8,550,000 assumed in the maintenance work plan. Expenditures of this amount are contingent upon consultation with the legislative transportation committee.

(3) The department shall place emphasis on the development and construction of rest areas. The department shall establish criteria for prioritizing rest area construction state-wide. The department shall report the criteria and priority array to the legislative transportation committee by August 1, 1991.

NEW SECTION. Sec. 33. FOR THE DEPARTMENT OF TRANSPORTATION--SALES AND SERVICES TO OTHERS--PROGRAM R

Motor Vehicle Fund--State Appropriation	\$	1,370,000
Motor Vehicle Fund--Federal Appropriation	\$	58,400,000
Motor Vehicle Fund--Local Appropriation	\$	8,483,000
TOTAL APPROPRIATION	\$	68,253,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$370,000 of the motor vehicle fund--state appropriation is for expenditure in accordance with RCW 47.56.720 (Puget Island-Westport Ferry--Payments for operation and maintenance to Wahkiakum county).

(2) \$400,000 of the motor vehicle fund--local appropriation is to guarantee bond payments on the Astoria-Megler bridge pursuant to RCW 47.56.646.

NEW SECTION. Sec. 34. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Transportation Fund--State Appropriation	\$	700,000
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Motor Vehicle Fund--Puget Sound Capital Construction		
Account--State Appropriation	\$	465,000
Motor Vehicle Fund--Puget Sound Ferry Operations		
Account--State Appropriation	\$	885,000
Motor Vehicle Fund--State		
Appropriation	\$	33,770,000
TOTAL APPROPRIATION	\$	35,820,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,300,000 of the motor vehicle fund--state appropriation is provided for the continuing development of financial management systems.

(2) The legislature directs a joint study to be conducted by the office of financial management, the department of personnel, and the Washington state department of transportation to determine whether the current services rendered by the department of personnel on issues relating to employee information, and safety and health in the work environment are sufficient. Findings of the study shall be reported to the legislative transportation committee by December 1, 1991, and shall include but not be limited to recommendations as to who is responsible for performing these services.

(3) Up to \$510,000 of the motor vehicle fund--state appropriation in this section is provided to consolidate the equal employment opportunity functions within the department of transportation. The department shall report to the legislative transportation committee regarding implementation of the consolidation by October 1, 1991.

NEW SECTION, Sec. 35. FOR THE DEPARTMENT OF TRANSPORTATION--PLANNING, RESEARCH, AND PUBLIC TRANSPORTATION--PROGRAM T

For public transportation and rail programs:

Transportation Fund--State Appropriation	\$	4,395,000
General Fund--Federal/Local Appropriation	\$	5,518,000
General Fund--High Capacity Transportation Account-- State Appropriation	\$	12,140,000

For planning and research:

Motor Vehicle Fund--State Appropriation	\$	17,830,000
Motor Vehicle Fund--Federal Appropriation	\$	9,000,000
TOTAL APPROPRIATION	\$	48,883,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The high capacity transportation account--state appropriation is subject to the following conditions and limitations:

(a) \$9,400,000, or as much thereof as may be necessary, may be expended to provide up to eighty percent matching assistance for regional high capacity transportation planning efforts;

(b) \$415,000, or as much thereof as may be necessary, may be expended to determine the feasibility of improving Amtrak service within the state. The study may include but is not limited to the following:

(i) Improvements to tracks, grade crossings, and signal systems necessary to increase operating speeds. In developing these recommendations, the department shall involve the utilities and transportation commission and other affected state and local agencies;

(ii) Station improvements;

(iii) Resumption of service between Seattle, Washington, and Vancouver, British Columbia;

(iv) New or additional service on other routes for which there is adequate demand and reasonable opportunity for cost recovery; and

(v) Coordination and planning efforts within the state.

The study shall be submitted to the legislative transportation committee by December 1, 1991;

(c) \$500,000 or as much thereof as may be necessary may be expended for freight rail program administration;

(d) \$615,000 or as much thereof as may be necessary may be expended for the expert review panels.

(2) \$300,000 of the motor vehicle fund--state appropriation in section 40(3) of this act, or as much thereof as may be necessary, is provided for a study to be conducted to evaluate the handling, treatment, and disposal of debris collected by accepted stormwater runoff facilities along state highways. This study shall be coordinated with the efforts of the Puget Sound water quality authority and the department of ecology and address at least the following elements:

(a) An assessment of the severity of the problem;

(b) A summary of existing federal, state, and local laws and rules relating to stormwater runoff on state, city, and county roads;

(c) An analysis of the various techniques used by other jurisdictions within and outside of Washington state to address the problem;

(d) A comprehensive analysis of costs for handling, treatment, and disposal of stormwater runoff state-wide and the identification of the responsible jurisdictions and associated funding sources.

A priority list and implementation recommendations, including cost estimates, shall be submitted to the legislative transportation committee by September 1992.

(3) No more than \$2,000,000 of the transportation fund--state appropriation contained in this section may be expended for the purchase of rail rights of ways under RCW 46.76.140: PROVIDED, That such funds expended for the Stampede Pass corridor connecting Ravensdale in King County and Cle Elum in Kittitas County may be expended only for right of way to be used as a transportation or utilities corridor. The department shall confer with the City of Tacoma to develop appropriate restrictions on the use of the right of way designed to protect Tacoma's Green River water supply. This appropriation shall lapse if \$1,100,000 is not reappropriated for the purchase of corridors from the essential rail banking account.

(4) In the event federal funds are not available to fully fund the \$9,000,000 motor vehicle fund--federal appropriation in this section, motor vehicle fund--state funds may be substituted therefor, up to a maximum of \$1,500,000. In no event shall the total expenditures for program T exceed \$48,883,000.

(5) Up to \$750,000 of the high capacity transportation account--state appropriation in this section is provided solely for the Spokane intermodal transportation center. Moneys in this appropriation may be expended only after the Washington state transportation commission has received funding commitments from all other project participants.

(6) \$3,400,000 of the motor vehicle fund--state appropriation is provided for regional transportation planning organizations. This appropriation shall be allocated as follows:

(a) A maximum total of \$1,170,000 shall be allocated to lead planning agencies, based on \$30,000 per county for each county within a regional transportation planning organization;

(b) A maximum of \$2,230,000 shall be allocated to lead planning agencies on a per capita basis.

Any unexpended funds may be used for a discretionary grant program for special regional planning projects, to be administered by the department of transportation.

NEW SECTION. Sec. 36. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U
Motor Vehicle Fund--State Appropriation. \$ 19,438,361

Motor Vehicle Fund--Puget Sound Ferry Operations

Account--State Appropriation	\$	2,000,000
TOTAL APPROPRIATION	\$	21,438,361

The appropriations in this section are to provide for costs billed to the department for the services of other state agencies as follows:

- (1) Archives and records management, \$257,763;
- (2) Attorney general tort claims support, \$5,500,000;
- (3) Office of the state auditor audit services, \$883,366;
- (4) Department of general administration facilities and services charges, \$2,597,769;

(5) Department of personnel services, \$2,368,949;

(6) Self-insurance liability premium, \$7,220,514 and administration, \$610,000; and

(7) Marine division self-insurance liability premium and administration, \$2,000,000.

NEW SECTION. Sec. 37. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE CONSTRUCTION--PROGRAM W

Motor Vehicle Fund--Puget Sound Capital Construction

Account--State Appropriation	\$	107,324,000
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Motor Vehicle Fund--Puget Sound Capital Construction

Account--Federal Appropriation	\$	16,937,000
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Motor Vehicle Fund--Puget Sound Capital Construction

Account--Private/Local Appropriation	\$	1,500,000
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TOTAL APPROPRIATION	\$	125,761,000
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The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations:

The appropriations in this section are provided to carry out only the projects in the department of transportation's 1991-93 biennial budget request dated March 1991, as approved by the transportation commission. The department of transportation shall revise these projects to reconcile them with the 1989-91 actual expenditures within sixty days of the beginning of the biennium. The department shall also reevaluate such projects, based on the findings and recommendations of the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries' Vessel Refurbishment Programs, and, if appropriate, make the necessary project revisions, after consultation with the legislative transportation committee, prior to July 1, 1991.

The Puget Sound capital construction account--state appropriation includes the reappropriation of \$18,965,000 and \$15,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560: PROVIDED, That the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

The appropriation in this section contains an amount for prerefurbishment inspections as identified in Recommendation 8 of the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries' Vessel Refurbishment Programs.

The Puget Sound capital construction account--state appropriation includes \$1,082,000 to be expended solely for the design of a jumbo class automobile ferry vessel.

The department shall consult the legislative transportation committee regarding the expenditure of moneys appropriated in this section and shall provide the committee

with a monthly report concerning the status of the capital program authorized in this section.

\$300,000 of the Puget Sound capital construction account--state appropriation is provided to implement Recommendation Numbers 7 and 19 of the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries' Vessel Refurbishment Programs. Of that amount \$200,000 is provided for implementing a formal hazardous materials program and \$100,000 is provided for audiogauge steel testing.

The department of transportation shall establish a task force to assess and oversee the implementation of the recommendations contained in the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries' Vessel Refurbishment Programs. The task force shall be comprised of department of transportation management, representatives of Washington state ferry system employee organizations, the shipbuilding industry, the legislative transportation committee, and any other entity or individual as deemed appropriate by the department. The task force shall provide a progress report to the legislative transportation committee by December 1, 1991.

NEW SECTION. Sec. 38. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Motor Vehicle Fund--Puget Sound Ferry Operations

Account--State Appropriation. \$ 204,767,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is based on the budgeted expenditure of \$24,562,547 for vessel operating fuel in the 1991-93 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount shall not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The department shall transfer moneys from the ferry system revolving account to the Puget Sound ferry operations account so as to minimize the need for expenditure of Puget Sound ferry operations account moneys during June of each respective fiscal year in support of the expenditures necessary for the operation and maintenance of the state ferry system as authorized in this section.

(3) The appropriation contained in this section provides for the compensation of ferry employees, including increases. The expenditures for compensation paid to ferry employees during the 1991-93 biennium shall not exceed \$134,854,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$256.07 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for salary increases during the 1991-93 biennium, and a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges and cost of living allowances. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2). Of the \$134,854,000 provided for compensation, plus the prescribed insurance benefit, pension, and salary increase dollar amount:

(a) The maximum dollar amount that shall be allocated from the governor's compensation salary appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective January 1, 1992;

(b) The maximum dollar amount that shall be allocated from the governor's compensation salary appropriation is in addition to the appropriation contained in this section and shall be used to maintain any 1991-92 compensation increase and may be used to increase compensation costs, effective January 1, 1993.

In no event may the June 30, 1992, hourly salary rate increase exceed any average hourly salary rate increase granted during the 1991-92 fiscal year.

In no event may the June 30, 1993, hourly salary rate increase exceed any salary rate increase granted during the 1992-93 fiscal year.

(c) The prescribed insurance benefit increase dollar amount that shall be allocated from the governor's compensation insurance benefits appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective July 1, 1991;

(d) The prescribed insurance benefit increase dollar amount that shall be allocated from the governor's compensation insurance benefits appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective July 1, 1992.

(4) The intent of the legislature is to eliminate the current passenger-only service between Seattle and Bremerton. The transportation commission is responsible for evaluating other potential passenger-only routes and determining the location of a new passenger-only route. The transfer of the Seattle/Bremerton passenger-only vessel to a new route should be implemented as soon as it is feasible.

(5) The appropriation in this section includes \$1,091,290 for an additional eight-hour automobile ferry service between Seattle and Bremerton during the 1992-93 fiscal period commencing with the elimination of the passenger only service.

(6) The department of transportation shall provide the legislative transportation committee with a monthly report concerning the status of the operating program authorized in this section.

(7) The transportation commission is directed to continue its evaluation of passenger-only vessel designs capable of providing high speed service between Seattle and Bremerton. The commission shall provide the legislative transportation committee with a report concerning the status of the evaluation by September 30, 1991.

NEW SECTION. Sec. 39. In addition to the appropriation authority contained in section 38 of this act for program X, the marine division may expend up to \$500,000 from the Puget Sound ferry operations account for unprogrammed expenditures with prior approval of the legislative transportation committee.

NEW SECTION. Sec. 40. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z

Motor Vehicle Fund--State Appropriation	\$	10,823,000
Motor Vehicle Fund--Federal Appropriation	\$	95,300,000
Motor Vehicle Fund--Local Appropriation	\$	10,000,000
TOTAL APPROPRIATION	\$	116,123,000

(1) The appropriations in this section include \$3,150,000 from the motor vehicle fund--state appropriation for transportation expenditures related to the United States navy home port in Everett.

(2) The appropriations contain \$309,000 of state funds from the proceeds of bonds for Columbia Basin county roads authorized in chapter 121, Laws of 1951; chapter 311, Laws of 1955; and chapter 121, Laws of 1965 for reimbursable expenditures on cooperative projects authorized by state or federal laws. If these moneys are not expended during 1991-93, this appropriation shall revert to the motor vehicle fund.

(3) \$4,000,000 of the motor vehicle fund--state appropriation, or as much thereof as may be required, is provided for studies that are mutually beneficial to cities, counties and the state department of transportation.

NEW SECTION. Sec. 41. FOR THE DEPARTMENT OF TRANSPORTATION--SUPPORTIVE SERVICES--PROGRAM 090

Motor Vehicle Fund--State Appropriation	\$	169,000
General Fund--Federal Appropriation	\$	400,000
TOTAL APPROPRIATION	\$	569,000

The appropriations in this section are provided for support services to on-the-job training programs for minority construction workers and for minority contractors' training programs.

NEW SECTION. Sec. 42. FOR THE DEPARTMENT OF TRANSPORTATION

Motor Vehicle Fund--RV Account--State Appropriation

Transfer:

For transfer to the Motor Vehicle Fund \$ 800,000

The appropriation transfer in this section is provided for the construction and maintenance of recreation vehicle sanitary disposal systems at rest areas on the state highway system.

NEW SECTION. Sec. 43. FOR THE DEPARTMENT OF TRANSPORTATION

Motor Vehicle Fund--State Appropriation

Transfer:

For transfer to the Advance Right of Way Revolving

Fund \$ 10,000,000

The appropriation transfer in this section is null and void if House Bill No. 1992 is not enacted by September 1, 1991.

NEW SECTION. Sec. 44. It is the intent of the legislature that the amounts assumed in this act for all revolving funds for services provided to the Washington state patrol and department of licensing by other agencies, including the department of personnel service fund for personnel services, the legal services revolving fund for tort claim administration costs and other legal costs, the audit services revolving fund for audits, and the archives and records management account for archiving, storage, and records management services, shall not be exceeded without prior approval of the legislative transportation committee.

NEW SECTION. Sec. 45. No moneys are provided in this act for major relocation of the Washington state patrol or the department of licensing.

Sec. 46. RCW 46.68.110 and 1989 1st ex.s. c 6 s 41 are each amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in subdivision (1) of RCW 46.68.100 shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

~~(2) ((From July 1, 1987, through June 30, 1989, thirty three one hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;~~

(3) From July 1, 1989, through June 30, 1991,)) Thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

~~((4))~~ (3) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the office of financial management.

Sec. 47. RCW 46.68.120 and 1989 1st ex.s. c 6 s 42 are each amended to read as follows:

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such funds shall be deducted monthly as such funds accrue and set aside for the use of the department of transportation and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

~~(3) ((From July 1, 1987, through June 30, 1989, thirty three one hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made;~~

~~(4) From July 1, 1989, through June 30, 1991,))~~ Thirty-three one hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made;

~~((5))~~ (4) The balance of such funds remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, in accordance with RCW 46.68.122 and 46.68.124.

NEW SECTION. **Sec. 48.** The motor vehicle fund revenues are received at a relatively even flow throughout the year. Expenditures exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The legislature recognizes that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

NEW SECTION. **Sec. 49.** The legislature recognizes the economic importance to the state of attracting new industrial development, and that the availability of transportation services is a significant factor in attracting such industries. The transportation commission and the department of transportation may consider these unique circumstances in determining priorities for capital expenditures.

NEW SECTION. **Sec. 50.** In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective construction or building accounts such

amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 51. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFER

Motor Vehicle Fund--Highway Construction

Stabilization Account Transfer: For transfer to the Motor Vehicle Fund. \$ 100,000,000

The appropriation transfer in this section is provided for expenditures pursuant to RCW 46.68.200.

NEW SECTION. Sec. 52. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

NEW SECTION. Sec. 53. (1) Any public agency including but not limited to transit agencies, cities, counties, and the state department of transportation, awarded contracts from counties or transit agencies for the construction of high occupancy vehicle lanes and related facilities shall use such moneys in addition to, and not as a substitute for, moneys currently used, or planned to be used, for high occupancy vehicle lanes by the public agency receiving the award.

(2) Cities, counties, transit agencies, and the state department of transportation having within their boundaries a portion of the existing or planned high occupancy vehicle system contained in the document dated March 1991, entitled "Puget Sound HOV Core Lane Needs: 2000", shall coordinate programming and operational decisions affecting the high occupancy vehicle system.

NEW SECTION. Sec. 54. To maximize the use of motor vehicle fund revenues, it is the intent of the legislature to encourage sharing of technology, information, and systems where appropriate between transportation agencies.

To facilitate this exchange, the Washington state department of transportation assistant secretary for finance and budget management; Washington state department of transportation chief for management information systems; the Washington state patrol deputy chief, chief of staff; Washington state patrol manager of the computer services division; the department of licensing deputy director and department of licensing assistant director for information systems will meet quarterly to share plans, discuss progress of key projects and to coordinate activities for the common good. Minutes of these meetings will be distributed to the respective agency heads and the legislative transportation committee. Washington state department of transportation will provide staff support and meeting coordination.

NEW SECTION. Sec. 55. Agencies shall comply with the following requirements regarding information technology projects if directed to do so by specific appropriation proviso within this act. In addition to these provisos agencies shall comply with all department of information services requirements.

It is the intent of the legislature that information technology projects in state government be managed and completed successfully. Information technology projects should be divided into distinct phases. Each phase of a project should be successfully completed before subsequent phases are commenced, unless an alternative plan is approved by the department of information services, office of financial management, and legislative transportation committee. In addition to the post-implementation review, reviews using oversight and quality assurance measures are to be conducted throughout the project.

The legislature, with recommendations from department of information services and office of financial management, should evaluate each project's scope, duration, and

risk in determining whether appropriations should be for a fiscal year or a biennium, and whether specific phases or the entire project can be accomplished within a specified time period.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services, the office of financial management, and the legislative transportation committee as appropriate.

(1) Scoping process phase. Prior to requesting moneys from the legislature, or as a condition of receiving an appropriation for planning or development of information technology projects, an agency shall complete a project scoping process. The scoping process shall detail the key issues to be addressed by the information technology project. The scoping process shall precede the feasibility study.

The scoping process must define the project's scope; key issues, including business, management, technical and other issues; major objectives; project justifications; project approach; and answer by a test of reasonableness that the project is feasible. The purpose of the scoping process is to provide the legislature, office of financial management, and the department of information services with the high level information that is needed to grant approval to proceed with the project.

(2) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements such studies shall examine and evaluate the costs and benefits of maintaining the status quo, and of the proposed project. The study shall identify if and in what amounts any fiscal savings, costs, and benefits will occur, and what programs or fund sources will be affected. Benefits of information technology projects shall not be limited to fiscal savings, but may include improvements in service delivery by the agency to the citizens of the state. The feasibility study in this section shall be accompanied by the project management plan described in subsection (3) of this section.

(3) The project management plan shall document how the agency will manage the project identified in the feasibility study. The plan shall be an evolving document. Each subsequent phase of the project shall have an updated project management plan submitted as a prerequisite for approval to begin the next phase.

The project management plan shall cover all factors critical to the entire project and shall specifically address management plans for successfully completing the subsequent phase. The project management plan shall address all factors critical to the overall project, including, but not limited to, the following elements:

(a) Project organization: Define agency executive personnel accountable for project success; define oversight and management committee structures; identify key personnel including key positions that are not yet filled; address staffing requirements, including backfilling requirements; and other key resources needed for successful project implementation.

(b) A description of scope change and cost control procedures.

(c) A risk assessment and risk mitigation plan.

(d) A description of project oversight monitoring and quality assurance procedures.

(e) A project workplan: Explaining the appropriately defined phases, key management decision points, scheduling of other activities, and estimated costs for the next phase or phases to be conducted in a specified time period.

(4) Prior to reaching key decision points identified in the relevant project management plan a project status report shall be submitted to the department of information services, the office of financial management, and the legislative transportation committee for each project. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk

management, cost and benefits analysis, and other aspects critical to completion of a project.

(5) In instances where a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of information technology projects. Copies of written project review reports shall be forwarded to the office of financial management and the legislative transportation committee by the agency.

(6) The agency and the department of information services shall provide the legislative transportation committee and the office of financial management with a written bi-monthly project oversight and risk assessment report for each project that has a specific proviso under this section. The report shall include, but not be limited to, the following: Project name, agency undertaking the project, a description of the project, key project activities during the next sixty to ninety days, base-line cost data, costs to date, schedule to date, risk assessments, risk management, and recommendations.

(7) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, post-implementation reports shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of post-implementation review reports shall be provided to the department of information services, the office of financial management, and the legislative transportation committee.

Where major variances in project scope, cost, or risk occur, the sponsoring agency shall inform the department of information services of the change. The director of the sponsoring agency and the director of the department of information services shall jointly report such findings in writing to the legislative transportation committee and office of financial management. A major variance is defined as a budget change in excess of \$1,000,000 or ten percent, whichever is lower; an increase in risk category to high; or a change in scope that could result in major change in budget or risk.

NEW SECTION. Sec. 56. The department of transportation shall consolidate all growth management functions within a growth management project office. This office shall cease to exist on June 30, 1995.

NEW SECTION. Sec. 57. The attorney general shall prepare by December 31 of each year, a report to the legislative transportation committee comprising a comprehensive summary of all cases involving tort claims against the department of transportation involving highways that were concluded and closed in the previous calendar year. The report shall include for each case closed:

- (1) A summary of the factual background of the case;
- (2) Identification of the attorneys representing the state and the opposing parties;
- (3) A synopsis of the legal theories asserted and the defenses presented;
- (4) Whether the case was tried, settled, or dismissed, and in whose favor;
- (5) The amount of any settlement or verdict reached, and the terms for payment;
- (6) A summary of all settlement offers made by the parties where a verdict was returned against the state;
- (7) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefore; and
- (8) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in

statute law or agency practice that might effectively reduce the exposure of the state to such tort claims.

**NEW SECTION. Sec. 58. FOR THE WASHINGTON STATE PATROL--
CAPITAL**

As used in this section, "St Patrol Hiwy Acct" means the State Patrol Highway Account and "St Patrol Constr Acct" means the State Patrol Construction Account.

(1) Design and construct WSP/DOL district offices-Tacoma (90-2-013)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		5,413,000
Motor Vehicle Acct--State		924,000
Highway Safety Fund--State		924,000
Total Appropriation		7,261,000

Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
750,000		8,011,000

(2) Design and construct new agency headquarters-Olympia (90-2-040)

	Reappropriation	Appropriation
St Patrol Constr Acct		40,000,000
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
250,000		40,250,000

The appropriation contained in this subsection is null and void if the bond authorization is not enacted by June 30, 1991.

(3) Complete Construction District Headquarters--Everett
(90-2-018)

	Reappropriation	Appropriation
St Patrol Hiwy Acct	3,200,000	
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
300,000	3,200,000	3,500,000

(4) Replace underground storage tanks-Ten locations (92-1-002)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		1,656,000
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
376,000		2,032,000
(5) Minor works (92-2-004)		

	Reappropriation	Appropriation
St Patrol Hiwy Acct		435,000
Project Cost Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
1,654,000	759,200	2,848,200
(6) Property acquisition for communications site-Maple Falls (92-2-0064)		

	Reappropriation	Appropriation
St Patrol Hiwy Acct		17,000
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
		17,000
(7) BAW FAW replacement communication tower (92-2-010)		

	Reappropriation	Appropriation
St Patrol Hiwy Acct		234,000
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
		234,000

The state patrol and the department of licensing shall coordinate their activities when siting facilities. This coordination shall result in the colocation of driver and vehicle licensing and vehicle inspection service facilities whenever possible.

The department and state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to colocate in these joint facilities. The department and state patrol shall reach agreement with the department of transportation for the purposes of offering department of transportation permits at these one-stop transportation centers. All services provided by the department or the state patrol at these transportation service facilities shall be provided at cost to the participating agencies.

In those instances where the community need or the agencies needs do not warrant colocation this proviso shall not apply.

NEW SECTION. Sec. 59. A new section is added to chapter 46.68 RCW to read as follows:

The state patrol equipment account is created in the state treasury. The account shall be used solely to finance the acquisition and replacement of equipment to be used for state patrol highway-related activities.

(1) All equipment capitalized by the account shall be subject to annual use and depreciation costs in an amount that will recover a replacement value by the time the life cycle has expired for a particular piece of equipment. The account shall be an internal service fund subject to legislative appropriation.

(2) Use and depreciation costs shall be charged to all users of Washington State Patrol equipment, except in those circumstances where the chief of the state patrol deems it necessary to waive those charges.

(3) The state patrol shall propose a replacement schedule and the rate for use, for all equipment to be included in the account.

(4) The state patrol shall report to the legislative transportation committee and the office of financial management by December 1, 1991, on the alternatives for the inclusion of different types of equipment to be included in the state patrol equipment account and on financing alternatives.

Sec. 60. RCW 43.08.250 and 1985 c 57 s 27 are each amended to read as follows"

(1) Of the money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, seventy percent shall be deposited in the public safety and education account which is hereby created in the ((state treasury)) general fund, and thirty percent shall be deposited in the traffic safety and enforcement account hereby created in the transportation fund.

(a) The legislature shall appropriate the funds in the public safety and education account to promote ((traffic safety education, highway safety,)) criminal justice training, crime victims' compensation, judicial education, the judicial information system, winter recreation parking, and state game programs.

(b) Moneys in the traffic safety and enforcement account shall be used for promotion of traffic safety education, highway safety, the safety education officer program, driver education, commercial vehicle enforcement, and other programs related to driver and vehicle safety, enforcement, and administration. All earnings of investments of balances in the traffic safety and enforcement account shall be credited to the transportation fund, notwithstanding RCW 43.84.090.

(c) All earnings of investments of balances in the public safety and education account shall be credited to the general fund.

(2) The ending fund balance on June 30, 1993, as determined by the state treasurer, shall be allocated on July 1, 1993, as follows: Seventy percent to the public safety and education account and thirty percent to the traffic safety and enforcement account.

Sec. 61. RCW 43.84.090 and 1990 2nd ex.s. c 1 s 203 are each amended to read as follows"

Except as otherwise provided by RCW 43.250.030, 67.40.025, ~~((and))~~ 82.14.050, and section 60(1)(b) of this act, twenty percent of all income received from such investments shall be deposited in the state general fund.

NEW SECTION. Sec. 62. A study shall be performed by the senate ways and means committee, the house of representatives appropriations committee, and the legislative transportation committee to examine issues related to the public safety and education account. The study shall examine and make recommendations regarding, but not limited to, the following: The effectiveness of all programs receiving appropriations from the account, which purposes should be added or deleted from RCW 43.08.250, which programs should have priority for increased funding from the account, the method of distributing and appropriating account revenue, and the logical connection between the sources and uses of account revenue. A report shall be presented to the legislature no later than July 1, 1992. This section shall take effect July 1, 1991.

NEW SECTION. Sec. 63. Sections 60 and 61 of this act shall take effect July 1, 1993.

NEW SECTION. Sec. 64. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1991 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, and 1989 legislatures to conform state funds and accounts with generally accepted accounting principles. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 65. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

MOTION

Senator Skratek moved that the following amendment to the Committee on Transportation amendment be adopted:

On page 12, after line 10, insert the following:

NEW SECTION. Sec. 21. FOR THE UNIVERSITY OF WASHINGTON--
FACILITY MANAGEMENT OFFICE--TRANSPORTATION AND TECHNICAL
SERVICES

Transportation Fund - State Appropriation.....\$ 1,600,000

The appropriation in this section is provided solely for implementation of the universal bus pass program for monitoring and evaluation of the program, information and marketing efforts, development of car pool systems, modification of roads to accommodate buses, and security lighting for night shuttle programs. It is the intent of the legislature that comparable comprehensive programs such as the universal bus pass program at the University of Washington be developed in the near future for all public universities and colleges within the greater Seattle area. To that end, METRO, community transit, and Pierce transit agencies and Seattle area colleges and universities shall work together and submit a plan to the state identifying potential services, costs and implementation schedules. The plan shall be submitted to the legislative transportation committee by November 1991.

Renumber remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Skratek on page 12, after line 10, to the

Committee on Transportation striking amendment to Engrossed Substitute House Bill No. 1231.

The motion by Senator Skratek failed and the amendment to the committee amendment was not adopted.

MOTION

Senator Skratek moved that the following amendments to the Committee on Transportation striking amendment be considered simultaneously and be adopted:

On page 12, line 13, after "appropriation" strike "\$148,878,000" and insert "\$143,878,000"

On page 12, line 16, after "appropriation" strike "\$249,478,000" and insert "\$244,478,000"

On page 15, line 14, after "is" strike "\$202,000,000" and insert "\$217,000,000"

On page 15, line 20, after "appropriation" strike "\$53,600,000" and insert "\$68,600,000"

On page 15, line 24, after "appropriations" strike "\$211,600,000" and insert "\$226,600,000"

On page 19, line 13, after "appropriation" strike "\$65,200,000" and insert "\$55,200,000"

On page 19, line 16, after "appropriation" strike "\$118,600,000" and insert "\$108,600,000"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Skratek on page 12, lines 13 and 16; page 15, lines 14, 20, 24; and page 19, lines 13 and 16; to the Committee on Transportation striking amendment to Engrossed Substitute House Bill No. 1231.

The motion by Senator Skratek failed and the amendments to the committee amendment were not adopted.

MOTIONS

On motion of Senator Vognild, the following amendment by Senator Vognild, Talmadge and Patterson to the Committee on Transportation striking amendment was adopted:

On page 16, beginning on line 10, strike all of subsections (2) and (3)
Renumber the remaining subsections consecutively.

Senator Skratek moved that the following amendments to the Committee on Transportation striking amendment be considered simultaneously and be adopted:

On page 17, line 12, after "Appropriation" strike "\$39,302,000" and insert "\$39,400,000"

On page 17, line 15, after "Appropriation" strike "\$72,451,000" and insert "\$72,549,000"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Skratek on page 17, lines 12 and 15, to the Committee on Transportation striking amendment to Engrossed Substitute House Bill No. 1231.

The motion by Senator Skratek failed and the amendments to the committee amendment were not adopted.

MOTION

Senator Skratek moved that the following amendments to the Committee on Transportation striking amendment be considered simultaneously and be adopted:

On page 20, line 3, after "appropriation" strike "\$215,460,000" and insert "\$216,260,000"

On page 20, line 5, after "appropriation" strike "\$216,210,000" and insert "\$217,010,000"

On page 20, after line 18, insert "(3) Up to \$800,000 of the motor vehicle fund--state appropriation is provided solely to fund two highway stormwater runoff demonstration projects provided such projects implement best management practices consistent with the highway stormwater runoff rule, chapter 173-270 WAC, referred to in the Puget Sound water quality management plan. These projects shall be coordinated with the stormwater research efforts conducted by the planning, research, and public transportation division. The demonstration projects shall assess the use and cost of using accepted alternative methods for handling stormwater runoff from state highways in the Puget Sound basin and eastern Washington. Findings shall be reported to the legislative transportation committee by September 1992."

Renumber remaining subsections consecutively.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Skratek on page 20, lines 3, 5, and 18, to the Committee on Transportation striking amendment to Engrossed Substitute House Bill No. 1231.

Senator Skratek demanded a roll call and the demand was not sustained.

The President declared the question before the Senate to be the adoption of the amendments by Senator Skratek on page 20, lines 3, 5, and 18, to the Committee on Transportation striking amendment to Engrossed Substitute House Bill No. 1231.

The motion by Senator Skratek failed and the amendments to the Committee on Transportation striking amendment were not adopted.

The President declared the question before the Senate to be the adoption of the Committee on Transportation striking amendment, as amended, to Engrossed Substitute House Bill No. 1231.

The Committee on Transportation striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 46.68.110, 46.68.120, 43.08.250, and 43.84.090; adding a new section to chapter 46.68 RCW; creating new sections; providing an effective date; and declaring an emergency."

On motion of Senator Patterson, the rules were suspended, Engrossed Substitute House Bill No. 1231, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1231, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1231, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Patterson, Pelz, Roach, Saling, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West - 38.

Voting nay: Senators M. Kreidler, Niemi, Rinehart, Skratek, A. Smith, Vognild, Williams, Wojahn - 8.

Excused: Senators Owen, Rasmussen, Sellar - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1231, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1028, by House Committee on Environmental Affairs (originally sponsored by Representatives Pruitt, Horn, Rust, Heavey, Anderson, Wineberry, Phillips, Wang, Sprenkle, Jones, Prentice, Fraser, Nelson, G. Fisher, Jacobsen, R. Fisher, Valle, Roland, Hine and Brekke) (by request of Governor Gardner)

Making major changes to air quality laws.

The bill was read the second time.

MOTION

Senator Anderson moved that the following Committee on Ways and Means amendment not be adopted:

Strike everything after the enacting clause and insert the following:

"I.

PUBLIC POLICY, FINDINGS, AND INTENT"

NEW SECTION. Sec. 101. The legislature finds that ambient air pollution is the most serious environmental threat in Washington state. Air pollution causes significant harm to human health; damages the environment, including trees, crops, and animals; causes deterioration of equipment and materials; contributes to water pollution; and degrades the quality of life.

Over three million residents of Washington state live where air pollution levels are considered unhealthful. Of all toxic chemicals released into the environment more than half enter our breathing air. Citizens of Washington state spend hundreds of millions of dollars annually to offset health, environmental, and material damage caused by air pollution. The legislature considers such air pollution levels, costs, and damages to be unacceptable.

The department of ecology and local air pollution control authorities shall preempt actions of other state agencies or local governments for the purposes of controlling air pollution in Washington state, except where provided in this act.

Sec. 102. RCW 70.94.011 and 1973 1st ex.s. c 193 s 1 are each amended to read as follows:

It is declared to be the public policy ((of the state)) to preserve, protect, and enhance the air quality for current and future generations. Air is an essential resource that must be protected from harmful levels of pollution. Improving air quality is a matter of state-wide concern and is in the public interest. It is the intent of this chapter to secure and maintain ((such)) levels of air quality ((as will)) that protect human health and safety ((and)), including the most sensitive members of the population, to comply with the requirements of the federal clean air act, ((and)) to ((the greatest degree practicable)) prevent injury to plant ((and)), animal life, and property, to foster the comfort and convenience of ((its)) Washington's inhabitants, to promote the economic and social development of the state, and to facilitate the enjoyment of the natural attractions of the state. ((The problems and effects of air pollution are frequently regional and interjurisdictional in nature, and are dependent upon the existence of urbanization and industrialization in areas having common topography and recurring weather conditions conducive to the buildup of air contaminants))

It is further the intent of this chapter to protect the public welfare, to preserve visibility, to protect scenic, aesthetic, historic, and cultural values, and to prevent air pollution problems that interfere with the enjoyment of life, property, or natural attractions.

Because of the extent of the air pollution problem the legislature finds it necessary to return areas with poor air quality to levels adequate to protect health and the environment as expeditiously as possible but no later than December 31, 1995. Further, it is the intent of this chapter to prevent any areas of the state with acceptable air quality from reaching air contaminant levels that are not protective of human health and the environment.

The legislature recognizes that air pollution control projects may affect other environmental media. In selecting air pollution control strategies state and local

agencies shall support those strategies that lessen the negative environmental impact of the project on all environmental media, including air, water, and land.

The legislature further recognizes that energy efficiency and energy conservation can help to reduce air pollution and shall therefore be considered when making decisions on air pollution control strategies and projects.

It is the policy of the state that the costs of protecting the air resource and operating state and local air pollution control programs shall be shared as equitably as possible among all sources whose emissions cause air pollution.

It is also declared as public policy that regional air pollution control programs are to be encouraged and supported to the extent practicable as essential instruments for the securing and maintenance of appropriate levels of air quality.

~~(It is also declared to be the public policy of the state to provide for the people of the populous metropolitan regions in the state the means of obtaining air pollution control not adequately provided by existing agencies of local government. For reasons of the present and potential dramatic growth in population, urbanization, and industrialization, the special problem of air resource management, encompassing both corrective and preventive measures for the control of air pollution cannot be adequately met by the individual towns, cities, and counties of many metropolitan regions.~~

~~In addition, the state is divided into two major areas, each having unique characteristics as to natural climatic and topographic features which may result in the different potentials for the accumulation and buildup of air contaminant concentrations. These two major areas are the area lying west of the Cascade Mountain crest and the area lying east of the Cascade Mountain crest. Within each of these major areas are regions which, because of the climate and topography and present and potential urbanization and industrial development may, through definitive evaluation be classed as regional air pollution areas.)~~

To these ends it is the purpose of this chapter to ~~((provide for a))~~ safeguard the public interest through an intensive, progressive, and coordinated state-wide program of air pollution prevention and control, to provide for an appropriate distribution of responsibilities, and to encourage coordination and cooperation between the state, regional, and local units of government, ((and for cooperation across jurisdictional lines in dealing with problems of air pollution)) to improve cooperation between state and federal government, public and private organizations, and the concerned individual, as well as to provide for the use of all known, available, and reasonable methods to reduce, prevent, and control air pollution.

The legislature recognizes that the problems and effects of air pollution cross political boundaries, are frequently regional or interjurisdictional in nature, and are dependent upon the existence of human activity in areas having common topography and weather conditions conducive to the buildup of air contaminants. In addition, the legislature recognizes that air pollution levels are aggravated and compounded by increased population, and its consequences. These changes often result in increasingly serious problems for the public and the environment.

The legislature further recognizes that air emissions from thousands of small individual sources are major contributors to air pollution in many regions of the state. As the population of a region grows, small sources may contribute an increasing proportion of that region's total air emissions. It is declared to be the policy of the state to achieve significant reductions in emissions from those small sources whose aggregate emissions constitute a significant contribution to air pollution in a particular region.

It is the intent of the legislature that air pollution goals be incorporated in the missions and actions of state agencies.

Sec. 103. RCW 70.94.030 and 1987 c 109 s 33 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(2) "Air pollution" is presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property. For the purpose of this chapter, air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW.

~~(3) ("Person" means and includes an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency))~~ "Air quality standard" means an established concentration, exposure time, and frequency of occurrence of an air contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(4) "Ambient air" means the surrounding outside air.

(5) "Authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

~~((5))~~ (6) "Board" means the board of directors of an authority.

~~((6))~~ (7) "Control officer" means the air pollution control officer of any authority.

~~((7))~~ (8) "Department" means the department of ecology.

(9) "Emission" means a release of air contaminants into the ~~((outdoor atmosphere of air contaminants))~~ ambient air.

~~((8) "Department" means the state department of ecology.~~

~~(9) "Ambient air" means the surrounding outside air.))~~

(10) "Emission standard" means a limitation on the release of an air contaminant or multiple contaminants into the ambient air.

(11) "Multicounty authority" means an authority which consists of two or more counties.

~~((11) "Emission standard" means a limitation on the release of a contaminant or multiple contaminants into the ambient air.~~

~~(12) "Air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.~~

~~(13) "Air quality objective" means the concentration and exposure time of a contaminant or multiple contaminants in the ambient air below which undesirable effects will not occur.))~~

(12) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision of the state, municipality, or governmental agency.

(13) "Silvicultural burning" means burning of wood fiber on forest land consistent with the provisions of RCW 70.94.660.

"II.

MOTOR VEHICLES AND FUELS"

Sec. 201. RCW 70.120.010 and 1979 ex.s. c 163 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of ecology.

(2) "Director" means the director of the department of ecology.

(3) "Fleet" means ~~((a group of twenty five or more motor vehicles owned or leased concurrently by one person))~~ a group of fifteen or more motor vehicles registered in the same name and whose owner has been assigned a fleet identifier code by the department of licensing.

(4) "Motor vehicle" means any self-propelled vehicle required to be licensed pursuant to chapter 46.16 RCW.

(5) "Motor vehicle dealer" means a motor vehicle dealer, as defined in RCW 46.70.011, that is licensed pursuant to chapter 46.70 RCW.

(6) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision of the state, municipality, or governmental agency.

(7) The terms "air contaminant," "air pollution," "air quality standard," "ambient air," "emission," and "emission standard" have the meanings given them in RCW 70.94.030.

Sec. 202. RCW 70.120.020 and 1989 c 240 s 5 are each amended to read as follows:

(1) The department shall conduct ~~((the following programs in a manner that will enhance the successful implementation of the air pollution control system established for motor vehicles by this chapter:~~

(a) ~~A voluntary motor vehicle emissions inspection program;~~

~~(b)) a public educational program regarding the health effects of air pollution emitted by motor vehicles; the purpose, operation, and effect of emission control devices and systems; and the effect that proper maintenance of motor vehicle engines has on fuel economy and air pollution emission((; and~~

~~(c)) and a public notification program identifying the geographic areas of the state that are designated as being noncompliance areas and emission contributing areas and describing the requirements imposed under this chapter for those areas.~~

(2)(a) The department~~((the superintendent of public instruction, and the state board for community college education shall develop cooperatively, after consultation with automotive trades joint apprenticeship committees approved in accordance with RCW 49.04.040, a program for granting))~~ shall grant certificates of instruction to persons who successfully complete a course of study, under general requirements established by the director, in the maintenance of motor vehicle engines, the use of engine and exhaust analysis equipment, and the repair and maintenance of emission control devices. The director may establish and implement procedures for granting certification to persons who successfully complete other training programs or who have received certification from public and private organizations which meet the requirements established in this subsection, including programs on clean fuel technology and maintenance.

(b) The department shall make available to the public a list of those persons who have received certificates of instruction under subsection (2)(a) of this section.

Sec. 203. RCW 70.120.070 and 1989 c 240 c 6 are each amended to read as follows:

(1) Any person:

(a) Whose motor vehicle is tested pursuant to this chapter and fails to comply with the emission standards established for the vehicle; ~~((and))~~

(b) Who, following such a test, expends more than ~~((fifty))~~ one hundred dollars on a 1980 or earlier model year motor vehicle or expends more than one hundred fifty dollars on a 1981 or later model year motor vehicle for repairs solely devoted to meeting the emission standards and that are performed by a certified emission specialist authorized by RCW 70.120.020(2)(a); ~~((and))~~

(c) Should any provision of (b) of this subsection be disapproved by the administrator of the United States environmental protection agency, all vehicles shall

be required to expend at least four hundred fifty dollars to qualify for a certificate of acceptance;

(d) Whose vehicle fails a retest, may be issued a certificate of acceptance if (i) the vehicle has been in use for more than five years or fifty thousand miles, and (ii) any component of the vehicle installed by the manufacturer for the purpose of reducing emissions, or its appropriate replacement, is installed and operative((-); and

((d)) (e) To receive the certificate, the person must document compliance with (b) and ((e)) (d) of this subsection to the satisfaction of the department.

(2) Persons who fail the initial tests shall be provided with information regarding the availability of federal warranties and certified emission specialists.

NEW SECTION. Sec. 204. (1) A task force is established for the purposes of recommending a program to assist persons with vehicles failing to comply with emission standards under RCW 70.120.120. The task force shall be appointed by the speaker of house of representatives and the president of the senate and shall consist of:

(a) Two members from the house committee on environmental affairs;

(b) Two members from the senate committee on environment and natural resources; and

(c) Two members from the legislative committee on transportation.

(2) In developing recommendations, the task force shall consult with representatives from the departments of ecology, licensing, social and health services, and revenue, the Washington state patrol, vehicle dealers and manufacturers, automobile associations, auto wreckers, and advocates for low-income persons and senior citizens.

(3) By November 1, 1991, the task force shall report to the appropriate standing committees of the legislature. The report shall recommend methods to:

(a) Use public and private funds to provide credit toward purchasing vehicles ten years or older from persons with vehicles not meeting the emission standards under RCW 70.120.120 for the purpose of permanently removing such vehicles from the road;

(b) Identify persons needing assistance with the provisions of RCW 70.120.120. In identifying such persons, the task force shall give first consideration to persons with an income of less than one hundred fifty percent of the federal poverty level;

(c) Prevent fraud or abuse of the program developed under this section; and

(d) Share the cost of the program with new and used car dealers licensed under chapter 46.70 RCW.

In the event that the task force determines a program to provide credit toward the purchase of older, polluting vehicles, as described under (a) of this subsection, does not provide an adequate benefit to low-income persons, the task force shall include recommendations to provide public funds for the repair of such vehicles.

Sec. 205. RCW 70.120.080 and 1979 ex.s. c 163 s 8 are each amended to read as follows:

The director may authorize an owner or lessee of a fleet of motor vehicles, or the owner's or lessee's agent, to inspect the vehicles in the fleet and issue certificates of compliance for the vehicles in the fleet if the director determines that: (1) The director's ~~((emission-and))~~ inspection ~~((standards))~~ procedures will be complied with; and (2) certificates will be issued only to vehicles in the fleet that meet emission and equipment standards adopted under RCW 70.120.150 and only when appropriate.

In addition, the director may authorize an owner or lessee of one or more diesel motor vehicles with a gross vehicle weight rating in excess of eight thousand five hundred pounds, or the owner's or lessee's agent, to inspect the vehicles and issue certificates of compliance for the vehicles. The inspections shall be conducted in compliance with inspection procedures adopted by the department and certificates of compliance shall only be issued to vehicles that meet emission and equipment standards adopted under RCW 70.120.150.

The director shall establish by rule the fee for fleet or diesel inspections provided for in this section. The fee shall be set at an amount necessary to offset the

department's cost to administer the fleet and diesel inspection program authorized by this section.

Owners, leaseholders, or their agents conducting inspections under this section shall pay only the fee established in this section and not be subject to fees under RCW 70.120.170(4).

Sec. 206. RCW 70.120.120 and 1989 c 240 s 8 are each amended to read as follows:

The director shall adopt rules implementing and enforcing this chapter (~~and RCW 46.16.015(2)(g))~~ in accordance with chapter 34.05 RCW. (~~Notwithstanding the provisions of chapter 34.05 RCW, any rule implementing and enforcing RCW 70.120.150(5) may not be adopted until it has been submitted to the standing committees on ecology of the house of representatives and senate for review and approval.~~) The (~~standing committees~~) department shall take into account when considering proposed modifications of emission contributing boundaries, as provided for in RCW 70.120.150(~~(5)~~) (6), alternative (~~plans for traffic rerouting and traffic bans~~) transportation control and motor vehicle emission reduction measures that (~~may have been prepared~~) are required by local municipal corporations for the purpose of satisfying federal emission guidelines.

Sec. 207. RCW 70.120.150 and 1989 c 240 s 2 are each amended to read as follows:

The director:

(1) Shall adopt motor vehicle emission and equipment standards to: Ensure that no less than seventy percent of the vehicles tested comply with the standards on the first inspection conducted, meet federal clean air act requirements, and protect human health and the environment.

(2) Shall adopt rules implementing the smoke opacity testing requirement for diesel vehicles that ensure that such test is objective and repeatable and that properly maintained engines that otherwise would meet the applicable federal emission standards, as measured by the new engine certification test, would not fail the smoke opacity test.

(3) Shall designate a geographic area as being a "noncompliance area" for motor vehicle emissions if (a) the department's analysis of (~~the~~) emission and ambient air quality data, (recorded for) covering a period of no less than one year, (~~at the monitoring sites~~) indicates that the standard has or will probably be exceeded, and (b) the department determines that the primary source of the air contaminant (~~being monitored at the sites~~) is motor vehicle emissions.

(~~(3)~~) (4) Shall reevaluate noncompliance areas if the United States environmental protection agency modifies the relevant air quality standards, and shall discontinue the program if compliance is indicated and if the department determines that the area would continue to be in compliance after the program is discontinued. The director shall notify persons residing in noncompliance areas of the reevaluation.

(~~(4)~~) (5) Shall analyze information regarding the motor vehicle traffic in a noncompliance area to determine the smallest land area within whose boundaries are present registered motor vehicles that contribute significantly to the violation of motor vehicle-related air quality standards in the noncompliance area. The director shall declare the area to be an "emission contributing area." An emission contributing area established for a carbon monoxide or oxides of nitrogen noncompliance area must contain the noncompliance area within its boundaries. An emission contributing area established for an ozone noncompliance area located in this state need not contain the ozone noncompliance area within its boundaries if it can be proven that vehicles registered in the area contribute significantly to violations of the ozone air quality standard in the noncompliance area. An emission contributing area may be established in this state for violations of federal air quality standards for ozone in an adjacent state if (a) the United States environmental protection agency designates an area to be a "nonattainment area for ozone" under the provisions of the federal Clean Air Act (42

U.S.C. 7401 et. seq.), and (b) ~~((the nonattainment area encompasses portions of both Washington and the adjacent state, and (c)))~~ it can be proven that vehicles registered in this state contribute significantly to the violation of the federal air quality standards for ozone in the adjacent state's ~~((portion of the))~~ nonattainment area.

~~((5))~~ (6) Shall, after consultation with the appropriate local government entities, designate areas as being noncompliance areas or emission contributing areas, and shall establish the boundaries of such areas by rule. The director may also modify boundaries. In establishing the external boundaries of an emission contributing area, the director shall use the boundaries established for ZIP code service areas by the United States postal service.

~~((6))~~ (7) May make grants to units of government in support of planning efforts to reduce motor vehicle emissions ~~((in areas where emission control inspections are not required))~~.

Sec. 208. RCW 70.120.170 and 1989 c 240 s 4 are each amended to read as follows:

(1) The department shall administer a system for ~~((biennial))~~ emission inspections ~~((of emissions))~~ of all motor vehicles registered within the boundaries of each emission contributing area. ~~((Persons residing within the boundaries of an emission contributing area shall register their motor vehicle within that area, unless business reasons require registration outside the area. Requests for exemption from inspection for business reasons shall be reviewed and approved by the director))~~ Under such system a motor vehicle shall be inspected biennially except where an annual program would be required to meet federal law and prevent federal sanctions. In addition, motor vehicles shall be inspected at each change of registered owner.

(2) The director shall:

(a) Adopt procedures for conducting emission ~~((tests for))~~ inspections of motor vehicles. The ~~((tests shall))~~ inspections may include idle and high revolution per minute emission tests. The emission test for diesel vehicles shall consist solely of a smoke opacity test.

(b) Adopt criteria for calibrating emission testing equipment. Electronic equipment used to test for emissions standards provided for in this chapter shall be properly calibrated. The department shall examine frequently the calibration of the emission testing equipment used at the stations.

(c) Authorize, through contracts, the establishment and operation of inspection stations for conducting ~~((the))~~ vehicle emission ~~((tests))~~ inspections authorized in this chapter. No person contracted to inspect motor vehicles may perform for compensation repairs on any vehicles. No public body may establish or operate contracted inspection stations. Any contracts must be let in accordance with the procedures established for competitive bids in chapter 43.19 RCW.

(3) Subsection (2)(c) of this section does not apply to volunteer motor vehicle inspections under RCW 70.120.020(1)~~((a))~~ if the inspections are conducted for the following purposes:

(a) Auditing;

(b) Contractor evaluation;

(c) Collection of data for establishing calibration and performance standards; or

(d) Public information and education.

(4)(a) The director shall establish by rule the fee to be charged for emission inspections. The inspection fee shall be a standard fee applicable state-wide or throughout an emission contributing area and shall be no greater than eighteen dollars. Surplus moneys collected from fees over the amount due the contractor shall be paid to the state and deposited in the general fund. Fees shall be set at the minimum whole dollar amount required to (i) compensate the contractor or inspection facility owner, and (ii) offset the general fund appropriation to the department to cover the administrative costs of the motor vehicle emission inspection program.

(b) Before each inspection, a person whose motor vehicle is to be inspected shall pay to the inspection station the fee established under this section. The person whose motor vehicle is inspected shall receive the results of the inspection (~~((test))~~). If the inspected (~~((vehicle's emissions comply))~~) vehicle complies with the standards established by the director, the person shall receive a dated certificate of compliance. If the inspected (~~((vehicle's emissions do))~~) vehicle does not comply with those standards, one (~~((retest of the vehicle's emission))~~) reinspection of the vehicle shall be afforded without charge.

(5) All units of local government and agencies of the state with motor vehicles garaged or regularly operated in an emissions contributing area shall test the emissions of those vehicles (~~((biennially))~~) annually to ensure that the vehicle's emissions comply with the emission standards established by the director. All state agencies outside of emission contributing areas with more than twenty motor vehicles housed at a single facility or contiguous facilities shall test the emissions of those vehicles annually to ensure that the vehicles' emissions comply with standards established by the director. A report of the results of the tests shall be submitted to the department.

Sec. 209. RCW 46.16.015 and 1990 c 42 s 318 are each amended to read as follows:

(1) Neither the department of licensing nor its agents may issue or renew a motor vehicle license for any vehicle (~~((registered in an emission contributing area, as that area is established under chapter 70.120 RCW))~~) or change the registered owner, for any (~~((year in which the))~~) vehicle that is required to be ((tested)) inspected under chapter 70.120 RCW, unless the application for issuance or renewal is: (a) Accompanied by a valid certificate of compliance or a valid certificate of acceptance issued pursuant to chapter 70.120 RCW; or (b) exempted from this requirement pursuant to subsection (2) of this section. The certificates must have a date of validation which is within (~~((ninety days))~~) six months of the date of application for the vehicle license or license renewal. Certificates for fleet or owner tested diesel vehicles may have a date of validation which is within twelve months of the assigned license renewal date.

(2) Subsection (1) of this section does not apply to the following vehicles:

(a) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith purchases the vehicle for purposes other than resale;

(b) Motor vehicles with a model year of 1967 or earlier;

(c) Motor vehicles that use propulsion units powered exclusively by electricity;

(d) Motor vehicles fueled (~~((exclusively))~~) by propane, compressed natural gas, or liquid petroleum gas, unless it is determined that federal sanctions will be imposed as a result of this exemption;

(e) Motorcycles as defined in RCW 46.04.330 and motor-driven cycles as defined in RCW 46.04.332;

(f) (~~((Motor vehicles powered by diesel engines;~~

~~((g)))~~ Farm vehicles as defined in RCW 46.04.181;

~~((h)))~~ (g) Used vehicles which are offered for sale by a motor vehicle dealer licensed under chapter 46.70 RCW; or

~~((i)))~~ (h) Motor vehicles exempted by the director of the department of ecology.

The provisions of subparagraph (a) of this subsection may not be construed as exempting from the provisions of subsection (1) of this section applications for the renewal of licenses for motor vehicles that are or have been leased.

(3) (~~((The department of licensing shall mail to each owner of a vehicle registered within an emission contributing area a notice regarding the boundaries of the area and restrictions established under this section that apply to vehicles registered in such areas. The information for the notice shall be supplied to the department of licensing by the department of ecology.))~~) The department of ecology shall provide

information to motor vehicle owners regarding the boundaries of emission contributing areas and restrictions established under this section that apply to vehicles registered in such areas. In addition the department of ecology shall provide information to motor vehicle owners on the relationship between motor vehicles and air pollution and steps motor vehicle owners should take to reduce motor vehicle related air pollution. The department of licensing shall send to all registered motor vehicle owners (~~who reside within the emissions area~~) affected by the emission testing program notice that they must have an emission test to renew their registration.

NEW SECTION. Sec. 210. A new section is added to chapter 70.120 RCW to read as follows:

(1) Motor vehicle dealers selling a used vehicle not under a new vehicle warranty shall include a notice in each vehicle purchase order form that reads as follows: "The owner of a vehicle may be required to spend up to four hundred fifty dollars for repairs if the vehicle does not meet the vehicle emission standards under this chapter. Unless expressly warranted by the motor vehicle dealer, the dealer is not warranting that this vehicle will pass any emission tests required by federal or state law."

(2) The signature of the purchaser on the notice required under subsection (1) of this section shall constitute a valid disclaimer of any implied warranty by the dealer as to a vehicle's compliance with any emission standards.

(3) The disclosure requirement of subsection (1) of this section applies to all motor vehicle dealers located in counties where state emission inspections are required.

NEW SECTION. Sec. 211. A new section is added to chapter 70.120 RCW to read as follows:

Engine manufacturers shall certify that new engines conform with current exhaust emission standards of the federal environmental protection agency.

NEW SECTION. Sec. 212. A new section is added to chapter 70.120 RCW to read as follows:

By July 1, 1992, the department shall develop, in cooperation with the departments of general administration and transportation, and the state energy office, aggressive clean-fuel performance and clean-fuel vehicle emissions specifications including clean-fuel vehicle conversion equipment. To the extent possible, such specifications shall be equivalent for all fuel types. In developing such specifications the department shall consider the requirements of the clean air act and the findings of the environmental protection agency, other states, the American petroleum institute, the gas research institute, and the motor vehicles manufacturers association.

NEW SECTION. Sec. 213. A new section is added to chapter 43.19 RCW to read as follows:

(1) At least thirty percent of all new vehicles purchased through a state contract shall be clean-fuel vehicles.

(2) The percentage of clean-fuel vehicles purchased through a state contract shall increase at the rate of five percent each year.

(3) In meeting the procurement requirement established in this section, preference shall be given to vehicles designed to operate exclusively on clean fuels. Clean-fuel vehicles capable of operating on other than clean fuels shall be considered equivalent to one-half of a clean-fuel vehicle for the purposes of meeting the procurement requirements of this section, except that such vehicles shall be considered equivalent to vehicles designed to operate exclusively on clean fuel in the event that vehicles designed to operate exclusively on clean fuels are not available.

(4) Fuel purchased through a state contract shall be a clean fuel when the fuel is purchased for the operation of a clean-fuel vehicle.

(5)(a) Weight classes are established by the following motor vehicle types:

(i) Passenger cars;

(ii) Light duty trucks, trucks with a gross vehicle weight rating by the vehicle manufacturer of less than eight thousand five hundred pounds;

(iii) Heavy duty trucks, trucks with a gross vehicle weight rating by the vehicle manufacturer of eight thousand five hundred pounds or more.

(b) This subsection does not place an obligation upon the state or its political subdivisions to purchase vehicles in any number or weight class other than to meet the percent procurement requirement.

(6) For the purposes of this section, "clean fuels" and "clean-fuel vehicles" shall be those fuels and vehicles meeting the specifications provided for in section 212 of this act.

NEW SECTION. Sec. 214. The Washington state energy office, and selected local school districts that are using or considering the use of compressed natural gas, shall analyze and report on the potential benefits, costs, and safety risks associated with increasing the use of compressed natural gas as a fuel for school buses.

The report shall address:

(1) The anticipated actual operation and maintenance costs of using compressed natural gas buses versus diesel fuel or gasoline buses;

(2) Factors affecting the safety of passengers, drivers, mechanics, and other persons in using compressed natural gas buses versus diesel fuel and gasoline buses;

(3) Capital costs, including:

(a) The availability and capital cost of purchasing new compressed natural gas buses;

(b) The feasibility and capital cost of retrofitting diesel and gasoline buses; and

(c) Capital costs associated with fuel storage and refueling;

(4) Other considerations, including air quality benefits, necessary to determine the overall costs, problems, and benefits of increasing the use of compressed natural gas as a fuel for school buses.

The report shall be submitted to the environmental affairs committee of the house of representatives and the environment and natural resources committee of the senate by December 15, 1991.

NEW SECTION. Sec. 215. A new section is added to chapter 70.120 RCW to read as follows:

The department, in cooperation with the departments of general administration and transportation, the utilities and transportation commission, and the state energy office, shall biennially prepare a report to the legislature starting July 1, 1992, on:

(1) Progress of clean fuel and clean-fuel vehicle programs in reducing automotive emissions;

(2) Recommendations for enhancing clean-fuel distribution systems;

(3) Efforts of the state, units of local government, and the private sector to evaluate and utilize "clean fuel" or "clean-fuel vehicles"; and

(4) Recommendations for changes in the existing program to make it more effective and, if warranted, for expansion of the program.

NEW SECTION. Sec. 216. A new section is added to chapter 80.28 RCW to read as follows:

The legislature finds that compressed natural gas offers significant potential to reduce vehicle emissions and to significantly decrease dependence on petroleum-based fuels. The legislature also finds that well-developed and convenient refueling systems are imperative if compressed natural gas is to be widely used by the public. The legislature declares that the development of compressed natural gas refueling stations are in the public interest.

NEW SECTION. Sec. 217. A new section is added to chapter 80.28 RCW to read as follows:

The commission shall identify barriers to the development of refueling stations for vehicles operating on compressed natural gas, and shall develop policies to remove

such barriers. In developing such policies, the commission shall consider providing rate incentives to encourage natural gas companies to invest in the infrastructure required by such refueling stations.

NEW SECTION. Sec. 218. A new section is added to chapter 70.94 RCW to read as follows:

The department may disburse matching grants from funds provided by the legislature from the air pollution control account, created in section 239 of this act, to units of local government to partially offset the additional cost of purchasing "clean fuel" and/or operating "clean-fuel vehicles" provided that such vehicles are used for public transit. Publicly owned school buses are considered public transit for the purposes of this section. The department may also disburse grants to vocational-technical institutes for the purpose of establishing programs to certify clean-fuel vehicle mechanics. The department may also distribute grants to the state energy office for the purpose of furthering the establishment of clean fuel refueling infrastructure.

NEW SECTION. Sec. 219. A new section is added to chapter 70.94 RCW to read as follows:

No state agency, metropolitan planning organization, or local government shall approve or fund a transportation plan, program, or project unless a determination has been made that the plan, program, or project conforms with the state implementation plan for air quality.

(1) "Conformity to the state implementation plan" means:

(a) Conformity to the state implementation plan's purpose of eliminating or reducing the severity and number of violations of the national ambient air quality standards and achieving expeditious attainment of such standards; and

(b) Ensuring that a proposed transportation plan, program, or project will not:

(i) Cause or contribute to any new violation of any standard in any area;

(ii) Increase the frequency or severity of any existing violation of any standard in any area; or

(iii) Delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

Conformity determination shall be made by the state or local government or metropolitan planning organization administering or developing the plan, program, or project. The determination of conformity shall be based on the most recent estimates of emissions, and such estimates shall be determined from the most recent population, employment, travel, and congestion estimates as determined by the metropolitan planning organization or other agency authorized to make such estimates.

(2) Plans and programs conform if:

(a) Emissions resulting from such plans and programs are consistent with baseline emission inventories and emission reduction projections and schedules assigned to those plans and programs in the state implementation plan; and

(b) The plans and programs provide for the timely implementation of the transportation provisions in the approved or promulgated state implementation plan.

(3) A project conforms if:

(a) It is a control measure from the state implementation plan; or

(b) It comes from a conforming plan and program, and the design and scope of such project has not changed significantly since the plan and program from which the project derived was found to conform.

(c) A project other than one referred to in (a) and (b) of this subsection conforms if it is demonstrated that the project either does not contribute to increased emissions in the nonattainment area, or that offsetting emission reductions for the project are specifically provided for in the transportation plan and program, or are otherwise enforceable through the state implementation plan, before the project is approved.

(d) No later than eighteen months after the effective date of this section, the director of the department of ecology and the secretary of transportation, in consultation with other state, regional, and local agencies as appropriate, shall adopt by rule criteria and guidance for demonstrating and assuring conformity of plans, programs, and projects.

(4) A project with a scope that is limited to preservation or maintenance, or both, shall be exempted from a conformity determination requirement.

NEW SECTION. Sec. 220. FINDINGS--DEMAND MANAGEMENT. The legislature finds that automotive traffic in Washington's metropolitan areas is the major source of emissions of air contaminants. This air pollution causes significant harm to public health, causes damage to trees, plants, structures, and materials and degrades the quality of the environment.

Increasing automotive traffic is also aggravating traffic congestion in Washington's metropolitan areas. This traffic congestion imposes significant costs on Washington's businesses, governmental agencies, and individuals in terms of lost working hours and delays in the delivery of goods and services. Traffic congestion worsens automobile-related air pollution, increases the consumption of fuel, and degrades the habitability of many of Washington's cities and suburban areas. The capital and environmental costs of fully accommodating the existing and projected automobile traffic on roads and highways are prohibitive. Decreasing the demand for vehicle trips is significantly less costly and at least as effective in reducing traffic congestion and its impacts as constructing new transportation facilities such as roads and bridges, to accommodate increased traffic volumes.

The legislature also finds that increasing automotive transportation is a major factor in increasing consumption of gasoline and, thereby, increasing reliance on imported sources of petroleum. Moderating the growth in automotive travel is essential to stabilizing and reducing dependence on imported petroleum and improving the nation's energy security.

The legislature further finds that reducing the number of commute trips to work made via single occupant cars and light trucks is an effective way of reducing automobile-related air pollution, traffic congestion, and energy use. Major employers have significant opportunities to encourage and facilitate reducing single occupant vehicle commuting by employees.

The intent of this chapter is to require local governments in those counties experiencing the greatest automobile-related air pollution and traffic congestion to develop and implement plans to reduce single occupant vehicle commute trips. Such plans shall require major employers and employers at major worksites to implement programs to reduce single occupant vehicle commuting by employees at major worksites. Local governments in counties experiencing significant but less severe automobile-related air pollution and traffic congestion may implement such plans. State agencies shall implement programs to reduce single occupant vehicle commuting at all major worksites throughout the state.

NEW SECTION. Sec. 221. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "A major employer" means a private or public employer that employs one hundred or more full-time employees at a single worksite who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays for at least twelve continuous months during the year.

(2) "Major worksite" means a building or group of buildings that are on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights of way, and at which there are one hundred or more full-time employees of one or more employers, who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays, for at least twelve continuous months.

(3) "Commute trip reduction zones" mean areas, such as census tracts or combinations of census tracts, within a jurisdiction that are characterized by similar employment density, population density, level of transit service, parking availability, access to high occupancy vehicle facilities, and other factors that are determined to affect the level of single occupancy vehicle commuting.

(4) "Commute trip" means trips made from a worker's home to a worksite during the peak period of 6:00 a.m. to 9:00 a.m. on weekdays.

(5) "Proportion of single occupant vehicle commute trips" means the number of commute trips made by single occupant automobiles divided by the number of full-time employees.

(6) "Commute trip vehicle miles traveled per employee" means the sum of the individual vehicle commute trip lengths in miles over a set period divided by the number of full-time employees during that period.

(7) "Base year" means the year January 1, 1992, through December 31, 1992, on which goals for vehicle miles traveled and single occupant vehicle trips shall be based. Base year goals may be determined using the 1990 journey-to-work census data projected to the year 1992 and shall be consistent with the growth management act. The task force shall establish a method to be used by jurisdictions to determine reductions of vehicle miles traveled.

NEW SECTION. **Sec. 222. REQUIREMENTS FOR COUNTIES AND CITIES.**

(1) Each county with a population over one hundred fifty thousand, and each city or town within those counties containing a major employer shall, by July 1, 1992, adopt by ordinance and implement a commute trip reduction plan for all major employers. The plan shall be developed in cooperation with local transit agencies, regional transportation planning organizations as established in RCW 47.80.020, major employers, and the owners of and employers at major worksites. The plan shall be designed to achieve reductions in the proportion of single occupant vehicle commute trips and the commute trip vehicle miles traveled per employee by employees of major public and private sector employers in the jurisdiction.

(2) All other counties, and cities and towns in those counties, may adopt and implement a commute trip reduction plan.

(3) The department of ecology may, after consultation with the state energy office, as part of the state implementation plan for areas that do not attain the national ambient air quality standards for carbon monoxide or ozone, require municipalities other than those identified in subsection (1) of this section to adopt and implement commute trip reduction plans if the department determines that such plans are necessary for attainment of said standards.

(4) A commute trip reduction plan shall be consistent with the guidelines established under section 225 of this act and shall include but is not limited to (a) goals for reductions in the proportion of single occupant vehicle commute trips and the commute trip vehicle miles traveled per employee; (b) designation of commute trip reduction zones; (c) requirements for major public and private sector employers to implement commute trip reduction programs; (d) a commute trip reduction program for employees of the county, city, or town; (e) a review of local parking policies and ordinances as they relate to employers and major worksites and any revisions necessary to comply with commute trip reduction goals and guidelines; (f) an appeals process by which major employers, who as a result of special characteristics of their business or its locations would be unable to meet the requirements of a commute trip reduction plan, may obtain waiver or modification of those requirements; and (g) means for determining base year values of the proportion of single occupant vehicle commute trips and the commute trip vehicle miles traveled per employee and progress toward meeting commute trip reduction plan goals on an annual basis. Goals that are established shall take into account existing transportation demand management efforts that are made by major employers. Each jurisdiction shall ensure that employers shall

receive full credit for the results of transportation demand management efforts and commute trip reduction programs which have been implemented by major employers prior to the base year. The goals for miles traveled per employee for all major employers shall not be less than a fifteen percent reduction from the base year value of the commute trip reduction zone in which their worksite is located by January 1, 1995, twenty-five percent reduction from the base year values by January 1, 1997, and thirty-five percent reduction from the base year values by January 1, 1999.

(5) A county, city, or town may, as part of its commute trip reduction plan, require commute trip reduction programs for employers other than major employers at major worksites if the regional air pollution control board determines such programs are necessary to comply with ambient air standards for carbon monoxide and ozone.

(6) The commute trip reduction plans adopted by counties, cities, and towns under this chapter shall be consistent with and may be incorporated in applicable state or regional transportation plans and local comprehensive plans and shall be coordinated, and consistent with, the commute trip reduction plans of counties, cities, or towns with which the county, city, or town has, in part, common borders or related regional issues. Such regional issues shall include assuring consistency in the treatment of employers who have worksites subject to the requirements of this chapter in more than one jurisdiction. Counties, cities, or towns adopting commute trip reduction plans may enter into agreements through the interlocal cooperation act or by resolution or ordinance as appropriate with other jurisdictions, local transit agencies, or regional transportation planning organizations to coordinate the development and implementation of such plans. Counties, cities, or towns adopting a commute trip reduction plan shall review it annually and revise it as necessary to be consistent with applicable plans developed under RCW 36.70A.070.

(7) Each county, city, or town implementing a commute trip reduction program shall, within thirty days submit a summary of its plan along with certification of adoption to the commute trip reduction task force established under section 225 of this act.

(8) Each county, city, or town implementing a commute trip reduction program shall submit an annual progress report to the commute trip reduction task force established under section 225 of this act. The report shall be due July 1, 1994, and each July 1 thereafter through July 1, 2000. The report shall describe progress in attaining the applicable commute trip reduction goals for each commute trip reduction zone and shall highlight any problems being encountered in achieving the goals. The information shall be reported in a form established by the commute trip reduction task force.

(9) Any waivers or modifications of the requirements of a commute trip reduction plan granted by a jurisdiction shall be submitted for review to the commute trip reduction task force established under section 225 of this act. The commute trip reduction task force may not deny the granting of a waiver or modification of the requirements of a commute trip reduction plan by a jurisdiction but they may notify the jurisdiction of any comments or objections.

(10) Each county, city, or town implementing a commute trip reduction program shall count commute trips eliminated through work-at-home options or alternate work schedules as one and two-tenths vehicle trips eliminated for the purpose of meeting trip reduction goals.

(11) Plans implemented under this section shall not apply to commute trips for seasonal agricultural employees.

(12) Plans implemented under this section shall not apply to construction worksites when the expected duration of the construction project is less than two years.

NEW SECTION. Sec. 223. REQUIREMENTS FOR EMPLOYERS. (1) Not more than six months after the adoption of the commute trip reduction plan by a

jurisdiction, each major employer in that jurisdiction shall develop a commute trip reduction program and shall submit a description of that program to the jurisdiction for review. The program shall be implemented not more than six months after submission to the jurisdiction.

(2) A commute trip reduction program shall consist of, at a minimum (a) designation of a transportation coordinator and the display of the name, location, and telephone number of the coordinator in a prominent manner at each affected worksite; (b) regular distribution of information to employees regarding alternatives to single occupant vehicle commuting; (c) an annual review of employee commuting and reporting of progress toward meeting the single occupant vehicle reduction goals to the county, city, or town consistent with the method established in the commute trip reduction plan; and (d) implementation of a set of measures designed to achieve the applicable commute trip reduction goals adopted by the jurisdiction. Such measures may include but are not limited to:

(i) Provision of preferential parking or reduced parking charges, or both, for high occupancy vehicles;

(ii) Instituting or increasing parking charges for single occupant vehicles;

(iii) Provision of commuter ride matching services to facilitate employee ridesharing for commute trips;

(iv) Provision of subsidies for transit fares;

(v) Provision of vans for van pools;

(vi) Provision of subsidies for car pooling or van pooling;

(vii) Permitting the use of the employer's vehicles for car pooling or van pooling;

(viii) Permitting flexible work schedules to facilitate employees' use of transit, car pools, or van pools;

(ix) Cooperation with transportation providers to provide additional regular or express service to the worksite;

(x) Construction of special loading and unloading facilities for transit, car pool, and van pool users;

(xi) Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;

(xii) Provision of a program of parking incentives such as a rebate for employees who do not use the parking facility;

(xiii) Establishment of a program to permit employees to work part or full time at home or at an alternative worksite closer to their homes;

(xiv) Establishment of a program of alternative work schedules such as compressed work week schedules which reduce commuting; and

(xv) Implementation of other measures designed to facilitate the use of high-occupancy vehicles such as on-site day care facilities and emergency taxi services.

(3) Employers or owners of worksites may form or utilize existing transportation management associations to assist members in developing and implementing commute trip reduction programs.

NEW SECTION. Sec. 224. JURISDICTIONS' REVIEW AND PENALTIES.

(1) Each jurisdiction implementing a commute trip reduction plan under this chapter or as part of a plan or ordinance developed under RCW 36.70A.070 shall review each employer's initial commute trip reduction program to determine if the program is likely to meet the applicable commute trip reduction goals. The employer shall be notified by the jurisdiction of its findings. If the jurisdiction finds that the program is not likely to meet the applicable commute trip reduction goals, the jurisdiction will work with the employer to modify the program as necessary. The jurisdiction shall complete review of each employer's initial commute trip reduction program within three months of receipt.

(2) Each jurisdiction shall annually review each employer's progress toward meeting the applicable commute trip reduction goals. If it appears an employer is not likely to meet the applicable commute trip reduction goals, the jurisdiction shall work with the employer to make modifications to the commute trip reduction program.

(3) If an employer fails to meet the applicable commute trip reduction goals, the jurisdiction shall propose modifications to the program and direct the employer to revise its program within thirty days to incorporate those modifications or modifications which the jurisdiction determines to be equivalent.

(4) Each jurisdiction implementing a commute trip reduction plan pursuant to this chapter may impose civil penalties, in the manner provided in chapter 7.80 RCW, for failure by an employer to implement a commute trip reduction program or to modify its commute trip reduction program as required in subsection (3) of this section. No major employer shall be liable for civil penalties under this chapter if failure to achieve a commute trip reduction program goal was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by the employer and pursued in good faith.

NEW SECTION. Sec. 225. (1) A twenty-three member state commute trip reduction task force shall be established as follows:

(a) The director of the state energy office or the director's designee who shall serve as chair;

(b) The secretary of the department of transportation or the secretary's designee;

(c) The director of the department of ecology or the director's designee;

(d) The director of the department of community development or the director's designee;

(e) The director of the department of general administration or the director's designee;

(f) Three representatives from counties appointed by the governor from a list of at least six recommended by the Washington state association of counties;

(g) Three representatives from cities and towns appointed by the governor from a list of at least six recommended by the association of Washington cities;

(h) Three representatives from transit agencies appointed by the governor from a list of at least six recommended by the Washington state transit association;

(i) Six representatives of major employers in Washington appointed by the governor from a list of at least twelve recommended by the association of Washington business; and

(j) Three citizens appointed by the governor.

Members of the commute trip reduction task force shall serve without compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Members appointed by the governor shall be compensated in accordance with RCW 43.03.220. The task force has all powers necessary to carry out its duties as prescribed by this chapter. The task force shall be dissolved on July 1, 2000.

(2) By March 1, 1992, the commute trip reduction task force shall establish guidelines for commute trip reduction plans. The guidelines are intended to ensure consistency in commute trip reduction plans and goals among jurisdictions while fairly taking into account differences in employment and housing density, employer size, existing and anticipated levels of transit service, special employer circumstances, and other factors the task force determines to be relevant. The guidelines shall include:

(a) Criteria for establishing commute trip reduction zones;

(b) Methods and information requirements for determining base year values of the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee and progress toward meeting commute trip reduction plan goals;

(c) Model commute trip reduction ordinances;

(d) Methods for assuring consistency in the treatment of employers who have worksites subject to the requirements of this chapter in more than one jurisdiction;

(e) An appeals process by which major employers, who as a result of special characteristics of their business or its locations would be unable to meet the requirements of a commute trip reduction plan, may obtain a waiver or modification of those requirements and criteria for determining eligibility for waiver or modification;

(f) Methods to ensure that employers shall receive full credit for the results of transportation demand management efforts and commute trip reduction programs which have been implemented by major employers prior to the base year;

(g) Alternative commute trip reduction goals for major employers which cannot meet the goals of this chapter because of the unique nature of their business; and

(h) Alternative commute trip reduction goals for major employers whose worksites change and who contribute substantially to traffic congestion in a trip reduction zone.

(3) The task force shall review progress toward implementing commute trip reduction plans and programs and the costs and benefits of commute trip reduction plans and programs and shall make recommendations to the legislature by December 1, 1995, and December 1, 1999. In assessing the costs and benefits, the task force shall consider the costs of not having implemented commute trip reduction plans and programs. The task force shall examine other transportation demand management programs nationally and incorporate its findings into its recommendations to the legislature. The recommendations shall address the need for continuation, modification, or termination or any or all requirements of this chapter. The recommendations made December 1, 1995, shall include recommendations regarding extension of the requirements of this chapter to employers with fifty or more full-time employees at a single worksite who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays for more than twelve continuous months.

NEW SECTION. Sec. 226. TECHNICAL ASSISTANCE TEAM. (1) A technical assistance team shall be established under the direction of the state energy office and include representatives of the departments of transportation and ecology. The team shall provide staff support to the commute trip reduction task force in carrying out the requirements of section 225 of this act and to the department of general administration in carrying out the requirements of section 229 of this act.

(2) The team shall provide technical assistance to counties, cities, and towns, the department of general administration, other state agencies, and other employers in developing and implementing commute trip reduction plans and programs. The technical assistance shall include: (a) Guidance in determining base and subsequent year values of single occupant vehicle commuting proportion and commute trip reduction vehicle miles traveled to be used in determining progress in attaining plan goals; (b) developing model plans and programs appropriate to different situations; and (c) providing consistent training and informational materials for the implementation of commute trip reduction programs. Model plans and programs, training and informational materials shall be developed in cooperation with representatives of local governments, transit agencies, and employers.

(3) In carrying out this section the state energy office and department of transportation may contract with state-wide associations representing cities, towns, and counties to assist cities, towns, and counties in implementing commute trip reduction plans and programs.

NEW SECTION. Sec. 227. USE OF FUNDS. A portion of the funds made available for the purposes of this chapter shall be used to fund the commute trip reduction task force in carrying out the responsibilities of section 226 of this act, and the interagency technical assistance team, including the activities authorized under section 226(2) of this act, and to assist counties, cities, and towns implementing commute trip reduction plans. Funds shall be provided to the counties in proportion

to the number of major employers and major worksites in each county. The counties shall provide funds to cities and towns within the county which are implementing commute trip reduction plans in proportion to the number of major employers and major worksites within the city or town.

NEW SECTION. Sec. 228. LEGISLATIVE INTENT--STATE LEADERSHIP. The legislature hereby recognizes the state's crucial leadership role in establishing and implementing effective commute trip reduction programs. Therefore, it is the policy of the state that the department of general administration and other state agencies shall aggressively develop substantive programs to reduce commute trips by state employees. Implementation of these programs will reduce energy consumption, congestion in urban areas, and air and water pollution associated with automobile travel.

NEW SECTION. Sec. 229. GENERAL ADMINISTRATION. (1) The director of general administration, with the concurrence of an interagency task force established for the purposes of this section, shall coordinate a commute trip reduction plan for state agencies which are phase 1 major employers by January 1, 1993. The task force shall include representatives of the state energy office, the departments of transportation and ecology and such other departments as the director of general administration determines to be necessary to be generally representative of state agencies. The state agency plan shall be consistent with the requirements of sections 222 and 223 of this act and shall be developed in consultation with state employees, local and regional governments, local transit agencies, the business community, and other interested groups. The plan shall consider and recommend policies applicable to all state agencies including but not limited to policies regarding parking and parking charges, employee incentives for commuting by other than single-occupant automobiles, flexible and alternative work schedules, alternative worksites, and the use of state-owned vehicles for car and van pools. The plan shall also consider the costs and benefits to state agencies of achieving commute trip reductions and consider mechanisms for funding state agency commute trip reduction programs. The department shall, within thirty days, submit a summary of its plan along with certification of adoption to the commute trip reduction task force established under section 225 of this act.

(2) Not more than three months after the adoption of the commute trip reduction plan, each state agency shall, for each facility which is a major employer, develop a commute trip reduction program. The program shall be designed to meet the goals of the commute trip reduction plan of the county, city, or town or, if there is no local commute trip reduction plan, the state. The program shall be consistent with the policies of the state commute trip reduction plan and section 223 of this act. The agency shall submit a description of that program to the local jurisdiction implementing a commute trip reduction plan or, if there is no local commute trip reduction plan, to the department of general administration. The program shall be implemented not more than three months after submission to the department. Annual reports required in section 223(2)(c) of this act shall be submitted to the local jurisdiction implementing a commute trip reduction plan and to the department of general administration. An agency which is not meeting the applicable commute trip reduction goals shall, to the extent possible, modify its program to comply with the recommendations of the local jurisdiction or the department of general administration.

(3) State agencies sharing a common location may develop and implement a joint commute trip reduction program or may delegate the development and implementation of the commute trip reduction program to the department of general administration.

(4) The department of general administration in consultation with the state technical assistance team shall review the initial commute trip reduction program of each state agency subject to the commute trip reduction plan for state agencies to determine if the program is likely to meet the applicable commute trip reduction goals and notify the agency of any deficiencies. If it is found that the program is not likely

to meet the applicable commute trip reduction goals, the team will work with the agency to modify the program as necessary.

(5) For each agency subject to the state agency commute trip reduction plan, the department of general administration in consultation with the technical assistance team shall annually review progress toward meeting the applicable commute trip reduction goals. If it appears an agency is not meeting or is not likely to meet the applicable commute trip reduction goals, the team shall work with the agency to make modifications to the commute trip reduction program.

(6) The department of general administration shall submit an annual progress report for state agencies subject to the state agency commute trip reduction plan to the commute trip reduction task force established under section 225 of this act. The report shall be due April 1, 1993, and each April 1 through 2000. The report shall report progress in attaining the applicable commute trip reduction goals for each commute trip reduction zone and shall highlight any problems being encountered in achieving the goals. The information shall be reported in a form established by the commute trip reduction task force.

NEW SECTION. Sec. 230. CODIFICATION. Sections 220 through 229 of this act shall constitute a new chapter in Title 81 RCW.

Sec. 231. RCW 82.44.020 and 1990 c 42 s 302 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using in the state any motor vehicle, except those operated under reciprocal agreements, the provisions of RCW 46.16.160 as now or hereafter amended, or dealer's licenses. The annual amount of such excise tax shall be two percent of the value of such vehicle.

(2) An additional excise tax is imposed, in addition to any other tax imposed by this section, for the privilege of using in the state any such motor vehicle, and the annual amount of such additional excise shall be two-tenths of one percent of the value of such vehicle.

(3) Effective with October 1992 motor vehicle registration expirations, a clean air excise tax is imposed in addition to any other tax imposed by this section for the privilege of using in the state any motor vehicle as defined in RCW 82.44.010, except that the following shall not be subject to the tax imposed by this subsection: (a) Trailers as defined in RCW 46.04.620; (b) semitrailers as defined in RCW 46.04.530; and (c) farm vehicles as defined in RCW 46.04.181. The annual amount of the additional excise tax shall be two dollars and twenty-five cents. Effective with July 1994 motor vehicle registration expirations, the annual amount of additional excise tax shall be two dollars.

(4) In no case shall the total tax be less than two dollars except for proportionally registered vehicles.

~~((4))~~ (5) Washington residents, as defined in RCW 46.16.028, who license motor vehicles in another state or foreign country and avoid Washington motor vehicle excise taxes are liable for such unpaid excise taxes. The department of revenue may assess and collect the unpaid excise taxes under chapter 82.32 RCW, including the penalties and interest provided therein.

Sec. 232. RCW 82.44.110 and 1990 2nd ex.s. c 1 s 801 are each amended to read as follows:

The county auditor shall regularly, when remitting license fee receipts, pay over and account to the director of licensing for the excise taxes collected under the provisions of this chapter. The director shall forthwith transmit the excise taxes to the state treasurer.

(1) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(1) as follows:

~~((1))~~ (a) 1.60 percent into the motor vehicle fund to defray administrative and other expenses incurred by the department in the collection of the excise tax.

~~((2))~~ (b) 8.15 percent into the Puget Sound capital construction account in the motor vehicle fund.

~~((3))~~ (c) 4.07 percent into the Puget Sound ferry operations account in the motor vehicle fund.

~~((4))~~ (d) 8.83 percent into the general fund to be distributed under RCW 82.44.155.

~~((5))~~ (e) 4.75 percent into the municipal sales and use tax equalization account in the general fund created in RCW 82.14.210.

~~((6))~~ (f) 1.60 percent into the county sales and use tax equalization account in the general fund created in RCW 82.14.200.

~~((7))~~ (g) 62.6440 percent into the general fund through June 30, 1993, 57.6440 percent into the general fund beginning July 1, 1993, and 66 percent into the general fund beginning January 1, 1994.

~~((8))~~ (h) 5 percent into the transportation fund created in RCW 82.44.180 beginning July 1, 1993.

~~((9))~~ (i) 5.9686 percent into the county criminal justice assistance account created in RCW 82.14.310 through December 31, 1993.

~~((10))~~ (j) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.320 through December 31, 1993.

~~((11))~~ (k) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.330 through December 31, 1993.

(2) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(2) into the transportation fund.

(3) The state treasurer shall deposit the excise tax imposed by RCW 82.44.020(3) into the air pollution control account created by section 239 of this act.

Sec. 233. RCW 82.44.150 and 1990 c 42 s 308 are each amended to read as follows:

(1) The director of licensing shall, on the twenty-fifth day of February, May, August, and November of each year, advise the state treasurer of the total amount of motor vehicle excise taxes imposed by RCW 82.44.020 (1) and (2) remitted to the department during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.020(3) and 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department shall, from motor vehicle excise taxes deposited in the general fund, under RCW 82.44.110(7), make the following deposits:

(a) To the high capacity transportation account created in RCW 47.78.010, a sum equal to four and five-tenths percent of the special excise tax levied under RCW

35.58.273 by those municipalities authorized to levy a special excise tax within a class AA county, or within a class A county contiguous to a class AA county, or within a second class county contiguous to a class A county that is contiguous to a class AA county;

(b) To the central Puget Sound public transportation account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within a class AA county or within a class A county contiguous to a class AA county, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(b) applies; however, any transfer under this subsection (2)(b) must be greater than zero;

(c) To the public transportation systems account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within counties not described in (b) of this subsection, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(c) applies; however, any transfer under this subsection (2)(c) must be greater than zero; and

(d) To the transportation fund created in RCW 82.44.180, for revenues distributed after June 30, 1991, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent notwithstanding the requirements set forth in subsections (3) through (6) of this section, reduced by an amount equal to distributions made under (a), (b), and (c) of this subsection.

(3) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter.

(4) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (3) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (3) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (3) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(5) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section shall be remitted without legislative appropriation.

(6) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (3) of this section.

Sec. 234. RCW 82.44.155 and 1990 c 42 s 309 are each amended to read as follows:

When distributions are made under RCW 82.44.150, the state treasurer shall apportion and distribute the motor vehicle excise taxes deposited into the general fund under RCW 82.44.110(4) to the cities and towns ratably on the basis of population as last determined by the office of financial management. When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be used by the city or town for the purposes of police and fire protection and the preservation of the public health in the city or town, and not otherwise. If it is adjudged that revenue derived from the excise (~~(tax)~~ taxes imposed by ~~((this chapter))~~ RCW 82.44.020 (1) and (2) cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund.

Sec. 235. RCW 82.44.180 and 1990 c 42 s 312 are each amended to read as follows:

(1) The transportation fund is created in the state treasury. Revenues under RCW 82.44.020 (1) and (2), 82.44.110, 82.44.150, and the surcharge under RCW 82.50.510 shall be deposited into the fund as provided in those sections.

Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes.

(2) There is hereby created the central Puget Sound public transportation account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(b) shall be expended within the three county region from which the funds are derived, solely for:

(a) Development of high capacity transportation systems as defined in RCW 81.104.010;

(b) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020; and

(c) Public transportation system contributions required to fund projects approved by the transportation improvement board.

(3) There is hereby created the public transportation systems account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(c) shall be available to the public transportation system from which the funds are derived, solely for:

(a) Development of high capacity transportation systems as defined in RCW 81.104.010;

(b) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;

(c) Other public transportation system-related roadway projects on state highways, county roads, or city streets; and

(d) Public transportation system contributions required to fund projects approved by the transportation improvement board.

Sec. 236. RCW 82.50.410 and 1990 c 42 s 321 are each amended to read as follows:

The rate and measure of tax imposed by ~~((this chapter))~~ RCW 82.50.400 for each registration year shall be one percent, and a surcharge of one-tenth of one percent, of the value of the travel trailer or camper, as determined in the manner provided in this chapter: PROVIDED, That the excise tax upon a travel trailer or camper licensed for the first time in this state after the last day of any registration month may only be levied for the remaining months of the registration year including the month in which the travel trailer or camper is first licensed: PROVIDED FURTHER, That the minimum amount of tax payable shall be two dollars: PROVIDED FURTHER, That every dealer in mobile homes or travel trailers, for the privilege of using any mobile home or travel trailer eligible to be used under a dealer's license plate, shall pay an excise tax of two dollars, and such tax shall be collected upon the issuance of each original dealer's license plate, and also a similar tax shall be collected upon the issuance of each dealer's duplicate license plate, which taxes shall be in addition to any tax otherwise payable under this chapter.

A travel trailer or camper shall be deemed licensed for the first time in this state when such vehicle was not previously licensed by this state for the registration year or any part thereof immediately preceding the registration year in which application for license is made or when it has been registered in another jurisdiction subsequent to any prior registration in this state.

NEW SECTION. Sec. 237. A new section is added to chapter 82.50 RCW to read as follows:

Effective with October 1992 motor vehicle registration expirations, an additional annual clean air and water excise tax of four dollars and twenty-five cents is imposed on the owner of any travel trailer or camper for the privilege of using such travel trailer or camper in this state. Effective with July 1994 motor vehicle registration expirations, the annual amount of additional excise tax shall be four dollars. The excise tax hereby imposed shall be due and payable to the department of licensing or its agents at the time of registration of a travel trailer or camper. Whenever an application is made to the department of licensing or its agents for a license for a travel trailer or camper there shall be collected, in addition to the amount of the license fee or renewal license fee, the amount of the excise tax imposed by this chapter, and no license or license plates for a travel trailer or camper may be issued unless such tax is paid in full. No additional tax shall be imposed under this chapter upon any travel trailer or camper upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such travel trailer or camper has already been paid for the registration year or fractional part thereof in which such transfer occurs. Receipts from

the tax levied in this section shall be deposited in the air pollution control account created by section 239 of this act.

Sec. 238. RCW 82.50.510 and 1990 c 42 s 322 are each amended to read as follows:

The county auditor shall regularly, when remitting motor vehicle excise taxes, pay to the state treasurer the excise taxes (~~collected under this chapter~~) imposed by RCW 82.50.400. The treasurer shall then distribute such funds quarterly on the first day of the month of January, April, July and October of each year in the following amount: (1) For the one percent tax imposed under RCW 82.50.410, fifteen percent to cities and towns for the use thereof apportioned ratably among such cities and towns on the basis of population; fifteen percent to counties for the use thereof to be apportioned ratably among such counties on the basis of moneys collected in such counties from the excise taxes imposed under this chapter; and seventy percent for schools to be deposited in the state general fund; and (2) for the one-tenth of one percent surcharge imposed under RCW 82.50.410, one hundred percent to the transportation fund created in RCW 82.44.180.

NEW SECTION. Sec. 239. (1) The air pollution control account is established in the state treasury. All receipts from RCW 70.94.650, 70.94.660, 82.44.020(3), and section 237 of this act shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to develop and implement the provisions of this act and chapters 70.94 and 70.120 RCW.

(2) The amounts collected and allocated in accordance with this section shall be expended upon appropriation except as otherwise provided in this section and in accordance with the following limitations:

Portions of moneys received by the department of ecology from the air pollution control account shall be distributed by the department to local authorities based on:

(a) The level and extent of air quality problems within such authority's jurisdiction;

(b) The costs associated with implementing air pollution regulatory programs by such authority; and

(c) The amount of funding available to such authority from other sources, whether state, federal, or local, that could be used to implement such programs.

(3) The air operating permit account is created in the custody of the state treasurer. All receipts paid to the department of revenue under section 301 of this act shall be deposited into the account. Expenditures from the account may be used only for the direct and indirect costs of implementing the air operating permit program under section 301 of this act. Only the director of the department of ecology or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for such expenditures.

NEW SECTION. Sec. 240. A new section is added to chapter 70.120 RCW to read as follows:

(1) It is the intent of the legislature that the state take advantage of the best emission control systems available on new motor vehicles. The department shall conduct a study to determine if requiring new vehicles sold in the state to meet California vehicle emission standards will provide a significant benefit to attainment of ambient air quality standards in this state. The department shall report the findings of its study and its recommendations to the appropriate standing committees of the legislature. The department shall not adopt the California vehicle emission standards unless authorized by the legislature.

(2) In the event that California vehicle emission standards are adopted, the department shall not include a program for in-use testing and recall of vehicles required to meet California emission standards.

NEW SECTION. **Sec. 241.** The department of ecology shall contract with Western Washington University for the biennium ending June 30, 1993, for research and development of alternative fuel and solar powered vehicles. A report on the progress of such research shall be presented to the standing environmental committees and the department by January 1, 1994.

NEW SECTION. **Sec. 242.** A new section is added to chapter 19.112 RCW to read as follows:

The directors of the departments of ecology and agriculture may grant a variance from ASTM motor fuel specifications if necessary to produce lower emission motor fuels.

"III.

INDUSTRIAL AND COMMERCIAL SOURCES"

NEW SECTION. **Sec. 301.** A new section is added to chapter 70.94 RCW to read as follows:

The department of ecology, or board of an authority, shall require renewable permits for the operation of air contaminant sources subject to the following conditions and limitations:

(1) Unless a different meaning is plainly required by the context, the following words and phrases shall have the following meanings:

(a) "Lowest achievable emission rate" (LAER) means for any source that rate of emissions which reflects:

(i) The most stringent emission limitation that is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed new or modified source demonstrates that such limitations are not achievable; or

(ii) The most stringent emission limitation that is achieved in practice by such class or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

(b) "Best available control technology" (BACT) means technology that will result in an emission limitation, including a visible emission standard, based on the maximum degree of reduction for each air pollutant subject to this regulation that would be emitted from any proposed new or modified source that the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such sources or modification through application of production processes, available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air pollutant. In no event shall application of the best available technology result in emissions of any air pollutant that would exceed the emissions allowed by any applicable standard under 40 C.F.R. Part 60 and Part 61. If the reviewing agency determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice, or operational standard, or combination thereof, to meet the requirement of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice, or operation and shall provide for compliance by means that achieve equivalent results. The term "all known available and reasonable methods of emission control" is interpreted to mean the same as best available control technology.

(c) "Reasonably available control technology" (RACT) means the lowest emission limit that a particular source or source category is capable of meeting by the

application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any source or source category shall be adopted only after notice and opportunity for comment are afforded.

(d) "Source" means all of the emissions units including quantifiable fugitive emissions, that are located on one or more contiguous or adjacent properties, and are under the control of the same person, or persons under common control, whose activities are ancillary to the production of a single product or functionally related group of products.

(e) "New source" means (i) the construction or modification of a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted, and (ii) any other project that constitutes a new source under the federal clean air act.

(f) "Stationary source" means any building, structure, facility, or installation that emits or may emit any air contaminant.

(g) "Modification" means any physical change in, or change in the method of operation of, a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted. The term modification shall be construed consistent with the definition of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

(2) Permits shall be issued for a term of five years. A permit may be modified or amended during its term at the request of the permittee, or for any reason allowed by the federal clean air act. The rules adopted pursuant to subsection (3) of this section shall include rules for permit amendments and modifications.

(3)(a) Rules establishing the elements for a state-wide operating permit program and the process for permit application and renewal consistent with federal requirements shall be established by the department by January 1, 1993. The rules shall provide that every proposed permit must be reviewed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the permitting authority. The permit program established by these rules shall be administered by the department and delegated local air authorities. Rules developed under this subsection shall not preclude a delegated local air authority from including in a permit its own more stringent emission standards and operating restrictions.

(b) The board of any local air pollution control authority may apply to the department of ecology for a delegation order authorizing the local authority to administer the operating permit program for sources under that authority's jurisdiction. The department shall, by order, approve such delegation, if the department finds that the local authority has the technical and financial resources, to discharge the responsibilities of a permitting authority under the federal clean air act. A delegation request shall include adequate information about the local authority's resources to enable the department to make the findings required by this subsection; provided, any delegation order issued under this subsection shall take effect ninety days after the environmental protection agency authorizes the local authority to issue operating permits under the federal clean air act.

(c) Except for the authority granted the energy facility site evaluation council to issue permits for the new construction, reconstruction, or enlargement or operation of new energy facilities under chapter 80.50 RCW, the department may exercise the authority, as delegated by the environmental protection agency, to administer Title IV

of the federal clean air act as amended and to delegate such administration to local authorities as applicable pursuant to (b) of this subsection.

(4) "Best available control technology" (BACT) is required for new sources except where LAER is required.

"Lowest achievable emission rate" (LAER) is required for those sources required by the federal clean air act.

Except as otherwise provided in RCW 70.94.331(9), "reasonably available control technology" (RACT) is required for existing sources.

In establishing technical standards, defined in subsection (2) of this section, the permitting authority shall consider and, if found to be appropriate, give credit for waste reduction within the process.

(5) Operating permits shall apply to all sources (a) where required by the federal clean air act, and (b) for any source that may cause or contribute to air pollution in such quantity as can reasonably be demonstrated by the department or board of any authority to create a threat to the public health or welfare. Subsection (5)(b) of this section applies only to stationary sources in an area which are emitting a significant portion of substances for which the area is exceeding or threatening to exceed federal or state air quality standards. For purposes of this section areas threatening to exceed air quality standards shall mean areas projected by the department to exceed such standards within five years. Prior to identifying threatened areas the department shall hold a public hearing or hearings within the proposed areas. The intent of this subsection is not to require common small businesses to obtain a permit unless the department can present clear and convincing evidence that requiring small businesses to have a permit under this subsection is essential to meeting federal air quality standards.

(6) Sources operated by government agencies are not exempt under this section.

(7) By October 1, 1993, or ninety days after the United States environmental protection agency approves the state operating permit program, whichever is later, any person required to have a permit shall submit to the permitting agency a compliance plan and permit application, signed by a responsible official, certifying the accuracy of the information submitted. Until permits are issued, existing sources shall be allowed to operate under presently applicable standards and conditions provided that such sources submit complete and timely permit applications.

(8) All proposed permits shall be subject to public notice and comment. The rules adopted pursuant to subsection (3) of this section shall specify procedures for public notice and comment. Such procedures shall provide the permitting agency with an opportunity to respond to comments received from interested parties prior to the time that the proposed permit is submitted to the environmental protection agency for review pursuant to section 505(a) of the federal clean air act. In the event that the environmental protection agency objects to a proposed permit pursuant to section 505(b) of the federal clean air act, the permitting authority shall not issue the permit, unless the permittee consents to the changes required by the environmental protection agency.

(9) The procedures contained in chapter 43.21B RCW shall apply to permit appeals. The pollution control hearings board may stay the effectiveness of any permit issued under this section during the pendency of an appeal filed by the permittee, if the permittee demonstrates that compliance with the permit during the pendency of the appeal would require significant expenditures that would not be necessary in the event that the permittee prevailed on the merits of the appeal.

(10) After the effective date of any permit program promulgated under this section, it shall be unlawful for any person to: (a) Operate a permitted source in violation of any requirement of a permit issued under this section; or (b) fail to submit a permit application at the time required by rules adopted under subsection (3) of this section.

(11) Each air operating permit shall state the origin of and specific legal authority for each requirement included therein. Every requirement in an operating permit shall be based upon the most stringent of the following requirements:

- (a) The federal clean air act and rules implementing that act, including provision of an approved state implementation plan;
- (b) This chapter and rules adopted thereunder; and
- (c) In permits issued by a local air pollution control authority or any order or regulation adopted by that authority.

(12) Consistent with the provisions of the federal clean air act, the permitting authority may issue general permits covering categories of permitted sources, and temporary permits authorizing emissions from similar operations at multiple temporary locations.

(13) Permitted sources within the territorial jurisdiction of an authority delegated the operating permit program shall file their permit applications with that authority, except that permit applications for sources regulated on a state-wide basis pursuant to RCW 70.94.395 shall be filed with the department. Permitted sources outside the territorial jurisdiction of a delegated authority shall file their applications with the department.

(14) When issuing operating permits to coal fired electric generating plants, the permitting authority shall give consideration to the federal time lines for the implementation of required control technology.

(15)(a) Each source emitting one hundred tons or more per year of a regulated pollutant shall pay an interim assessment of ten dollars per ton multiplied by the annual process-related emissions of each regulated pollutant emitted during calendar years 1990 and 1991. "Regulated pollutant" shall have the same meaning as defined in section 502(b) of the federal clean air act amendments of 1990.

(b) Fees collected under (a) of this subsection shall be distributed as follows: Eighty percent to the department and twenty percent to local air authorities.

(c) The fees assessed to a source under (a) of this subsection shall not exceed seventy-five thousand dollars per regulated pollutant per year.

(16) On or before November 1, 1992, the department, in consultation with the department of revenue, shall report to the appropriate standing committees of the legislature recommendations on air operating permit fees. The department shall recommend a level of fees to cover the direct and indirect costs of implementing the operating permit program required under the 1990 federal clean air act. In making such recommendations, the department shall address:

(a) The costs of the permit program elements as identified in regulations promulgated by the United States environmental protection agency, including, as applicable:

- (i) Oversight of a delegated local air authority;
- (ii) Ambient air monitoring, modeling, and reporting;
- (iii) Training;
- (iv) Data management and quality assurance;
- (v) Development of state implementation plans;
- (vi) Emission inventories;
- (vii) Technical assistance;
- (viii) Rule making and guidelines; and
- (ix) Any other activities, consistent with the federal clean air act, that may be identified by the department;

- (b) The appropriate division of fees with delegated local air authorities;
- (c) A methodology for tracking revenues and expenditures from fees paid under this chapter; and
- (d) Assess the methods of collection and accountability for fees.

(17) The department shall determine the persons liable for the fee imposed by subsection (15) of this section, compute the fee, and provide by November 1 of 1991 and 1992, the identity of the fee payer with the computation of the fee to the department of revenue for collection. The department of revenue shall collect the fee computed by the department from the fee payers identified by the department. The administrative, collection, and penalty provisions of chapter 82.32 RCW shall apply to the collection of the fee by the department of revenue. The department shall provide technical assistance to the department of revenue for decisions made by the department of revenue pursuant to RCW 82.32.160 and 82.32.170. All fees collected shall be deposited in the air operating permit account.

All fees identified in this section shall be due and payable on March 1 of 1992 and 1993.

(18) For sources or source categories not required to obtain permits under subsection (5) of this section, the department or local authority may establish by rule control technology requirements. If control technology rule revisions are made by the department or local authority under this subsection, the department or local authority shall consider the remaining useful life of control equipment previously installed on existing sources before requiring technology changes. The department or any local air authority may issue a general permit, as authorized under the federal clean air act, for such sources.

(19) RCW 70.94.151 shall not apply to any source for which a permit under this section has been issued.

Sec. 302. RCW 70.94.152 and 1973 1st ex.s. c 193 s 2 are each amended to read as follows:

(1) The department of ecology or board of any authority may require notice of the ~~((construction, installation, or))~~ establishment of any proposed new ~~((air contaminant))~~ sources except single family and duplex dwellings. The department of ecology or board may require such notice to be accompanied by a fee and determine the amount of such fee: PROVIDED, That the amount of the fee may not exceed the cost of reviewing the plans, specifications, and other information and administering such notice: PROVIDED FURTHER, That any such notice given or notice of construction application submitted to either the board or to the department of ecology shall preclude a further ~~((notice))~~ submittal of a duplicate application to ~~((be given to))~~ any ~~((other))~~ board or to the department of ecology. Within thirty days of ~~((its))~~ receipt of ~~((such notice))~~ a notice of construction application, the department of ecology or board may require, as a condition precedent to the ~~((construction, installation, or))~~ establishment of the ~~((air contaminant))~~ new source or sources covered thereby, the submission of plans, specifications, and such other information as it deems necessary ~~((in order))~~ to determine whether the proposed ~~((construction, installation, or establishment))~~ new source will be in accord with applicable rules and regulations in force ~~((pursuant to))~~ under this chapter~~((, and will provide all known available and reasonable methods of emission control))~~. If on the basis of plans, specifications, or other information required ~~((pursuant to))~~ under this section the department of ecology or board determines that the proposed ~~((construction, installation, or establishment))~~ new source will not be in accord with this chapter or the applicable ordinances, resolutions, rules, and regulations adopted ~~((pursuant thereto, or will not provide all known available and reasonable means of emission control))~~ under this chapter, it shall issue an order ~~((for the prevention of the construction, installation, or establishment of the air contaminant source or sources))~~ denying permission to establish the new source. If on the basis of plans, specifications, or other information required ~~((pursuant to))~~ under this section, the department of ecology or board determines that the proposed ~~((construction, installation, or establishment))~~ new source will be in accord with this chapter, and the applicable ~~((ordinances, resolutions,))~~ rules~~((,))~~ and regulations adopted ~~((pursuant thereto and will provide all known available and reasonable methods of emission control))~~

~~control)) under this chapter, it shall issue an order of approval ((ef)) for the ((construction, installation, and)) establishment of the ((air contaminant)) new source or sources, which order may provide such conditions ((of operation)) as are reasonably necessary to assure the maintenance of compliance with this chapter and the applicable ((ordinances, resolutions,)) rules((;)) and regulations adopted ((pursuant thereto)) under this chapter. Every order of approval under this chapter must be reviewed prior to issuance by a professional engineer or staff under the supervision of a professional engineer in the employ of the department of ecology or board.~~

~~(2) ((For the purposes of this chapter, addition to or enlargement or replacement of an air contaminant source, or any major alteration therein, shall be construed as construction or installation or establishment of a new air contaminant source.)) The determination((;)) required under subsection (1) of this section((, of whether a proposed construction, installation, or establishment will be in accord with this chapter and the applicable ordinances, resolutions, rules, and regulations adopted pursuant thereto)) shall include a determination of whether the operation of the new air contaminant source at the location proposed will cause any ambient air quality standard to be exceeded.~~

~~(3) New source review of a modification shall be limited to the emission unit or units proposed to be modified and the air contaminants whose emissions would increase as a result of the modification.~~

~~(4) Nothing in this section shall be construed to authorize the department of ecology or board to require the use of emission control equipment or other equipment, machinery, or devices of any particular type, from any particular supplier, or produced by any particular manufacturer.~~

~~((4)) (5) Any features, machines, and devices constituting parts of or called for by plans, specifications, or other information submitted pursuant to subsection (1) ((hereof)) of this section shall be maintained and operate in good working order.~~

~~((5)) (6) The absence of an ordinance, resolution, rule, or regulation, or the failure to issue an order pursuant to this section shall not relieve any person from his or her obligation to comply with ((any)) applicable emission control requirements or with any other provision of law.~~

~~(7) Within thirty days of receipt of a notice of construction application the department of ecology or board shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application. Within sixty days of receipt of a complete application the department or board shall either (a) issue a final decision on the application, or (b) for those projects subject to public notice, initiate notice and comment on a proposed decision, followed as promptly as possible by a final decision.~~

NEW SECTION. Sec. 303. A new section is added to chapter 70.94 RCW to read as follows:

Any person proposing to replace or substantially alter the emission control technology installed on an existing stationary source emission unit shall file a notice of construction application with the jurisdictional permitting authority. For projects not otherwise reviewable under RCW 70.94.152, the permitting authority may (1) require that the owner or operator employ reasonably available control technology for the affected emission unit and (2) may prescribe reasonable operation and maintenance conditions for the control equipment. Within thirty days of receipt of an application for notice of construction under this section the permitting authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application. Within thirty days of receipt of a complete application the permitting authority shall either issue an order of approval or a proposed RACT determination for the proposed project. Construction shall not commence on a project subject to review under this section until the permitting authority issues a final order of approval. However, any notice of

construction application filed under this section shall be deemed to be approved without conditions if the permitting authority takes no action within thirty days of receipt of a complete application for a notice of construction.

NEW SECTION. Sec. 304. A new section is added to chapter 70.94 RCW to read as follows:

The department shall prepare recommendations to reduce air emissions for source categories not generally required to have a permit under section 301 of this act. Such recommendations shall not require any action by the owner or operator of a source and shall be consistent with rules adopted under chapter 70.95C RCW. The recommendations shall include but not be limited to: Process changes, product substitution, equipment modifications, hazardous substance use reduction, recycling, and energy efficiency.

Sec. 305. RCW 70.94.155 and 1981 c 224 s 1 are each amended to read as follows:

(1) As used in subsection (3) of this section, the term "bubble" means an air pollution control system which permits aggregate measurements of allowable emissions, for a single category of pollutant, for emissions points from a specified emissions-generating facility or facilities. Individual point source emissions levels from such specified facility or facilities may be modified provided that the aggregate limit for the specified sources is not exceeded.

(2) Whenever any regulation relating to emission standards or other requirements for the control of emissions is adopted which provides for compliance with such standards or requirements no later than a specified time after the date of adoption of the regulation, the appropriate activated air pollution control authority or, if there be none, the department of ecology shall, by permit or regulatory order, issue to air contaminant sources subject to the standards or requirements, schedules of compliance setting forth timetables for the achievement of compliance as expeditiously as practicable, but in no case later than the time specified in the regulation. Interim dates in such schedules for the completion of steps of progress toward compliance shall be as enforceable as the final date for full compliance therein.

(3) Wherever requirements necessary for the attainment of air quality standards or, where such standards are not exceeded, for the maintenance of air quality can be achieved through the use of a control program involving the bubble concept, such program may be authorized by a regulatory order or orders or permit issued to the air contaminant source or sources involved. Such order or permit shall only be authorized after the control program involving the bubble concept is accepted by United States environmental protection agency as part of an approved state implementation plan. Any such order or permit provision shall restrict total emissions within the bubble to no more than would otherwise be allowed in the aggregate for all emitting processes covered. The orders or permits provided for by this subsection shall be issued by the department or the authority with jurisdiction. If the bubble involves interjurisdictional approval, concurrence in the total program must be secured from each regulatory entity concerned.

Sec. 306. RCW 70.94.181 and 1983 c 3 s 176 are each amended to read as follows:

(1) Any person who owns or is in control of any plant, building, structure, establishment, process or equipment may apply to the department of ecology (~~where it has regulatory authority under RCW 70.94.390, 70.94.395, 70.94.410, and 70.94.420,)~~ or appropriate local authority board for a variance from rules or regulations governing the quality, nature, duration or extent of discharges of air contaminants. The application shall be accompanied by such information and data as the department of ecology or board may require. The department of ecology or board may grant such variance, provided that variances to state rules shall require the department's approval prior to being issued by a local authority board. The total time period for a variance

and renewal of such variance shall not exceed one year. Variances may be issued by either the department or a local board but only after public hearing or due notice, if ((#)) the department or board finds that:

(a) The emissions occurring or proposed to occur do not endanger public health or safety or the environment; and

(b) Compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public.

(2) No variance shall be granted pursuant to this section until the department of ecology or board has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.

(3) Any variance or renewal thereof shall be granted within the requirements of subsection (1) ~~((and for time periods))~~ of this section and under conditions consistent with the reasons therefor, and within the following limitations:

(a) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement or control of the pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available, and subject to the taking of any substitute or alternate measures that the department of ecology or board may prescribe.

~~(b) ((If the application for variance shows that there is no automobile fragmentizer within a reasonable distance of the wrecking yard for which the variance is sought, a variance will be granted for a period not to exceed three years for commercial burning of automobile hulks, subject to such conditions as the department of ecology may impose as to climatic conditions and hours during which burning of such hulks may be carried out. PROVIDED, HOWEVER, That any variance granted hereunder shall be of no force and effect after July 1, 1970.~~

~~(e))~~ If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the department of ecology or board is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

~~((#))~~ ~~(c)~~ If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in ~~((item))~~ ~~(a)~~ ~~((b))~~ and ~~((e))~~ ~~(b)~~ ~~of this ((subparagraph)) subsection~~, it shall be for not more than one year.

(4) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the department of ecology or board on account of the variance, no renewal thereof shall be granted unless following a public hearing on the complaint on due notice the ~~((state board))~~ department or board finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least sixty days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the department of ecology or board shall give public notice of such application in accordance with rules ~~((and regulations))~~ of the department of ecology or board.

(5) A variance or renewal shall not be a right of the applicant or holder thereof but shall be granted at the discretion of the department of ecology or board. However, any applicant adversely affected by the denial or the terms and conditions of the granting of an application for a variance or renewal of a variance by the department of ecology or board may obtain judicial review thereof under the provisions of chapter 34.05 RCW as now or hereafter amended.

(6) Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of RCW 70.94.710 through 70.94.730 to any person or his or her property.

(7) An application for a variance, or for the renewal thereof, submitted to the department of ecology or board pursuant to this section shall be approved or disapproved by the department or board within sixty-five days of receipt unless the applicant and the department of ecology or board agree to a continuance.

(8) Variances approved under this section shall not be included in orders or permits provided for in section 301 of this act or RCW 70.94.152 until such time as the variance has been accepted by the United States environmental protection agency as part of an approved state implementation plan.

Sec. 307. RCW 70.94.205 and 1973 1st ex.s. c 193 s 4 are each amended to read as follows:

Whenever any records or other information, other than ambient air quality data or emission data, furnished to or obtained by the department of ecology or the board of any authority (~~pursuant to any sections in chapter 70.94 RCW~~) under this chapter, relate to processes or production unique to the owner or operator, or is likely to affect adversely the competitive position of such owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the department of ecology or board. Nothing herein shall be construed to prevent the use of records or information by the department of ecology or board in compiling or publishing analyses or summaries relating to the general condition of the outdoor atmosphere: PROVIDED, That such analyses or summaries do not reveal any information otherwise confidential under the provisions of this section: PROVIDED FURTHER, That emission data furnished to or obtained by the department of ecology or board shall be correlated with applicable emission limitations and other control measures and shall be available for public inspection during normal business hours at offices of the department of ecology or board.

NEW SECTION. **Sec. 308.** A new section is added to chapter 70.94 RCW to read as follows:

The department shall establish a technical assistance unit within its air quality program, consistent with the federal clean air act, to provide the regulated community, especially small businesses with:

- (1) Information on air pollution laws, rules, compliance methods, and technologies;
- (2) Information on air pollution prevention methods and technologies, and prevention of accidental releases;
- (3) Assistance in obtaining permits and developing emission reduction plans;
- (4) Information on the health and environmental effects of air pollution.

No representatives of the department designated as part of the technical assistance unit created in this section may have any enforcement authority. Staff of the technical assistance unit who provide on-site consultation at an industrial or commercial facility and who observe violations of air quality rules shall immediately inform the owner or operator of the facility of such violations. On-site consultation visits shall not be regarded as an inspection or investigation and no notices or citations may be issued or civil penalties assessed during such a visit. However, violations shall be reported to the appropriate enforcement agency and the facility owner or operator shall be notified that the violations will be reported. No enforcement action shall be taken by the enforcement agency for violations reported by technical assistance unit staff unless and until the facility owner or operator has been provided reasonable time to correct the violation. Violations that place any person in imminent danger of death or substantial bodily harm or cause physical damage to the property of another in an

amount exceeding one thousand dollars may result in immediate enforcement action by the appropriate enforcement agency.

Sec. 309. RCW 70.94.211 and 1974 ex.s. c 69 s 4 are each amended to read as follows:

~~((Whenever the board or the control officer has reason to believe that any provision of this chapter or any ordinance, resolution, rule or regulation relating to the control or prevention of air pollution has been violated, such board or control officer may))~~ At least thirty days prior to the commencement of any formal enforcement action under RCW 70.94.430 or 70.94.431 a local air authority shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this chapter or the ordinance, resolution, rule or regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order directing that necessary corrective action be taken within a reasonable time. In lieu of an order, the board or the control officer may require that the alleged violator or violators appear before the board for a hearing~~((or in addition to or in place of an order or hearing, the board may initiate action pursuant to RCW 70.94.425, 70.94.430, and 70.94.435)).~~ Every notice of violation shall offer to the alleged violator an opportunity to meet with the board prior to the commencement of enforcement action.

Sec. 310. RCW 70.94.430 and 1984 c 255 s 1 are each amended to read as follows:

(1) Any person who knowingly violates any of the provisions of ~~((this))~~ chapter 70.94 or 70.120 RCW, or any ordinance, resolution, ~~((rule))~~ or regulation in force pursuant thereto shall be guilty of a ~~((misdemeanor))~~ crime and upon conviction thereof shall be punished by a fine of not more than ~~((one))~~ ten thousand dollars, or by imprisonment in the county jail for not more than ~~((ninety days))~~ one year, or by both ~~((fine and imprisonment))~~ for each separate violation.

~~((Any person who wilfully violates any of the provisions of this chapter or any ordinance, resolution, rule or regulation in force pursuant thereto shall be guilty of a gross misdemeanor. Upon conviction the offender shall be punished by a fine of not less than one hundred dollars for each offense or by imprisonment for a term of not more than one year or by both fine and imprisonment.~~

~~In case of a continuing violation, whether or not wilfully committed, each day's continuance shall be a separate and distinct violation.))~~

(2) Any person who negligently releases into the ambient air any substance listed by the department of ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who at the time negligently places another person in imminent danger of death or substantial bodily harm shall be guilty of a crime and shall, upon conviction, be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than one year, or both.

(3) Any person who knowingly releases into the ambient air any substance listed by the department of ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who knows at the time that he or she thereby places another person in imminent danger of death or substantial bodily harm, shall be guilty of a crime and shall, upon conviction, be punished by a fine of not less than fifty thousand dollars, or by imprisonment for not more than five years, or both.

(4) Any person who knowingly fails to disclose a potential conflict of interest under RCW 70.94.100 shall be guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine or not more than five thousand dollars.

Sec. 311. RCW 70.94.431 and 1990 c 157 s 1 are each amended to read as follows:

(1) In addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of chapter 70.94 RCW, chapter 70.120 RCW,

or any of the rules ((and regulations of the department or the board shall)) in force under such chapters may incur a civil penalty in an amount not to exceed ((one)) ten thousand dollars ((per day)) for each day of violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation. ((For the purposes of this subsection, the maximum daily fine imposed by a local board for violations of standards by a specific emissions unit is one thousand dollars.))

Any person who fails to take action as specified by an order issued pursuant to this chapter shall be liable for a civil penalty of not more than ten thousand dollars for each day of continued noncompliance. (2) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal.

The maximum penalty amounts established in this section may be increased annually to account for inflation as determined by the state office of the economic and revenue forecast council.

((2) Further, the person is subject to a fine of up to five thousand dollars to be levied by the director of the department of ecology if requested by the board of a local authority or if the director determines that the penalty is needed for effective enforcement of this chapter. A local board shall not make such a request until notice of violation and compliance order procedures have been exhausted, if such procedures are applicable. For the purposes of this subsection, the maximum daily fine imposed by the department of ecology for violations of standards by a specific emissions unit is five thousand dollars.))

(3) Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300.

(4) All penalties recovered under this section by the department shall be paid into the state treasury and credited to the ((general fund)) air pollution control account established in section 239 of this act or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds. If a prior penalty for the same violation has been paid to a local authority, the penalty imposed by the department under subsection ((2)) (1) of this section shall be reduced by the amount of the payment. ((Notwithstanding any other provisions of this chapter, no penalty may be levied for the violation of any opacity standard in an amount exceeding four hundred dollars per day.))

(5) To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

(6) Public or private entities that are recipients or potential recipients of department grants, whether for air quality related activities or not, may have such grants rescinded or withheld by the department for failure to comply with provisions of this chapter.

(7) In addition to other penalties provided by this chapter, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(8) An exceedance of an emission limit resulting from an upset, malfunction, or Act of God is not a violation of this chapter, provided that the operator of the source took all reasonable measures to prevent the exceedance and to minimize its duration and severity, and that the exceedance did not cause a violation of an ambient

air quality standard. In any enforcement proceeding the person seeking to establish the occurrence of an upset, malfunction, or Act of God has the burden of proof as to all elements of the defense.

Sec. 312. RCW 70.94.860 and 1984 c 164 s 2 are each amended to read as follows:

The department of ecology may accept delegation of ~~((the prevention of significant deterioration program pursuant to Part C, Subpart 1 of))~~ programs as provided for in the federal clean air act. Subject to federal approval, the department may, in turn, delegate ((this)) such programs to the local authority with jurisdiction in a given area.

Sec. 313. RCW 70.94.875 and 1985 c 456 s 3 are each amended to read as follows:

The department of ecology, in consultation with the ~~((joint legislative committee on science and technology or the))~~ appropriate committees of the house of representatives and of the senate, shall:

- (1) Continue evaluation of information and research on acid deposition in the Pacific Northwest region;
- (2) Establish critical levels of acid deposition and lake, stream, and soil acidification; and
- (3) Notify the legislature if acid deposition or lake, stream, and soil acidification reaches the levels established under subsection (2) of this section.

NEW SECTION. Sec. 314. A new section is added to chapter 70.94 RCW to read as follows:

(1) The science advisory board is hereby created to advise the department on procedures for assessing and managing the risks associated with air contaminant emissions. The board shall consist of five members knowledgeable in the fields of risk assessment or risk management. Members shall be appointed by the director of the department. The board shall be staffed by the department.

(2) The board shall:

- (a) Advise the department on the most appropriate methods for identifying and measuring cancer risks or other chronic health effects resulting from exposure to air contaminant emissions; and
- (b) Identify, evaluate, and recommend procedures relating to managing the risks associated with exposure to air contaminant emissions.

(3) In fulfilling its duties under subsection (2) of this section, the board shall consider all appropriate studies and reports relating to risk assessment or risk management including but not limited to reports authorized by the federal clean air act from the national academy of sciences and the risk assessment and risk management commission.

(4) Members shall be compensated as provided in RCW 43.03.250 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) The duties of the board shall terminate on July 1, 1996.

NEW SECTION. Sec. 315. A new section is added to chapter 70.94 RCW to read as follows:

Nothing in this chapter shall be construed to authorize the department or local air authority to adopt or enforce emission control requirements for gasoline vapor control except as required pursuant to section 182 (b) through (e) of the federal clean air act as amended.

"IV. OUTDOOR BURNING"

Sec. 401. RCW 70.94.745 and 1972 ex.s. c 136 s 2' are each amended to read as follows:

It shall be the responsibility and duty of the department of natural resources, department of ecology, department of agriculture, fire districts, and local air pollution control authorities to establish, through regulations, ordinances, or policy, a limited burning program for the people of this state, consisting of a one-permit system, until such time as ~~((an))~~ alternate technology or methods of disposing of the organic refuse ~~((described in this chapter shall))~~ have been developed ~~((which is))~~ that are reasonably economical and less harmful to the environment. It is the policy of this state to ~~((encourage the fostering and development of such))~~ foster and encourage development of alternate methods or technology for disposing of or reducing the amount of organic refuse.

NEW SECTION. Sec. 402. A new section is added to chapter 70.94 RCW to read as follows:

(1) Consistent with the policy of the state to reduce outdoor burning to the greatest extent practical:

(a) Outdoor burning shall not be allowed in any area of the state where federal or state ambient air quality standards are exceeded for pollutants emitted by outdoor burning.

(b) Outdoor burning shall not be allowed in any urban growth area as defined by RCW 36.70A.030, or any city of the state having a population greater than ten thousand people if such cities are threatened to exceed state or federal air quality standards, and alternative disposal practices consistent with good solid waste management are reasonably available or practices eliminating production of organic refuse are reasonably available. In no event shall such burning be allowed after December 31, 2000.

(2) "Outdoor burning" means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

(3) This section shall not apply to silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas.

NEW SECTION. Sec. 403. A new section is added to chapter 70.94 RCW to read as follows:

(1) The department of natural resources shall administer a program to reduce state-wide emissions from silvicultural forest burning so as to achieve the following minimum objectives:

(a) Twenty percent reduction by December 31, 1994 providing a ceiling for emissions until December 31, 2000; and

(b) Fifty percent reduction by December 31, 2000 providing a ceiling for emissions thereafter.

Reductions shall be calculated from the average annual emissions level from calendar years 1985 to 1989, using the same methodology for both reduction and base year calculations.

(2) The department of natural resources, within twelve months after the effective date of this section, shall develop a plan, based upon the existing smoke management agreement to carry out the programs as described in this section in the most efficient, cost-effective manner possible. The plan shall be developed in consultation with the department of ecology, public and private landowners engaged in silvicultural forest burning, and representatives of the public.

The plan shall recognize the variations in silvicultural forest burning including, but not limited to, a landowner's responsibility to abate an extreme fire hazard under chapter 76.04 RCW and other objectives of burning, including abating and preventing a fire hazard, geographic region, climate, elevation and slope, proximity to populated areas, and diversity of land ownership. The plan shall establish priorities that the

department of natural resources shall use to allocate allowable emissions, including but not limited to, silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas. The plan shall also recognize the real costs of the emissions program and recommend equitable fees to cover the costs of the program.

The emission reductions in this section are to apply to all forest lands including those owned and managed by the United States. If the United States does not participate in implementing the plan, the departments of natural resources and ecology shall use all appropriate and available methods or enforcement powers to ensure participation.

The plan shall include a tracking system designed to measure the degree of progress toward the emission reductions goals set in this section. The department of natural resources shall report annually to the department of ecology and the legislature on the status of the plan, emission reductions and progress toward meeting the objectives specified in this section, and the goals of this chapter and chapter 76.04 RCW.

(3) If the December 31, 1994, emission reductions targets in this section are not met, the department of natural resources, in consultation with the department of ecology, shall use its authority granted in this chapter and chapter 76.04 RCW to immediately limit emissions from such burning to the 1994 target levels and limit silvicultural forest burning in subsequent years to achieve equal annual incremental reductions so as to achieve the December 31, 2000, target level. If, as a result of the program established in this section, the emission reductions are met in 1994, but are not met by December 31, 2000, the department of natural resources in consultation with the department of ecology shall immediately limit silvicultural forest burning to reduce emissions from such burning to the December 31, 2000, target level in all subsequent years.

Sec. 404. RCW 70.94.660 and 1971 ex.s. c 232 s 2 are each amended to read as follows:

(1) The department of natural resources shall have the responsibility for issuing and regulating burning permits required by it relating to the following activities ~~((declared to be))~~ for the protection of life or property and/or ~~((in))~~ for the public health, safety, and welfare:

~~((1))~~ (a) Abating a forest fire hazard;

~~((2))~~ (b) Prevention of a fire hazard;

~~((3))~~ (c) Instruction of public officials in methods of forest fire fighting; ~~((and~~

~~(4))~~ (d) Any silvicultural operation to improve the forest lands of the state; and

(e) Silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas.

(2) The department of natural resources shall not retain such authority, but it shall be the responsibility of the appropriate fire protection agency for permitting and regulating outdoor burning on lands where the department of natural resources does not have fire protection responsibility.

(3) Permit fees shall be assessed for silvicultural burning under the jurisdiction of the department of natural resources and collected by the department of natural resources as provided for in this section. All fees shall be deposited in the air pollution control account, created in section 239 of this act. The legislature shall appropriate to the department of natural resources funds from the air pollution control account to enforce and administer the program under section 403 of this act and RCW 70.94.660, 70.94.670, and 70.94.690. Fees shall be set by rule by the department of natural resources at the level necessary to cover the costs of the program after

receiving recommendations on such fees from the forest fire advisory board established by RCW 76.04.145.

Sec. 405. RCW 70.94.670 and 1971 ex.s. c 232 s 3 are each amended to read as follows:

The department of natural resources in granting burning permits for fires for the purposes set forth in RCW 70.94.660 shall condition the issuance and use of such permits to comply with air quality standards established by the department of ecology after full consultation with the department of natural resources. Such burning shall not cause the state air quality standards (~~for suspended particulate matter~~) to be exceeded in the ambient air up to two thousand feet above ground level over critical areas designated by the department of ecology, otherwise subject to air pollution from other sources. Air quality standards (~~for suspended particulate matter~~) shall be established and published by the department of ecology which shall also establish a procedure for advising the department of natural resources when ~~(the)~~ and where air contaminant levels exceed((s)) or threaten((s)) to exceed the ambient air standards over such critical areas. The ~~((suspended particulate matter))~~ air quality shall be quantitatively measured by the department of ecology or the appropriate local air pollution control authority at established ((primary air mass stations or primary ground level)) monitoring stations over such designated areas. Further, such permitted burning shall not cause damage to public health or the environment. All permits issued under this section shall be subject to all applicable fees, permitting, penalty, and enforcement provisions of this chapter. The department of natural resources shall set forth smoke dispersal objectives designed consistent with this section to minimize any air pollution (~~from smoke~~) from such burning and the procedures necessary to meet those objectives.

The department of natural resources shall encourage more intense utilization in logging and alternative silviculture practices to reduce ~~((forest fire hazards and shall encourage development and use of procedures and equipment to burn forest debris in a manner that will produce less smoke))~~ the need for burning. The department of natural resources shall, whenever practical, encourage ~~((development))~~ landowners to develop and use ((of) alternative acceptable disposal methods subject to the following priorities: (1) Slash production minimization, (2) slash utilization, (3) nonburning disposal, (4) silvicultural burning. Such alternative methods shall be evaluated as to the relative impact on air, water, and land pollution, public health, and their financial feasibility.

The department of natural resources shall not issue burning permits and shall revoke previously issued permits at any time in any area where the department of ecology or local board has declared a stage of impaired air quality as defined in RCW 70.94.473.

Sec. 406. RCW 70.94.690 and 1971 ex.s. c 232 s 5 are each amended to read as follows:

In the regulation of outdoor burning not included in RCW 70.94.660 requiring permits from the department of natural resources, said department and the state, local, or regional air pollution control authorities will cooperate in regulating such burning so as to minimize insofar as possible duplicate inspections and separate permits while still accomplishing the objectives and responsibilities of the respective agencies. The department of natural resources shall include any local authority's burning regulations with permits issued where applicable pursuant to RCW 70.94.740 through 70.94.775. The department shall develop agreements with all local authorities to coordinate regulations.

Permits shall be withheld by the department of natural resources when so requested by the department of ecology if a forecast, alert, warning, or emergency condition exists as defined in the episode criteria of the department of ecology.

NEW SECTION. Sec. 407. A new section is added to chapter 70.94 RCW to read as follows:

Nothing contained in this chapter shall prohibit fires necessary: (1) To promote the regeneration of rare and endangered plants found within natural area preserves as identified under chapter 79.70 RCW; and (2) for Indian ceremonies or for the sending of smoke signals if part of a religious ritual. Permits issued for burning under this section shall be drafted to minimize emissions including denial of permission to burn during periods of adverse meteorological conditions.

Sec. 408. RCW 70.94.650 and 1971 ex.s. c 232 s 1 are each amended to read as follows:

(1) Any person who proposes to set fires in the course of ~~((the following: (1)) (a) weed abatement, ((2)) (b) instruction in methods of fire fighting (except forest fires), or ((3) Disease prevention relating to)) (c) agricultural activities, shall, prior to carrying out the same, obtain a permit from an air pollution control authority or the department of ecology, as appropriate. Each such authority and the department of ecology shall, by rule or ordinance, establish a permit system to carry out the provisions of this section except as provided in RCW 70.94.660. General criteria of state-wide applicability for ruling on such permits shall be established by the department, by rule ~~((or regulation)),~~ after consultation with the various air pollution control authorities. Permits shall be issued under this section based on seasonal operations or by individual operations, or both~~((: PROVIDED, That))~~. All permits so issued shall be conditioned to insure that the public interest in air, water, and land pollution and safety to life and property is fully considered. In addition to any other requirements established by the department to protect air quality pursuant to other laws, applicants for permits must show that the setting of fires as requested is the most reasonable procedure to follow in safeguarding life or property under all circumstances or is otherwise reasonably necessary to successfully carry out the enterprise in which the applicant is engaged ((in)), or both. All burning permits will be designed to minimize air pollution insofar as practical. Nothing in this section shall relieve the applicant from obtaining permits, licenses, or other approvals required by any other law~~((: PROVIDED FURTHER, That))~~. An application for a permit to set fires in the course of agricultural burning for controlling diseases, insects, ~~((and)) weed abatement or development of physiological conditions conducive to increased crop yield, shall be ((granted)) acted upon within ((fourteen)) seven days from the date such application is filed((: PROVIDED, That nothing herein shall prevent a householder from setting fire in the course of burning leaves, clippings or trash when otherwise permitted locally. Nothing contained herein shall prohibit Indian campfires or the sending of smoke signals if part of a religious ritual)).~~~~

(2) Except as provided in RCW 70.94.780 permit fees shall be assessed for outdoor burning under this section and shall be collected by the department of ecology or the appropriate local air authority at the time the permit is issued. All fees collected shall be deposited in the air pollution control account created in section 239 of this act. Fees shall be set by rule by the permitting agency at the level determined by the task force created by subsection (4) of this section, but shall not exceed two dollars and fifty cents per acre to be burned. After fees are established by rule, any increases in such fees shall be limited to annual inflation adjustments as determined by the state office of the economic and revenue forecast council.

(3) Conservation districts and the Washington State University agricultural extension program in conjunction with the department shall develop public education material for the agricultural community identifying the health and environmental affects of agricultural outdoor burning and providing technical assistance in alternatives to agricultural outdoor burning.

(4) An agricultural burning practices and research task force shall be established under the direction of the department. The task force shall be composed of a representative from the department who shall serve as chair; one representative of

eastern Washington local air authorities; three representatives of the agricultural community from different agricultural pursuits; one representative of the department of agriculture; two representatives from universities or colleges knowledgeable in agricultural issues; one representative of the public health or medical community; and one representative of the conservation districts. The task force shall identify best management practices for reducing air contaminant emissions from agricultural activities and provide such information to the department and local air authorities. The task force shall determine the level of fees to be assessed by the permitting agency pursuant to subsection (2) of this section, based upon the level necessary to cover the costs of administering and enforcing the permit programs, to provide funds for research into alternative methods to reduce emissions from such burning, and to the extent possible be consistent with fees charged for such burning permits in neighboring states. The fee level shall provide, to the extent possible, for lesser fees for permittees who use best management practices to minimize air contaminant emissions. The task force shall identify research needs related to minimizing emissions from agricultural burning and alternatives to such burning. Further, the task force shall make recommendations to the department on priorities for spending funds provided through this chapter for research into alternative methods to reduce emissions from agricultural burning.

Sec. 409. RCW 70.94.654 and 1973 1st ex.s. c 193 s 6 are each amended to read as follows:

Whenever the department of ecology shall find that any fire protection agency, county, or conservation district which is outside the jurisdictional boundaries of an activated air pollution control authority is capable of effectively administering the issuance and enforcement of permits for any or all of the kinds of burning identified in RCW 70.94.650 ~~((1) and (3))~~ and desirous of doing so, the department of ecology may delegate ~~((all))~~ powers necessary for the issuance ~~((and))~~ or enforcement, or both, of permits for any or all of the kinds of burning to the fire protection agency, county, or conservation district. Such delegation may be withdrawn by the department of ecology upon ~~((a))~~ its finding that the fire protection agency, county, or conservation district is not effectively administering the permit program.

Sec. 410. RCW 70.94.775 and 1974 ex.s. c 164 s 1 are each amended to read as follows:

No person shall cause or allow any outdoor fire:

(1) Containing garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, or any substance other than natural vegetation ~~((which))~~ that normally emits dense smoke or obnoxious odors ~~((except as provided in RCW 70.94.650: PROVIDED, That))~~. Agricultural heating devices ~~((which))~~ that otherwise meet the requirements of this chapter shall not be considered outdoor fires under this section;

(2) During a forecast, alert, warning or emergency condition as defined in RCW 70.94.715 or impaired air quality condition as defined in RCW 70.94.473;

(3) In any area which has been designated by the department of ecology or board of an activated authority as an area exceeding or threatening to exceed state or federal ambient air quality standards ~~((, or after July 1, 1976, state ambient air quality goals for particulates))~~, except instructional fires permitted by RCW 70.94.650(2).

Sec. 411. RCW 70.94.780 and 1973 1st ex.s. c 193 s 10 are each amended to read as follows:

In addition to any other powers granted to them by law, the fire protection agency ~~((authorized to issue)), county, or conservation district issuing~~ burning permits ~~((may))~~ shall regulate or prohibit outdoor burning ~~((in order))~~ as necessary to prevent or abate the nuisances caused by such burning. No fire protection agency, county, or conservation district may issue a burning permit in an area where the department or local board has declared any stage of impaired air quality per RCW 70.94.473 or any stage of an air pollution episode. All burning permits issued shall be subject to all

applicable fee, permitting, penalty, and enforcement provisions of this chapter. The permitted burning shall not cause damage to public health or the environment.

Any entity issuing a permit under this section may charge a fee at the level necessary to recover the costs of administering and enforcing the permit program.

Sec. 412. RCW 70.94.750 and 1972 ex.s. c 136 s 3 are each amended to read as follows:

The following outdoor fires described in this section may be burned subject to the provisions of ~~((the program established pursuant to RCW 70.94.755 for any area))~~ this chapter and also subject to city ordinances, county resolutions, ~~((and))~~ rules ~~((and regulations))~~ of fire districts and laws, and rules ~~((and regulations))~~ enforced by the department of natural resources if a permit has been issued by a fire protection agency, county, or conservation district:

(1) Fires consisting of leaves, clippings, prunings and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by the property owner or his or her designee.

(2) Fires consisting of residue of a natural character such as trees, stumps, shrubbery or other natural vegetation arising from land clearing projects or agricultural pursuits for pest or disease control; provided the fires described in this subsection may be prohibited in those areas having a general population density of one thousand or more persons per square mile.

"V.

WOODSTOVES AND FIREPLACES"

Sec. 501. RCW 70.94.457 and 1987 c 405 s 4 are each amended to read as follows:

~~((Before January 1, 1988,))~~ The department of ecology shall establish by rule under chapter 34.05 RCW:

(1) State-wide emission performance standards for new ~~((wood stoves))~~ solid fuel burning devices. Notwithstanding any other provision of this chapter which allows an authority to adopt more stringent emission standards, no authority shall adopt any emission standard for new ~~((wood stoves))~~ solid fuel burning devices other than the state-wide standard adopted by the department under this section.

(a) ~~((For new wood stoves sold after July 1, 1988, the state wide performance standard, by rule, shall be the equivalent of and consistent with state wide emission standards in effect in bordering states on or before January 1, 1987. For solid fuel burning devices for which bordering states have not established emission standards, the department may temporarily exempt or establish, by rule, state wide standards including emission levels and test procedures for such devices and such emission levels and test procedures shall be equivalent to emission levels per pound per hour burned for other new wood stoves regulated by this subsection))~~ After January 1, 1995, no solid fuel burning device shall be offered for sale that has particulate air contaminant emissions exceeding four and one-half grams per hour, except that catalytic wood stoves shall not have contaminant emissions exceeding two and one-half grams per hour. The appropriate standing committees of the legislature shall review the standard under this subsection (a) during the regular session beginning in January 1998.

(b) If the United States environmental protection agency adopts emission standards for solid fuel burning devices after January 1, 1991, then the department shall adopt, by rule, emission limits equivalent to those provided by (a) of this subsection by using the same testing methodology adopted after January 1, 1991, by the United States environmental protection agency for new solid fuel burning devices. The emission limits adopted by the department shall not exceed the emission limits adopted after January 1, 1991, by the United States environmental protection agency. For purposes of this subsection, "equivalent" shall mean the emissions limits specified in

(a) of this subsection multiplied by a statistically reliable conversion factor determined by the department which compares the difference between the emission test methodology established by the United States environmental protection agency prior to January 1, 1991, with the test methodology established by the agency after January 1, 1991.

(c) After January 1, 1997, no fireplace, except masonry fireplaces and factory-built fireplaces, shall be offered for sale unless such fireplace meets the 1990 United States environmental protection agency standards for wood stoves or equivalent standard which may be established by the legislature pursuant to recommendations by the fireplace advisory committee.

(d) Subsection (1)(a) of this section shall not apply to fireplaces.

~~((b))~~ (e) Notwithstanding (a) of this subsection, the department is authorized to adopt, by rule, emission standards adopted by the United States environmental protection agency for new wood stoves sold at retail. For solid fuel burning devices for which the United States environmental protection agency has not established emission standards, the department may ((temporarily)) exempt or establish, by rule, state-wide standards including emission levels and test procedures for such devices and such emission levels and test procedures shall be equivalent to emission levels per pound per hour burned for other new wood stoves and fireplaces regulated under this subsection.

(2) A program to:

(a) Determine whether a new ~~((wood stove))~~ solid fuel burning device complies with the state-wide emission performance standards established in subsection (1) of this section; and

(b) Approve the sale of ~~((stoves))~~ devices that comply with the state-wide emission performance standards.

Sec. 502. RCW 70.94.470 and 1987 c 405 s 5 are each amended to read as follows:

~~(1) ((Before January 1, 1988,)) The department shall establish, by rule under chapter 34.05 RCW, ((state wide opacity levels for residential solid fuel burning devices as follows:~~

~~(a) A state wide opacity level of twenty percent for the purpose of public education;~~

~~(b) Until July 1, 1990, a state wide opacity level of forty percent for the purpose of enforcement on a complaint basis; and~~

~~(c) After July 1, 1990, a) (a) a state-wide opacity level of twenty percent for residential solid fuel burning devices for the purpose of enforcement on a complaint basis and (b) a state-wide opacity of ten percent for purposes of public education.~~

(2) Notwithstanding any other provision of this chapter which may allow an authority to adopt a more stringent opacity level, no authority shall adopt or enforce an opacity level((:

~~(a) Lower than forty percent until July 1, 1990; and~~

~~(b) Lower than twenty percent after July 1, 1990)) for solid fuel burning devices other than established in this section.~~

NEW SECTION. Sec. 503. A new section is added to chapter 70.94 RCW to read as follows:

After January 1, 1992, no used solid fuel burning device shall be installed in new or existing buildings unless such device is either Oregon department of environmental quality phase II or United States environmental protection agency certified or a pellet stove either certified or exempt from certification by the United States environmental protection agency.

(1) By July 1, 1992, the state building code council shall adopt rules requiring an adequate source of heat other than woodstoves in all new and substantially remodeled residential and commercial construction. This rule shall apply (a) to areas

designated by a county to be an urban growth area under chapter 36.70A RCW; and (b) to areas designated by the environmental protection agency as being in nonattainment for particulate matter.

(2) For purposes of this section, "substantially remodeled" means any alteration or restoration of a building exceeding sixty percent of the appraised value of such building within a twelve-month period.

Sec. 504. RCW 70.94.473 and 1990 c 128 s 2 are each amended to read as follows:

(1) Any person in a residence or commercial establishment which has an adequate source of heat without burning wood shall:

(a) Not burn wood in any solid fuel burning device whenever the department has determined under RCW 70.94.715 that any air pollution episode exists in that area;

(b) Not burn wood in any solid fuel burning device except those which ~~((meet the standards set forth in RCW 70.94.457,))~~ are either Oregon department of environmental quality phase II or United States environmental protection agency certified or certified by the department under RCW 70.94.457(1) or a pellet stove either certified or issued an exemption ((certificate)) by the United States environmental protection agency in accordance with Title 40, Part 60 of the code of federal regulations, in the geographical area and for the period of time that a first stage of impaired air quality has been determined, by the department or any authority, for that area. A first stage of impaired air quality is reached when particulates ten microns and smaller in diameter are at an ambient level of seventy-five micrograms per cubic meter measured on a twenty-four hour average or when carbon monoxide is at an ambient level of eight parts of contaminant per million parts of air by volume measured on an eight-hour average; and

(c) Not burn wood in any solid fuel burning device ~~((including those which meet the standards set forth in RCW 70.94.457,))~~ in a geographical area and for the period of time that a second stage of impaired air quality has been determined by the department or any authority, for that area. A second stage of impaired air quality is reached when particulates ten microns and smaller in diameter are at an ambient level of one hundred five micrograms per cubic meter measured on a twenty-four hour average. This subsection shall not apply to any solid fuel burning device meeting the emission performance standards established by either the Oregon department of environmental quality phase II, the United States environmental protection agency, or certified by the department under RCW 70.94.457, or a pellet stove either certified or issued an exemption by the United States environmental protection agency in accordance with Title 40, Part 60 of the code of federal regulations if such wood stoves are operated in the unincorporated area of a county that has not been designated as an urban growth area under chapter 36.70A RCW.

(2) ~~((When))~~ If a local air authority exercises the limitation on solid fuel burning devices specified under RCW 70.94.477(2), a single stage of impaired air quality applies in the geographical area defined by the authority in accordance with RCW 70.94.477(2) and is reached when particulates ten microns and smaller in diameter are at an ambient level of ninety micrograms per cubic meter measured on a twenty-four hour average or when carbon monoxide is at an ambient level of eight parts of contaminant per million parts of air by volume measured on an eight-hour average.

~~((When))~~ If this single stage of impaired air quality is reached, no person in a residence or commercial establishment ~~((which))~~ that has an adequate source of heat without burning wood shall burn wood in any solid fuel burning device, including those which meet the standards set forth in RCW 70.94.457.

Sec. 505. RCW 70.94.483 and 1990 c 128 s 5 are each amended to read as follows:

(1) The wood stove education and enforcement account is hereby created in the general fund. Money placed in the account shall include all money received under subsection (2) of this section and any other money appropriated by the legislature. Money in the account shall be spent for the purposes of the wood stove education program established under RCW 70.94.480 and for enforcement of the wood stove program, and shall be subject to legislative appropriation.

(2) The department of ecology, with the advice of the advisory committee, shall set a flat fee (~~(, not to exceed fifteen)~~) of thirty dollars, on the retail sale, as defined in RCW 82.04.050, of each solid fuel burning device (~~(, excepting masonry fireplaces,)~~) after January 1, (~~(1988)~~) 1992. The fee shall be imposed upon the consumer and shall not be subject to the retail sales tax provisions of chapters 82.08 and 82.12 RCW. The fee may be adjusted annually above (~~(fifteen)~~) thirty dollars (~~(according to changes in the consumer price index after January 1, 1989)~~) to account for inflation as determined by the state office of the economic and revenue forecast council. The fee shall be collected by the department of revenue in conjunction with the retail sales tax under chapter 82.08 RCW. If the seller fails to collect the fee herein imposed or fails to remit the fee to the department of revenue in the manner prescribed in chapter 82.08 RCW, the seller shall be personally liable to the state for the amount of the fee. The collection provisions of chapter 82.32 RCW shall apply. The department of revenue shall deposit fees collected under this section in the wood stove education and enforcement account.

NEW SECTION. Sec. 506. A new section is added to chapter 70.94 RCW to read as follows:

(1) A fireplace advisory committee is established for the purposes of:

- (a) Recommending fireplace emission standards either equivalent or more stringent than federal standards;
- (b) Educating the public on proper installation and maintenance of zero-clearance and masonry fireplaces;
- (c) Developing public information activities on how to reduce emissions through proper use of fireplaces.

(2) The advisory committee shall include the following representatives:

- (a) One representative from the house of representatives environmental affairs committee appointed by the speaker of the house of representatives and one representative from the senate environment and natural resources committee to be appointed by the president of the senate;
- (b) One representative each from the following state agencies appointed by their directors: The departments of ecology and health and the state energy office;
- (c) A representative from a local air pollution control authority;
- (d) One representative each from the masonry fireplace builders and the zero-clearance fireplace manufacturers; and
- (e) One representative each from an environmental organization and public health interest organizations.

(3) Advisory committee representatives from subsection (2) (c), (d), and (e) of this section shall be appointed by the director of the department of ecology.

(4) The advisory committee shall be administered by the department of ecology. The committee shall submit a report to the appropriate committees of the legislature on or before January 1, 1994.

(5) This section shall expire January 1, 1994.

Sec. 507. RCW 70.94.041 and 1983 c 3 s 175 are each amended to read as follows:

Except as otherwise provided in this section, any building or structure listed on the national register of historic sites, structures, or buildings established pursuant to 80 Stat. 915, 16 U.S.C. Sec. 470a, or on the state register established pursuant to RCW (~~(43.51A.080)~~) 27.34.220, shall be permitted to burn wood as it would have when it

was a functioning facility as an authorized exception to the provisions of this chapter. Such burning of wood shall not be exempted from the provisions of RCW 70.94.710 through 70.94.730.

Sec. 508. RCW 70.94.656 and 1990 c 113 s 1 are each amended to read as follows:

It is hereby declared to be the policy of this state that strong efforts should be made to minimize adverse effects on air quality from the open burning of field and turf grasses grown for seed. To such end this section is intended to promote the development of economical and practical alternate agricultural practices to such burning, and to provide for interim regulation of such burning until practical alternates are found.

(1) The department shall approve of a study or studies for the exploration and identification of economical and practical alternate agricultural practices to the open burning of field and turf grasses grown for seed. Prior to the issuance of any permit for such burning under RCW 70.94.650, there shall be collected a fee not to exceed one dollar per acre of crop to be burned. Any such fees received by any authority shall be transferred to the department of ecology. The department of ecology shall deposit all such acreage fees in a special grass seed burning research account, hereby created, in the state treasury. All earnings of investments of balances in the special grass seed burning research account shall be credited to the general fund. The department shall allocate moneys annually from this account for the support of any approved study or studies as provided for in this subsection. For the conduct of any such study or studies, the department may contract with public or private entities: PROVIDED, That whenever the department of ecology shall conclude that sufficient reasonably available alternates to open burning have been developed, and at such time as all costs of any studies have been paid, the grass seed burning research account shall be dissolved, and any money remaining therein shall revert to the general fund.

The fee collected under this subsection shall constitute the research portion of fees required under RCW 70.94.650 for open burning of grass grown for seed.

(2) Whenever on the basis of information available to it, the department after public hearings have been conducted wherein testimony will be received and considered from interested parties wishing to testify shall conclude that any procedure, program, technique, or device constitutes a practical alternate agricultural practice to the open burning of field or turf grasses grown for seed, the department shall, by order, certify approval of such alternate. Thereafter, in any case which any such approved alternate is reasonably available, the open burning of field and turf grasses grown for seed shall be disallowed and no permit shall issue therefor.

(3) Until approved alternates become available, the department or the authority may limit the number of acres on a pro rata basis among those affected for which permits to burn will be issued in order to effectively control emissions from this source.

(4) Permits issued for burning of field and turf grasses may be conditioned to minimize emissions insofar as practical, including denial of permission to burn during periods of adverse meteorological conditions.

NEW SECTION. Sec. 509. A new section is added to chapter 70.94 RCW to read as follows:

(1) A task force is established for the purposes of recommending programs to:

(a) Encourage persons with wood stoves not meeting the requirements of RCW 70.94.457 or United States environmental protection agency certificate requirements to remove such wood stoves and install a less polluting certified wood stove or other source of heat; and

(b) Educate the public on wood stove emissions and methods to reduce such emissions.

(2) The task force shall be appointed by the speaker of the house of representatives and the president of the senate and shall consist of:

(a) Two members from the house of representatives committee on environmental affairs;

(b) Two members from the senate committee on environment and natural resources;

(c) Two members from the house of representatives committee on energy and utilities; and

(d) Two members from the senate committee on energy and utilities.

(3) In developing recommendations, the task force shall consult with representatives from the department of ecology, local air authorities, wood stove dealers, wood stove manufacturers, public and investor owned utilities, citizen organizations, environmental organizations, and public health organizations.

(4) By November 1, 1991, the task force shall report to the appropriate standing committees of the legislature. The report shall recommend methods to:

(a) Use public and private funds to provide credit toward purchasing old wood stoves not certified under RCW 70.94.457;

(b) Use public and private funds to implement public education programs designed to reduce emissions from wood stoves;

(c) Prevent fraud or abuse of the programs developed under this section; and

(d) Develop emissions' data collection and monitoring systems.

(5) The task force created in subsection (1) of this section shall terminate on July 1, 1995.

"VI.

GLOBAL WARMING AND OZONE DEPLETION"

NEW SECTION. Sec. 601. The legislature finds that:

(1) The release of chlorofluorocarbons and other ozone-depleting chemicals into the atmosphere contributes to the destruction of stratospheric ozone and threatens plant and animal life with harmful overexposure to ultraviolet radiation;

(2) The technology and equipment to extract and recover chlorofluorocarbons and other ozone-depleting chemicals from air conditioners, refrigerators, and other appliances are available;

(3) A number of nonessential consumer products contain ozone-depleting chemicals; and

(4) Unnecessary releases of chlorofluorocarbons and other ozone-depleting chemicals from these sources should be eliminated.

NEW SECTION. Sec. 602. A new section is added to chapter 70.94 RCW to read as follows:

(1) Regulated refrigerant means a class I or class II substance as listed in Title VI of section 602 of the federal clean air act amendments of November 15, 1990.

(2) A person who services or repairs or disposes of a motor vehicle air conditioning system; commercial or industrial air conditioning, heating, or refrigeration system; or consumer appliance shall use refrigerant extraction equipment to recover regulated refrigerant that would otherwise be released into the atmosphere. This subsection does not apply to off-road commercial equipment.

(3) Upon request, the department shall provide information and assistance to persons interested in collecting, transporting, or recycling regulated refrigerants.

(4) The willful release of regulated refrigerant from a source listed in subsection (2) of this section is prohibited.

NEW SECTION. Sec. 603. A new section is added to chapter 70.94 RCW to read as follows:

No person may sell, offer for sale, or purchase any of the following:

(1) A regulated refrigerant in a container designed for consumer recharge of a motor vehicle air conditioning system or consumer appliance during repair or service. This subsection does not apply to a regulated refrigerant purchased for the recharge of the air conditioning system of off-road commercial or agricultural equipment and sold or offered for sale at an establishment which specializes in the sale of off-road commercial or agricultural equipment or parts or service for such equipment;

(2) Nonessential consumer products that contain chlorofluorocarbons or other ozone-depleting chemicals, and for which substitutes are readily available. Products affected under this subsection shall include, but are not limited to, party streamers, tire inflators, air horns, noise makers, and chlorofluorocarbon-containing cleaning sprays designed for noncommercial or nonindustrial cleaning of electronic or photographic equipment.

NEW SECTION. **Sec. 604.** A new section is added to chapter 70.94 RCW to read as follows:

The department shall adopt rules to implement sections 602 and 603 of this act. Rules shall include but not be limited to minimum performance specifications for refrigerant extraction equipment, as well as procedures for enforcing sections 602 and 603 of this act.

Enforcement provisions adopted by the department shall not include penalties or fines in areas where equipment to collect or recycle regulated refrigerants is not readily available.

"VII. MISCELLANEOUS SECTIONS"

Sec. 701. RCW 70.94.053 and 1987 c 505 s 60 and 1987 c 109 s 34 are each reenacted and amended to read as follows:

(1) In each county of the state there is hereby created an air pollution control authority, which shall bear the name of the county within which it is located. The boundaries of each authority shall be coextensive with the boundaries of the county within which it is located. An authority shall include all incorporated and unincorporated areas of the county within which it is located.

(2) All authorities which are presently (~~or may hereafter be within counties of the first class, class A or class AA, are hereby designated as~~) activated authorities (~~and~~) shall carry out the duties and exercise the powers provided in this chapter. Those activated authorities (~~hereby activated~~) which encompass contiguous counties (~~located in one or the other of the two major areas determined in RCW 70.94.011~~) are declared to be and directed to function as a multicounty authority.

(3) Except as provided in RCW 70.94.232, all other air pollution control authorities are hereby designated as inactive authorities.

(4) The boards of those authorities designated as activated authorities by this chapter shall be comprised of such appointees and/or county commissioners or other officers as is provided in RCW 70.94.100. (~~The first meeting of the boards of these authorities designated as activated authorities by this chapter shall be on or before sixty days after June 8, 1967.~~)

(5) ~~The department is directed to conduct the necessary evaluations and delineate appropriate air pollution regions throughout the state, taking into consideration:~~

(a) ~~The natural climatic and topographic features affecting the potential for buildup of air contaminant concentrations.~~

(b) ~~The degree of urbanization and industrialization and the existence of activities which are likely to cause air pollution.~~

(c) ~~The county boundaries as related to the air pollution regions and the practicality of administering air pollution control programs.)~~

NEW SECTION. **Sec. 702.** A new section is added to chapter 70.94 RCW to read as follows:

(1) Any county of the first class in which seventy-five percent or more of its boundary lies on water and not land, and that is a part of a multicounty authority pursuant to RCW 70.94.053, shall be subject to the requirements of this section. After January 1, 1992, any such county shall operate an individual county air pollution control authority under this chapter, unless prior to such date, the legislative authority of such county determines to take one of the following actions:

(a) To continue its participation in an existing multicounty authority;

(b) To join another existing multicounty authority by consent of the governing board of such authority; or

(c) To join with one or more contiguous counties to operate as a new multicounty authority, pursuant to the procedures of RCW 70.94.057.

(2) Prior to making a determination under subsection (1) of this section the county shall obtain public comment through hearings and written comments.

(3) Where a county subject to the requirements of this section does not elect to participate in a multicounty authority after January 1, 1992, the rules adopted by a multicounty authority in effect within such county shall remain in effect until superseded by the adoption of rules, resolutions, or ordinances by the county acting as an individual county authority under this chapter, but in no event shall such rules remain in effect after July 1, 1992.

Sec. 703. RCW 70.94.055 and 1967 c 238 s 5 are each amended to read as follows:

The board of county commissioners of any county (~~other than a first class, class A or class AA county~~) may activate an air pollution control authority following a public hearing on its own motion, or upon a filing of a petition signed by one hundred property owners within the county. If the board of county commissioners determines as a result of the public hearing that:

(1) Air pollution exists or is likely to occur; and

(2) The city or town ordinances, or county resolutions, or their enforcement, are inadequate to prevent or control air pollution, they (~~shall~~) may by resolution activate an air pollution control authority or combine with a contiguous county or counties to form a multicounty air pollution control authority.

Sec. 704. RCW 70.94.092 and 1975 1st ex.s. c 106 s 1 are each amended to read as follows:

Notwithstanding the provisions of RCW 1.16.030, the budget year of each activated authority shall be the fiscal year beginning July 1st and ending on the following June 30th. (~~The current budget year shall be terminated June 30, 1975, and a budget for the fiscal year beginning July 1, 1975, shall be adopted pursuant to this section as now or hereafter amended.~~) On or before the fourth Monday in June of each year, each activated authority shall adopt a budget for the following fiscal year. The activated authority budget shall contain adequate funding and provide for staff sufficient to carry out the provisions of all applicable ordinances, resolutions, and local regulations related to the reduction, prevention, and control of air pollution. The legislature acknowledges the need for the state to provide reasonable funding to local authorities to carry out the requirements of this chapter. The budget shall contain an estimate of all revenues to be collected during the following budget year, including any surplus funds remaining unexpended from the preceding year. The remaining funds required to meet budget expenditures, if any, shall be designated as "supplemental income" and shall be obtained from the component cities, towns, and counties in the manner provided in this chapter. The affirmative vote of three-fourths of all members of the board shall be required to authorize emergency expenditures.

Sec. 705. RCW 70.94.100 and 1989 c 150 s 1 are each amended to read as follows:

(1) The governing body of each authority shall be known as the board of directors.

(2) In the case of an authority comprised of one county the board shall be comprised of two appointees of the city selection committee (~~as hereinafter provided~~), at least one of whom shall represent the city having the most population in the county, and two representatives to be designated by the board of county commissioners. In the case of an authority comprised of two (~~or~~), three, four, or five counties, the board shall be comprised of one appointee (~~of the city selection committee of~~) from each county (~~as hereinafter provided~~), who shall represent the city having the most population in such county, to be designated by the mayor and city council of such city, and one representative from each county to be designated by the board of county commissioners of each county making up the authority. (~~In the case of an authority comprised of four or five counties, the board shall be comprised of one appointee of the city selection committee of each county as hereinafter provided who shall represent the city having the most population in such county, and one representative from each county to be designated by the board of county commissioners of each county making up the authority.~~) In the case of an authority comprised of six or more counties, the board shall be comprised of one representative from each county to be designated by the board of county commissioners of each county making up the authority, and (~~one~~) three appointees, one each from (~~each city with over one hundred thousand population~~) the three largest cities within the local authority's jurisdiction to be appointed by the mayor and city council of such city.

(3) If the board of an authority otherwise would consist of an even number, the members selected as above provided shall agree upon and elect an additional member who shall be either a member of the governing body of one of the towns, cities or counties comprising the authority, or a private citizen residing in the authority. (~~All board members shall hold office at the pleasure of the appointing body.~~)

(4) The terms of office of board members shall be four years.

(5) Wherever a member of a board has a potential conflict of interest in an action before the board, the member shall declare to the board the nature of the potential conflict prior to participating in the action review. The board shall, if the potential conflict of interest, in the judgment of a majority of the board, may prevent the member from a fair and objective review of the case, remove the member from participation in the action.

Sec. 706. RCW 70.94.130 and 1969 ex.s. c 168 s 15 are each amended to read as follows:

The board shall exercise all powers of the authority except as otherwise provided. The board shall conduct its first meeting within thirty days after all of its members have been appointed or designated as provided in RCW 70.94.100. The board shall meet at least ten times per year. All meetings shall be publicly announced prior to their occurrence. All meetings shall be open to the public. A majority of the board shall constitute a quorum for the transaction of business and shall be necessary for any action taken by the board. The board shall elect from its members a (~~chairman~~) chair and such other officers as may be necessary. Any member of the board may designate a regular alternate to serve on the board in his or her place with the same authority as the member when he or she is unable to attend. Each member of the board, or his or her representative, shall receive from the authority (~~twenty-five dollars per day~~) compensation consistent with such authority's rates (but not to exceed one thousand dollars per year) for (~~each full day~~) time spent in the performance of (~~his~~) duties under this chapter, plus the actual and necessary expenses incurred by (~~him~~) the member in such performance. The board may appoint (~~an executive director~~) a control officer, and any other personnel, and shall determine their salaries, and pay same, together with any other proper indebtedness, from authority funds.

Sec. 707. RCW 70.94.141 and 1970 ex.s. c 62 s 56 are each amended to read as follows:

The board of any activated authority in addition to any other powers vested in them by law, shall have power to:

(1) Adopt, amend and repeal its own (~~ordinances, resolutions, or~~) rules and regulations, (~~as the case may be,~~) implementing this chapter and consistent with it, after consideration at a public hearing held in accordance with chapter (~~42.32~~) 42.30 RCW. Rules and regulations shall also be adopted in accordance with the notice and adoption procedures set forth in RCW 34.05.320, those provisions of RCW 34.05.325 that are not in conflict with chapter 42.30 RCW, and with the procedures of RCW 34.05.340, 34.05.355 through 34.05.380, and with chapter 34.08 RCW, except that rules shall not be published in the Washington Administrative Code. Judicial review of rules adopted by an authority shall be in accordance with Part V of chapter 34.05 RCW. An air pollution control authority shall not be deemed to be a state agency.

(2) Hold hearings relating to any aspect of or matter in the administration of this chapter not prohibited by the provisions of chapter 62, Laws of 1970 ex. sess. and in connection therewith issue subpoenas to compel the attendance of witnesses and the production of evidence, administer oaths and take the testimony of any person under oath.

(3) Issue such orders as may be necessary to effectuate the purposes of this chapter and enforce the same by all appropriate administrative and judicial proceedings subject to the rights of appeal as provided in chapter 62, Laws of 1970 ex. sess.

(4) Require access to records, books, files and other information specific to the control, recovery or release of air contaminants into the atmosphere.

(5) Secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract or otherwise.

(6) Prepare and develop a comprehensive plan or plans for the prevention, abatement and control of air pollution within its jurisdiction.

(7) Encourage voluntary cooperation by persons or affected groups to achieve the purposes of this chapter.

(8) Encourage and conduct studies, investigation and research relating to air pollution and its causes, effects, prevention, abatement and control.

(9) Collect and disseminate information and conduct educational and training programs relating to air pollution.

(10) Advise, consult, cooperate and contract with agencies and departments and the educational institutions of the state, other political subdivisions, industries, other states, interstate or interlocal agencies, and the United States government, and with interested persons or groups.

(11) Consult, upon request, with any person proposing to construct, install, or otherwise acquire an air contaminant source or device or system for the control thereof, concerning the efficacy of such device or system, or the air pollution problems which may be related to the source, device or system. Nothing in any such consultation shall be construed to relieve any person from compliance with this chapter, ordinances, resolutions, rules and regulations in force pursuant thereto, or any other provision of law.

(12) Accept, receive, disburse and administer grants or other funds or gifts from any source, including public and private agencies and the United States government for the purpose of carrying out any of the functions of this chapter.

Sec. 708. RCW 70.94.170 and 1969 ex.s. c 168 s 21 are each amended to read as follows:

Any activated authority which has adopted an ordinance, resolution, or valid rules and regulations as provided herein for the control and prevention of air pollution shall appoint a full time control officer, (~~who~~) whose sole responsibility shall be to observe and enforce the provisions of this chapter and all orders, ordinances,

resolutions, or rules and regulations of such activated authority pertaining to the control and prevention of air pollution.

Sec. 709. RCW 70.94.231 and 1969 ex.s. c 168 s 29 are each amended to read as follows:

Upon the date that an authority begins to exercise its powers and functions, all ~~((districts formed as a district under chapter 70.94 RCW prior to June 8, 1967 which previously were wholly or partially composed of one or more cities or towns located within such activated authority shall be considered to be dissolved but its))~~ rules and regulations in force on such date shall remain in effect until superseded by the rules and regulations of the authority as provided in RCW 70.94.230. ~~((In such event, the board of any such district shall proceed to wind up the affairs of the district in the same manner as if the district were dissolved as provided in RCW 70.94.260.))~~

Sec. 710. RCW 70.94.240 and 1969 ex.s. c 168 s 30 are each amended to read as follows:

The board of any authority ~~((shall))~~ may appoint an air pollution control advisory council to advise and consult with such board, and the control officer in effectuating the purposes of this chapter. The council shall consist of at least five appointed members who are residents of the authority and who are preferably skilled and experienced in the field of air pollution control, ~~((two))~~ chemistry, meteorology, public health, or a related field, at least one of whom shall serve as a representative((s)) of industry and one of whom shall serve as a representative of the environmental community. The ~~((chairman))~~ chair of the board of any such authority shall serve as ex officio member of the council and be its ~~((chairman))~~ chair. Each member of the council shall receive from the authority per diem and travel expenses in an amount not to exceed that provided for the state board in this chapter (but not to exceed one thousand dollars per year) for each full day spent in the performance of his or her duties under this chapter.

Sec. 711. RCW 70.94.331 and 1988 c 106 s 1 are each amended to read as follows:

(1) The department shall have all the powers as provided in RCW 70.94.141.

(2) The department, in addition to any other powers vested in it by law after consideration at a public hearing held in accordance with chapters 42.30 ~~((RCW))~~ and ~~((chapter))~~ 34.05 RCW shall:

(a) Adopt rules ~~((and regulations))~~ establishing air quality objectives and air quality standards;

(b) Adopt emission standards which shall constitute minimum emission standards throughout the state. An authority may enact more stringent emission standards, except for emission performance standards for new wood stoves and opacity levels for residential solid fuel burning devices which shall be state-wide, but in no event may less stringent standards be enacted by an authority without the prior approval of the department after public hearing and due notice to interested parties;

(c) Adopt by rule ~~((and regulation))~~ air quality standards and emission standards for the control or prohibition of emissions to the outdoor atmosphere of radionuclides, dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof. Such requirements may be based upon a system of classification by types of emissions or types of sources of emissions, or combinations thereof, which it determines most feasible for the purposes of this chapter. However, an industry, or the air pollution control authority having jurisdiction, can choose, subject to the submittal of appropriate data that the industry has quantified, to have any limit on the opacity of emissions from a source whose emission standard is stated in terms of a weight of particulate per unit volume of air (e.g., grains per dry standard cubic foot) be based on the applicable particulate emission standard for that source, such that any violation of the opacity limit accurately indicates a violation of the applicable particulate emission standard. Any alternative opacity limit provided by this

section that would result in increasing air contaminants emissions in any nonattainment area shall only be granted if equal or greater emission reductions are provided for by the same source obtaining the revised opacity limit. A reasonable fee may be assessed to the industry to which the alternate opacity standard would apply. The fee shall cover only those costs to the air pollution control authority which are directly related to the determination on the acceptability of the alternate opacity standard, including testing, oversight and review of data.

(3) The air quality standards and emission standards may be for the state as a whole or may vary from area to area or source to source, except that emission performance standards for new wood stoves and opacity levels for residential solid fuel burning devices shall be state-wide, as may be appropriate to facilitate the accomplishment of the objectives of this chapter and to take necessary or desirable account of varying local conditions of population concentration, the existence of actual or (~~reasonable~~) reasonably foreseeable air pollution, topographic and meteorologic conditions and other pertinent variables.

(4) The department is directed to cooperate with the appropriate agencies of the United States or other states or any interstate agencies or international agencies with respect to the control of air pollution and air contamination, or for the formulation for the submission to the legislature of interstate air pollution control compacts or agreements.

(5) The department is directed to conduct or cause to be conducted a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants and conduct or cause to be conducted a program to determine the quantity of emissions to the atmosphere.

(6) The department shall enforce the air quality standards and emission standards throughout the state except where a local authority is enforcing the state regulations or its own regulations which are more stringent than those of the state.

(7) The department shall encourage local units of government to handle air pollution problems within their respective jurisdictions; and, on a cooperative basis provide technical and consultative assistance therefor.

(8) The department shall have the power to require the addition to or deletion of a county or counties from an existing authority in order to carry out the purposes of this chapter (~~:- PROVIDED, HOWEVER, That~~). No such addition or deletion shall be made without the concurrence of any existing authority involved. Such action shall only be taken after a public hearing held pursuant to the provisions of chapter 34.05 RCW.

(9) The department shall establish rules requiring sources or source categories to apply reasonable and available control methods. Such rules shall apply to those sources or source categories that individually or collectively contribute the majority of state-wide air emissions of each regulated pollutant. The department shall review, and if necessary, update its rules every five years to ensure consistency with current reasonable and available control methods. The department shall have adopted rules required under this subsection for all sources by July 1, 1996.

For the purposes of this section, "reasonable and available control methods" shall include but not be limited to, changes in technology, processes, or other control strategies.

Sec. 712. RCW 70.94.332 and 1987 c 109 s 18 are each amended to read as follows:

(Whenever the department of ecology has reason to believe that any provision of this chapter or any rule or regulation adopted by it or being enforced by it under RCW 70.94.410 relating to the control or prevention of air pollution has been violated, it may) At least thirty days prior to the commencement of any formal enforcement action under RCW 70.94.430 and 70.94.431, the department of ecology shall cause written notice to be served upon the alleged violator or violators. The notice shall

specify the provision of this chapter or the rule or regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the department may require that the alleged violator or violators appear before it for the purpose of providing the department information pertaining to the violation or the charges complained of. ~~((In addition to or in place of an order or hearing, the department may initiate action pursuant to RCW 70.94.425, 70.94.430, and 70.94.435))~~ Every notice of violation shall offer to the alleged violator an opportunity to meet with the department prior to the commencement of enforcement action.

Sec. 713. RCW 70.94.385 and 1987 c 109 s 41 are each amended to read as follows:

(1) Any authority may apply to the department for state financial aid. The department shall ~~((by rule and regulation))~~ annually establish the ~~((ratio))~~ amount of state funds ~~((to))~~ available for the local ~~((funds))~~ authorities taking into consideration available federal and state funds. The establishment of funding amounts shall be consistent with federal requirements and local maintenance of effort necessary to carry out the provisions of this chapter. Any such aid shall be expended from the general fund or from ~~((such))~~ other appropriations as the legislature may provide for this purpose: PROVIDED, That federal funds shall be utilized to the maximum unless otherwise approved by the department: PROVIDED FURTHER, That the ~~((ratio))~~ amount of state funds provided to local ~~((funds of))~~ authorities during the previous year shall not be ~~((changed))~~ reduced without a public notice or public hearing held by the department if requested by the affected local authority, unless such changes are the direct result of a reduction in the available federal funds for air pollution control programs.

(2) Before any such application is approved and financial aid is given or approved by the department, the authority shall demonstrate to the satisfaction of the department that it is fulfilling the requirements of ~~((RCW 70.94.380, or,))~~ this chapter. If the department has not adopted ambient air quality standards and objectives as permitted by RCW 70.94.331, the authority shall demonstrate to the satisfaction of the department that it is acting in good faith and doing all that is possible and reasonable to control and prevent air pollution within its jurisdictional boundaries and to carry out the purposes of this chapter.

(3) The department shall adopt rules ~~((and regulations))~~ requiring the submission of such information by each authority including the submission of its proposed budget and a description of its program in support of the application for state financial aid as necessary to enable the department to determine the need for state aid.

Sec. 714. RCW 70.94.395 and 1987 c 109 s 43 are each amended to read as follows:

If the department finds, after public hearing upon due notice to all interested parties, that the emissions from a particular type or class of air contaminant source should be regulated on a state-wide basis in the public interest and for the protection of the welfare of the citizens of the state, it may adopt and enforce rules ~~((and regulations))~~ to control and/or prevent the emission of air contaminants from such source ~~((= PROVIDED, That)).~~ An authority may, after public hearing and a finding by the board of a need for more stringent rules ((and regulations)) than those adopted by the department under this section, propose the adoption of such rules ((and regulations)) by the department for the control of emissions from the particular type or class ((or)) of air contaminant source within the geographical area of the authority. The department shall hold a public hearing and shall adopt the proposed rules ((and regulations)) within the area of the requesting authority, unless it finds that the proposed rules ((and regulations)) are inconsistent with the rules ((and regulations)) adopted by the department under this section((= PROVIDED, FURTHER, That)). When such standards are adopted by the department it shall delegate solely to the

requesting authority all powers necessary for their enforcement at the request of the authority(~~(: PROVIDED, That the department may delegate the responsibility for the enforcement of such rules and regulations to any authority which it deems capable of enforcing such regulations: PROVIDED FURTHER, That))~~. If after public hearing the department finds that the regulation on a state-wide basis of a particular type (~~(ef)~~) or class of air contaminant source is no longer required for the public interest and the protection of the welfare of the citizens of the state, the department may relinquish exclusive jurisdiction over such source.

Sec. 715. RCW 70.94.405 and 1987 c 109 s 45 are each amended to read as follows:

At any time after an authority has been activated for no less than one year, the department may, on its own motion, conduct a hearing held in accordance with chapters 42.30 (~~(RCW)~~) and (~~(chapter)~~) 34.05 RCW, (~~(as now or hereafter amended)~~) to determine whether or not the air pollution prevention and control program of such authority is being carried out in good faith and is as effective as possible (~~(under the circumstances)~~). If at such hearing the department finds that such authority is not carrying out its air pollution control or prevention program in good faith, (~~(ef)~~) is not doing all that is possible and reasonable to control and/or prevent air pollution within the geographical area over which it has jurisdiction, or is not carrying out the provisions of this chapter, it shall set forth in a report or order to the appropriate authority: (1) Its recommendations as to how air pollution prevention and/or control might be more effectively accomplished; and (2) guidelines which will assist the authority in carrying out the recommendations of the department.

Sec. 716. RCW 70.94.410 and 1987 c 109 s 46 are each amended to read as follows:

(1) If, after thirty days from the time that the department issues a report or order to an authority under RCW 70.94.400 and 70.94.405, such authority has not taken (~~(any)~~) action which indicates that it is attempting in good faith to implement the recommendations or actions of the department as set forth in the report or order, the department may, by order, declare as null and void any or all ordinances, resolutions, rules or regulations of such authority relating to the control and/or prevention of air pollution, and at such time the department shall become the sole body with authority to make and enforce rules and regulations for the control and/or prevention of air pollution within the geographical area of such authority. (~~(In)~~) If this (~~(connection)~~) occurs, the department may assume all those powers which are given to it by law to effectuate the purposes of this chapter. The department may, by order, continue in effect and enforce (~~(these)~~) provisions of the ordinances, resolutions, or rules (~~(and regulations)~~) of such authority which are not less stringent than those requirements which the department may have found applicable to the area under RCW 70.94.331, until such time as the department adopts its own rules (~~(and regulations)~~). Any rules (~~(and regulations)~~) promulgated by the department shall be subject to the provisions of chapter 34.05 RCW (~~(as it now appears or may hereinafter be amended)~~). Any enforcement actions shall be subject to RCW 43.21B.300 or 43.21B.310.

(2) No provision of this chapter is intended to prohibit any authority from reestablishing its air pollution control program which meets with the approval of the department and which complies with the purposes of this chapter and with applicable rules (~~(and regulations)~~) and orders of the department.

(3) Nothing in this chapter shall prevent the department from withdrawing the exercise of its jurisdiction over an authority upon its own motion(~~(: PROVIDED, That)~~) if the department has found at a hearing held in accordance with chapters 42.30 (~~(RCW)~~) and (~~(chapter)~~) 34.05 RCW (~~(as now or hereafter amended)~~), that the air pollution prevention and control program of such authority will be carried out in good faith (~~(ef)~~), that such program will do all that is possible and reasonable to control and/or prevent air pollution within the geographical area over which it has jurisdiction,

and that the program complies with the provisions of this chapter. Upon the withdrawal of the department, the department shall prescribe certain recommendations as to how air pollution prevention and/or control is to be effectively accomplished and guidelines which will assist the authority in carrying out the recommendations of the department.

Sec. 717. RCW 70.94.420 and 1987 c 109 s 47 are each amended to read as follows:

((4)) It is declared to be the intent of the legislature of the state of Washington that any state department or agency having jurisdiction over any building, installation, ~~((or))~~ other property, or other activity creating or likely to create significant air pollution shall cooperate with the department and with air pollution control agencies in preventing and/or controlling the pollution of the air in any area insofar as the discharge of ~~((the matter))~~ air contaminants from or by such building, installation, ~~((or))~~ other property, or activity may cause or contribute to pollution of the air in such area. Such state department or agency shall comply with the provisions of this chapter and with any ordinance, resolution, rule or regulation issued hereunder in the same manner as any other person subject to such laws ~~((;))~~ or rules ~~((or regulations))~~.

~~((2)) In addition to its other powers and duties prescribed by law, the department may establish classes of potential pollution sources for which any state department or agency having jurisdiction over any building, installation, or other property, which is not located within the geographical boundaries of any authority which has an air pollution control and/or prevention program in effect, shall, before discharging any matter into the air, obtain a permit from the department for such discharge, such permits to be issued for a specified period of time to be determined by the department and subject to revocation if the department finds that such discharge is endangering the health and welfare of any persons. Such permits may also be required for any such building, installation, or other property which is located within the geographical boundaries of any authority which has an air pollution control and prevention program in effect if the standards set by the department for state departments and agencies are more stringent than those of the authority. In connection with the issuance of any permits under this section, there shall be submitted to the department such plans, specifications, and other information as it deems relevant thereto and under such other conditions as it may prescribe.))~~

NEW SECTION. **Sec. 718.** A new section is added to chapter 90.48 RCW to read as follows:

(1) The legislature finds that scientifically valid and technically achievable effluent limitations on the pulp and paper industry are necessary for the protection of the waters of the state of Washington. The legislature also finds that the United States environmental protection agency is in the process of developing national effluent guidelines for pulp and paper mills limiting discharge of chlorinated organics. In order to conserve limited economic resources, the legislature finds that the department of ecology should not duplicate ongoing federal efforts.

(2) The department shall issue no permit establishing limits for the discharge of chlorinated organic compounds by pulp mills and paper mills under RCW 90.48.160 or 90.48.260 until the United States environmental protection agency issues final effluent guidelines; then the department may issue permits containing chlorinated organics discharge limitations consistent with the national guidelines.

(3) Nothing in this section shall apply to dioxin compounds.

NEW SECTION. **Sec. 719.** Sections 602 and 603 of this act shall take effect July 1, 1992. Sections 202 through 209 of this act shall take effect January 1, 1993. Section 210 of this act shall take effect January 1, 1992.

The remainder of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. **Sec. 720.** The following acts or parts of acts are each repealed:

- (1) RCW 70.120.110 and 1989 c 240 s 7, 1985 c 7 s 131, & 1979 ex.s. c 163 s 12;
- (2) RCW 70.120.140 and 1987 c 505 s 62 & 1980 c 176 s 5;
- (3) RCW 70.120.900 and 1989 c 240 s 9;
- (4) RCW 70.94.232 and 1983 c 3 s 177 & 1967 c 238 s 40;
- (5) RCW 70.94.680 and 1971 ex.s. c 232 s 4;
- (6) RCW 70.94.740 and 1972 ex.s. c 136 s 1;
- (7) RCW 70.94.810 and 1984 c 277 s 3;
- (8) RCW 70.94.815 and 1984 c 277 s 5;
- (9) RCW 70.94.825 and 1984 c 277 s 7; and
- (10) RCW 70.94.870 and 1984 c 164 s 3.

NEW SECTION. **Sec. 721.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 722.** Captions and headings as used in this act constitute no part of the law.

NEW SECTION. **Sec. 723.** **TRANSPORTATION DEMAND MANAGEMENT--NULL AND VOID.** If funding for the purposes of sections 220 through 229 of this act is not provided by June 30, 1991, sections 220 through 229 of this act shall be null and void.

NEW SECTION. **Sec. 724.** A new section is added to chapter 70.94 RCW to read as follows:

This chapter shall be known and may be cited as the clean air Washington act.

The President declared the question before the Senate to be the motion by Senator Anderson to not adopt the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1028.

The motion by Senator Anderson carried and the Senate did not adopt the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1028.

MOTION

Senator Anderson moved that the following amendment by Senators Anderson and Sutherland be adopted:

Strike everything after the enacting clause and insert the following:

"I.

PUBLIC POLICY, FINDINGS, AND INTENT"

NEW SECTION. **Sec. 101.** The legislature finds that ambient air pollution is the most serious environmental threat in Washington state. Air pollution causes significant harm to human health; damages the environment, including trees, crops, and animals; causes deterioration of equipment and materials; contributes to water pollution; and degrades the quality of life.

Over three million residents of Washington state live where air pollution levels are considered unhealthy. Of all toxic chemicals released into the environment more than half enter our breathing air. Citizens of Washington state spend hundreds of millions of dollars annually to offset health, environmental, and material damage caused

by air pollution. The legislature considers such air pollution levels, costs, and damages to be unacceptable.

It is the intent of this act that the implementation of programs and regulations to control air pollution shall be the primary responsibility of the department of ecology and local air pollution control authorities.

Sec. 102. RCW 70.94.011 and 1973 1st ex.s. c 193 s 1 are each amended to read as follows:

It is declared to be the public policy ~~((of the state))~~ to preserve, protect, and enhance the air quality for current and future generations. Air is an essential resource that must be protected from harmful levels of pollution. Improving air quality is a matter of state-wide concern and is in the public interest. It is the intent of this chapter to secure and maintain ~~((such))~~ levels of air quality ~~((as will))~~ that protect human health and safety ~~((and))~~, including the most sensitive members of the population, to comply with the requirements of the federal clean air act, ~~((and))~~ to ~~((the greatest degree practicable,))~~ prevent injury to plant ~~((and))~~, animal life, and property, to foster the comfort and convenience of ~~((its))~~ Washington's inhabitants, to promote the economic and social development of the state, and to facilitate the enjoyment of the natural attractions of the state. ~~((The problems and effects of air pollution are frequently regional and interjurisdictional in nature, and are dependent upon the existence of urbanization and industrialization in areas having common topography and recurring weather conditions conducive to the buildup of air contaminants))~~

It is further the intent of this chapter to protect the public welfare, to preserve visibility, to protect scenic, aesthetic, historic, and cultural values, and to prevent air pollution problems that interfere with the enjoyment of life, property, or natural attractions.

Because of the extent of the air pollution problem the legislature finds it necessary to return areas with poor air quality to levels adequate to protect health and the environment as expeditiously as possible but no later than December 31, 1995. Further, it is the intent of this chapter to prevent any areas of the state with acceptable air quality from reaching air contaminant levels that are not protective of human health and the environment.

The legislature recognizes that air pollution control projects may affect other environmental media. In selecting air pollution control strategies state and local agencies shall support those strategies that lessen the negative environmental impact of the project on all environmental media, including air, water, and land.

The legislature further recognizes that energy efficiency and energy conservation can help to reduce air pollution and shall therefore be considered when making decisions on air pollution control strategies and projects.

It is the policy of the state that the costs of protecting the air resource and operating state and local air pollution control programs shall be shared as equitably as possible among all sources whose emissions cause air pollution.

It is also declared as public policy that regional air pollution control programs are to be encouraged and supported to the extent practicable as essential instruments for the securing and maintenance of appropriate levels of air quality.

~~((It is also declared to be the public policy of the state to provide for the people of the populous metropolitan regions in the state the means of obtaining air pollution control not adequately provided by existing agencies of local government. For reasons of the present and potential dramatic growth in population, urbanization, and industrialization, the special problem of air resource management, encompassing both corrective and preventive measures for the control of air pollution cannot be adequately met by the individual towns, cities, and counties of many metropolitan regions.~~

~~In addition, the state is divided into two major areas, each having unique characteristics as to natural climatic and topographic features which may result in the different potentials for the accumulation and buildup of air contaminant concentrations. These two major areas are the area lying west of the Cascade Mountain crest and the area lying east of the Cascade Mountain crest. Within each of these major areas are regions which, because of the climate and topography and present and potential urbanization and industrial development may, through definitive evaluation be classed as regional air pollution areas.))~~

To these ends it is the purpose of this chapter to ~~((provide for a))~~ safeguard the public interest through an intensive, progressive, and coordinated state-wide program of air pollution prevention and control, to provide for an appropriate distribution of responsibilities, and to encourage coordination and cooperation between the state, regional, and local units of government, ((and for cooperation across jurisdictional lines in dealing with problems of air pollution)) to improve cooperation between state and federal government, public and private organizations, and the concerned individual, as well as to provide for the use of all known, available, and reasonable methods to reduce, prevent, and control air pollution.

The legislature recognizes that the problems and effects of air pollution cross political boundaries, are frequently regional or interjurisdictional in nature, and are dependent upon the existence of human activity in areas having common topography and weather conditions conducive to the buildup of air contaminants. In addition, the legislature recognizes that air pollution levels are aggravated and compounded by increased population, and its consequences. These changes often result in increasingly serious problems for the public and the environment.

The legislature further recognizes that air emissions from thousands of small individual sources are major contributors to air pollution in many regions of the state. As the population of a region grows, small sources may contribute an increasing proportion of that region's total air emissions. It is declared to be the policy of the state to achieve significant reductions in emissions from those small sources whose aggregate emissions constitute a significant contribution to air pollution in a particular region.

It is the intent of the legislature that air pollution goals be incorporated in the missions and actions of state agencies.

Sec. 103. RCW 70.94.030 and 1987 c 109 s 33 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(2) "Air pollution" is presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property. For the purpose of this chapter, air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW.

(3) ~~((("Person" means and includes an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency))~~ "Air quality standard" means an established concentration, exposure time, and frequency of occurrence of an air contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(4) "Ambient air" means the surrounding outside air.

(5) "Authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

~~((5))~~ (6) "Board" means the board of directors of an authority.

~~((6))~~ (7) "Control officer" means the air pollution control officer of any authority.

~~((7))~~ (8) "Department" means the department of ecology.

(9) "Emission" means a release of air contaminants into the ~~((outdoor atmosphere of air contaminants))~~ ambient air.

~~((8))~~ "Department" means the state department of ecology.

~~(9)~~ "Ambient air" means the surrounding outside air.)

(10) "Emission standard" means a limitation on the release of an air contaminant or multiple contaminants into the ambient air.

(11) "Multicounty authority" means an authority which consists of two or more counties.

~~((11))~~ "Emission standard" means a limitation on the release of a contaminant or multiple contaminants into the ambient air.

~~(12)~~ "Air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.

~~(13)~~ "Air quality objective" means the concentration and exposure time of a contaminant or multiple contaminants in the ambient air below which undesirable effects will not occur.)

(12) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision of the state, municipality, or governmental agency.

(13) "Silvicultural burning" means burning of wood fiber on forest land consistent with the provisions of RCW 70.94.660.

"II.

MOTOR VEHICLES AND FUELS"

Sec. 201. RCW 70.120.010 and 1979 ex.s. c 163 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of ecology.

(2) "Director" means the director of the department of ecology.

(3) "Fleet" means ~~((a group of twenty five or more motor vehicles owned or leased concurrently by one person))~~ a group of fifteen or more motor vehicles registered in the same name and whose owner has been assigned a fleet identifier code by the department of licensing.

(4) "Motor vehicle" means any self-propelled vehicle required to be licensed pursuant to chapter 46.16 RCW.

(5) "Motor vehicle dealer" means a motor vehicle dealer, as defined in RCW 46.70.011, that is licensed pursuant to chapter 46.70 RCW.

(6) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision of the state, municipality, or governmental agency.

(7) The terms "air contaminant," "air pollution," "air quality standard," "ambient air," "emission," and "emission standard" have the meanings given them in RCW 70.94.030.

Sec. 202. RCW 70.120.020 and 1989 c 240 s 5 are each amended to read as follows:

(1) The department shall conduct ~~((the following programs in a manner that will enhance the successful implementation of the air pollution control system established for motor vehicles by this chapter:~~

~~(a) A voluntary motor vehicle emissions inspection program;~~

~~(b)) a public educational program regarding the health effects of air pollution emitted by motor vehicles; the purpose, operation, and effect of emission control devices and systems; and the effect that proper maintenance of motor vehicle engines has on fuel economy and air pollution emission((; and~~

~~(c)) and a public notification program identifying the geographic areas of the state that are designated as being noncompliance areas and emission contributing areas and describing the requirements imposed under this chapter for those areas.~~

~~(2)(a) The department((; the superintendent of public instruction, and the state board for community college education shall develop cooperatively, after consultation with automotive trades joint apprenticeship committees approved in accordance with RCW 49.04.040, a program for granting)) shall grant certificates of instruction to persons who successfully complete a course of study, under general requirements established by the director, in the maintenance of motor vehicle engines, the use of engine and exhaust analysis equipment, and the repair and maintenance of emission control devices. The director may establish and implement procedures for granting certification to persons who successfully complete other training programs or who have received certification from public and private organizations which meet the requirements established in this subsection, including programs on clean fuel technology and maintenance.~~

~~(b) The department shall make available to the public a list of those persons who have received certificates of instruction under subsection (2)(a) of this section.~~

Sec. 203. RCW 70.120.070 and 1989 c 240 c 6 are each amended to read as follows:

(1) Any person:

(a) Whose motor vehicle is tested pursuant to this chapter and fails to comply with the emission standards established for the vehicle; and

(b) Who, following such a test, expends more than ~~((fifty))~~ one hundred dollars on a 1980 or earlier model year motor vehicle or expends more than one hundred fifty dollars on a 1981 or later model year motor vehicle for repairs solely devoted to meeting the emission standards and that are performed by a certified emission specialist authorized by RCW 70.120.020(2)(a); and

(c) Whose vehicle fails a retest, may be issued a certificate of acceptance if (i) the vehicle has been in use for more than five years or fifty thousand miles, and (ii) any component of the vehicle installed by the manufacturer for the purpose of reducing emissions, or its appropriate replacement, is installed and operative.

~~((c))~~ To receive the certificate, the person must document compliance with (b) and (c) of this subsection to the satisfaction of the department.

Should any provision of (b) of this subsection be disapproved by the administrator of the United States environmental protection agency, all vehicles shall be required to expend at least four hundred fifty dollars to qualify for a certificate of acceptance.

(2) Persons who fail the initial tests shall be provided with information regarding the availability of federal warranties and certified emission specialists.

NEW SECTION. Sec. 204. (1) A task force is established for the purposes of recommending a program to assist persons with vehicles failing to comply with emission standards under RCW 70.120.120. The task force shall be appointed by the speaker of house of representatives and the president of the senate and shall consist of:

(a) Two members from the house committee on environmental affairs;

(b) Two members from the senate committee on environment and natural resources; and

(c) Two members from the legislative committee on transportation.

(2) In developing recommendations, the task force shall consult with representatives from the departments of ecology, licensing, social and health services,

and revenue, the Washington state patrol, vehicle dealers and manufacturers, automobile associations, auto wreckers, and advocates for low-income persons and senior citizens.

(3) By November 1, 1991, the task force shall report to the appropriate standing committees of the legislature. The report shall recommend methods to:

(a) Use public and private funds to provide credit toward purchasing vehicles ten years or older from persons with vehicles not meeting the emission standards under RCW 70.120.120 for the purpose of permanently removing such vehicles from the road;

(b) Identify persons needing assistance with the provisions of RCW 70.120.120. In identifying such persons, the task force shall give first consideration to persons with an income of less than one hundred fifty percent of the federal poverty level;

(c) Prevent fraud or abuse of the program developed under this section; and

(d) Share the cost of the program with new and used car dealers licensed under chapter 46.70 RCW.

In the event that the task force determines a program to provide credit toward the purchase of older, polluting vehicles, as described under (a) of this subsection, does not provide an adequate benefit to low-income persons, the task force shall include recommendations to provide public funds for the repair of such vehicles.

Sec. 205. RCW 70.120.080 and 1979 ex.s. c 163 s 8 are each amended to read as follows:

The director may authorize an owner or lessee of a fleet of motor vehicles, or the owner's or lessee's agent, to inspect the vehicles in the fleet and issue certificates of compliance for the vehicles in the fleet if the director determines that: (1) The director's ~~((emission and))~~ inspection ~~((standards))~~ procedures will be complied with; and (2) certificates will be issued only to vehicles in the fleet that meet emission and equipment standards adopted under RCW 70.120.150 and only when appropriate.

In addition, the director may authorize an owner or lessee of one or more diesel motor vehicles with a gross vehicle weight rating in excess of eight thousand five hundred pounds, or the owner's or lessee's agent, to inspect the vehicles and issue certificates of compliance for the vehicles. The inspections shall be conducted in compliance with inspection procedures adopted by the department and certificates of compliance shall only be issued to vehicles that meet emission and equipment standards adopted under RCW 70.120.150.

The director shall establish by rule the fee for fleet or diesel inspections provided for in this section. The fee shall be set at an amount necessary to offset the department's cost to administer the fleet and diesel inspection program authorized by this section.

Owners, leaseholders, or their agents conducting inspections under this section shall pay only the fee established in this section and not be subject to fees under RCW 70.120.170(4).

Sec. 206. RCW 70.120.120 and 1989 c 240 s 8 are each amended to read as follows:

The director shall adopt rules implementing and enforcing this chapter ~~((and RCW 46.16.015(2)(g)))~~ in accordance with chapter 34.05 RCW. ~~((Notwithstanding the provisions of chapter 34.05 RCW, any rule implementing and enforcing RCW 70.120.150(5) may not be adopted until it has been submitted to the standing committees on ecology of the house of representatives and senate for review and approval.))~~ The ~~((standing committees))~~ department shall take into account when considering proposed modifications of emission contributing boundaries, as provided for in RCW 70.120.150~~((5))~~ (6), alternative ~~((plans for traffic rerouting and traffic bans))~~ transportation control and motor vehicle emission reduction measures that ~~((may have been prepared))~~ are required by local municipal corporations for the purpose of satisfying federal emission guidelines.

Sec. 207. RCW 70.120.150 and 1989 c 240 s 2 are each amended to read as follows:

The director:

(1) Shall adopt motor vehicle emission and equipment standards to: Ensure that no less than seventy percent of the vehicles tested comply with the standards on the first inspection conducted, meet federal clean air act requirements, and protect human health and the environment.

(2) Shall adopt rules implementing the smoke opacity testing requirement for diesel vehicles that ensure that such test is objective and repeatable and that properly maintained engines that otherwise would meet the applicable federal emission standards, as measured by the new engine certification test, would not fail the smoke opacity test.

(3) Shall designate a geographic area as being a "noncompliance area" for motor vehicle emissions if (a) the department's analysis of ~~((the))~~ emission and ambient air quality data, ((recorded for)) covering a period of no less than one year, ~~((at the monitoring sites))~~ indicates that the standard has or will probably be exceeded, and (b) the department determines that the primary source of the air contaminant ~~((being monitored at the sites))~~ is motor vehicle emissions.

~~((3))~~ (4) Shall reevaluate noncompliance areas if the United States environmental protection agency modifies the relevant air quality standards, and shall discontinue the program if compliance is indicated and if the department determines that the area would continue to be in compliance after the program is discontinued. The director shall notify persons residing in noncompliance areas of the reevaluation.

~~((4))~~ (5) Shall analyze information regarding the motor vehicle traffic in a noncompliance area to determine the smallest land area within whose boundaries are present registered motor vehicles that contribute significantly to the violation of motor vehicle-related air quality standards in the noncompliance area. The director shall declare the area to be an "emission contributing area." An emission contributing area established for a carbon monoxide or oxides of nitrogen noncompliance area must contain the noncompliance area within its boundaries. An emission contributing area established for an ozone noncompliance area located in this state need not contain the ozone noncompliance area within its boundaries if it can be proven that vehicles registered in the area contribute significantly to violations of the ozone air quality standard in the noncompliance area. An emission contributing area may be established in this state for violations of federal air quality standards for ozone in an adjacent state if (a) the United States environmental protection agency designates an area to be a "nonattainment area for ozone" under the provisions of the federal Clean Air Act (42 U.S.C. 7401 et. seq.), and (b) ((the nonattainment area encompasses portions of both Washington and the adjacent state, and (c)) it can be proven that vehicles registered in this state contribute significantly to the violation of the federal air quality standards for ozone in the adjacent state's ~~((portion of the))~~ nonattainment area.

~~((5))~~ (6) Shall, after consultation with the appropriate local government entities, designate areas as being noncompliance areas or emission contributing areas, and shall establish the boundaries of such areas by rule. The director may also modify boundaries. In establishing the external boundaries of an emission contributing area, the director shall use the boundaries established for ZIP code service areas by the United States postal service.

~~((6))~~ (7) May make grants to units of government in support of planning efforts to reduce motor vehicle emissions ~~((in areas where emission control inspections are not required))~~.

Sec. 208. RCW 70.120.170 and 1989 c 240 s 4 are each amended to read as follows:

(1) The department shall administer a system for ~~((biennial))~~ emission inspections ((of emissions)) of all motor vehicles registered within the boundaries of each emission contributing area. ~~((Persons residing within the boundaries of an emission contributing area shall register their motor vehicle within that area, unless business reasons require registration outside the area. Requests for exemption from~~

~~inspection for business reasons shall be reviewed and approved by the director)~~ Under such system a motor vehicle shall be inspected biennially except where an annual program would be required to meet federal law and prevent federal sanctions. In addition, motor vehicles shall be inspected at each change of registered owner of a licensed vehicle.

(2) The director shall:

(a) Adopt procedures for conducting emission ~~((tests for))~~ inspections of motor vehicles. The ~~((tests shall))~~ inspections may include idle and high revolution per minute emission tests. The emission test for diesel vehicles shall consist solely of a smoke opacity test.

(b) Adopt criteria for calibrating emission testing equipment. Electronic equipment used to test for emissions standards provided for in this chapter shall be properly calibrated. The department shall examine frequently the calibration of the emission testing equipment used at the stations.

(c) Authorize, through contracts, the establishment and operation of inspection stations for conducting ~~((the))~~ vehicle emission ~~((tests))~~ inspections authorized in this chapter. No person contracted to inspect motor vehicles may perform for compensation repairs on any vehicles. No public body may establish or operate contracted inspection stations. Any contracts must be let in accordance with the procedures established for competitive bids in chapter 43.19 RCW.

(3) Subsection (2)(c) of this section does not apply to volunteer motor vehicle inspections under RCW 70.120.020(1)~~((a))~~ if the inspections are conducted for the following purposes:

(a) Auditing;

(b) Contractor evaluation;

(c) Collection of data for establishing calibration and performance standards; or

(d) Public information and education.

(4)(a) The director shall establish by rule the fee to be charged for emission inspections. The inspection fee shall be a standard fee applicable state-wide or throughout an emission contributing area and shall be no greater than eighteen dollars. Surplus moneys collected from fees over the amount due the contractor shall be paid to the state and deposited in the general fund. Fees shall be set at the minimum whole dollar amount required to (i) compensate the contractor or inspection facility owner, and (ii) offset the general fund appropriation to the department to cover the administrative costs of the motor vehicle emission inspection program.

(b) Before each inspection, a person whose motor vehicle is to be inspected shall pay to the inspection station the fee established under this section. The person whose motor vehicle is inspected shall receive the results of the inspection ~~((test))~~. If the inspected ~~((vehicle's emissions comply))~~ vehicle complies with the standards established by the director, the person shall receive a dated certificate of compliance. If the inspected ~~((vehicle's emissions do))~~ vehicle does not comply with those standards, one ~~((retest of the vehicle's emission))~~ reinspection of the vehicle shall be afforded without charge.

(5) All units of local government and agencies of the state with motor vehicles garaged or regularly operated in an emissions contributing area shall test the emissions of those vehicles ~~((biennially))~~ annually to ensure that the vehicle's emissions comply with the emission standards established by the director. All state agencies outside of emission contributing areas with more than twenty motor vehicles housed at a single facility or contiguous facilities shall test the emissions of those vehicles annually to ensure that the vehicles' emissions comply with standards established by the director.

A report of the results of the tests shall be submitted to the department.

Sec. 209. RCW 46.16.015 and 1990 c 42 s 318 are each amended to read as follows:

(1) Neither the department of licensing nor its agents may issue or renew a motor vehicle license for any vehicle (~~registered in an emission contributing area, as that area is established under chapter 70.120 RCW~~) or change the registered owner of a licensed vehicle, for any (~~year in which the~~) vehicle that is required to be ((tested) inspected under chapter 70.120 RCW, unless the application for issuance or renewal is: (a) Accompanied by a valid certificate of compliance or a valid certificate of acceptance issued pursuant to chapter 70.120 RCW; or (b) exempted from this requirement pursuant to subsection (2) of this section. The certificates must have a date of validation which is within (~~ninety days~~) six months of the date of application for the vehicle license or license renewal. Certificates for fleet or owner tested diesel vehicles may have a date of validation which is within twelve months of the assigned license renewal date.

(2) Subsection (1) of this section does not apply to the following vehicles:

- (a) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith purchases the vehicle for purposes other than resale;
- (b) Motor vehicles with a model year of 1967 or earlier;
- (c) Motor vehicles that use propulsion units powered exclusively by electricity;
- (d) Motor vehicles fueled (~~exclusively~~) by propane, compressed natural gas, or liquid petroleum gas, unless it is determined that federal sanctions will be imposed as a result of this exemption;
- (e) Motorcycles as defined in RCW 46.04.330 and motor-driven cycles as defined in RCW 46.04.332;
- (f) (~~Motor vehicles powered by diesel engines;~~
- (~~g~~) Farm vehicles as defined in RCW 46.04.181;
- (~~h~~) (g) Used vehicles which are offered for sale by a motor vehicle dealer licensed under chapter 46.70 RCW; or
- (~~i~~) (h) Motor vehicles exempted by the director of the department of ecology.

The provisions of subparagraph (a) of this subsection may not be construed as exempting from the provisions of subsection (1) of this section applications for the renewal of licenses for motor vehicles that are or have been leased.

(3) (~~The department of licensing shall mail to each owner of a vehicle registered within an emission contributing area a notice regarding the boundaries of the area and restrictions established under this section that apply to vehicles registered in such areas. The information for the notice shall be supplied to the department of licensing by the department of ecology.~~) The department of ecology shall provide information to motor vehicle owners regarding the boundaries of emission contributing areas and restrictions established under this section that apply to vehicles registered in such areas. In addition the department of ecology shall provide information to motor vehicle owners on the relationship between motor vehicles and air pollution and steps motor vehicle owners should take to reduce motor vehicle related air pollution. The department of licensing shall send to all registered motor vehicle owners (~~who reside within the emissions area~~) affected by the emission testing program notice that they must have an emission test to renew their registration.

NEW SECTION. Sec. 210. A new section is added to chapter 70.120 RCW to read as follows:

(1) Motor vehicle dealers selling a used vehicle not under a new vehicle warranty shall include a notice in each vehicle purchase order form that reads as follows: "The owner of a vehicle may be required to spend up to [a dollar amount established under section 203 of this act] for repairs if the vehicle does not meet the vehicle emission standards under this chapter. Unless expressly warranted by the motor vehicle dealer, the dealer is not warranting that this vehicle will pass any emission tests required by federal or state law."

(2) The signature of the purchaser on the notice required under subsection (1) of this section shall constitute a valid disclaimer of any implied warranty by the dealer as to a vehicle's compliance with any emission standards.

(3) The disclosure requirement of subsection (1) of this section applies to all motor vehicle dealers located in counties where state emission inspections are required.

NEW SECTION. Sec. 211. A new section is added to chapter 70.120 RCW to read as follows:

Engine manufacturers shall certify that new engines conform with current exhaust emission standards of the federal environmental protection agency.

NEW SECTION. Sec. 212. A new section is added to chapter 70.120 RCW to read as follows:

By July 1, 1992, the department shall develop, in cooperation with the departments of general administration and transportation, and the state energy office, aggressive clean-fuel performance and clean-fuel vehicle emissions specifications including clean-fuel vehicle conversion equipment. To the extent possible, such specifications shall be equivalent for all fuel types. In developing such specifications the department shall consider the requirements of the clean air act and the findings of the environmental protection agency, other states, the American petroleum institute, the gas research institute, and the motor vehicles manufacturers association.

NEW SECTION. Sec. 213. A new section is added to chapter 43.19 RCW to read as follows:

(1) At least thirty percent of all new vehicles purchased through a state contract shall be clean-fuel vehicles.

(2) The percentage of clean-fuel vehicles purchased through a state contract shall increase at the rate of five percent each year.

(3) In meeting the procurement requirement established in this section, preference shall be given to vehicles designed to operate exclusively on clean fuels. In the event that vehicles designed to operate exclusively on clean fuels are not available or would not meet the operational requirements for which a vehicle is to be procured, conventionally powered vehicles may be converted to clean fuel or dual fuel use to meet the requirements of this section.

(4) Fuel purchased through a state contract shall be a clean fuel when the fuel is purchased for the operation of a clean-fuel vehicle.

(5)(a) Weight classes are established by the following motor vehicle types:

(i) Passenger cars;

(ii) Light duty trucks, trucks with a gross vehicle weight rating by the vehicle manufacturer of less than eight thousand five hundred pounds;

(iii) Heavy duty trucks, trucks with a gross vehicle weight rating by the vehicle manufacturer of eight thousand five hundred pounds or more.

(b) This subsection does not place an obligation upon the state or its political subdivisions to purchase vehicles in any number or weight class other than to meet the percent procurement requirement.

(6) For the purposes of this section, "clean fuels" and "clean-fuel vehicles" shall be those fuels and vehicles meeting the specifications provided for in section 212 of this act.

NEW SECTION. Sec. 214. (1) The state energy office shall convene a school bus compressed natural gas fuel advisory committee. The committee shall be chaired by the director of the state energy office or a designee and the following shall be invited to be members:

(a) The superintendent of public instruction or a designee; (b) the director of the department of ecology or a designee; (c) two members of the house of representatives, one from each caucus, appointed by the speaker of the house;

(d) Two members of the senate, one from each caucus, appointed by the president of the senate;

(e) Two members representing school districts appointed by the director of the state energy office; and

(f) One member representing a natural gas local distribution company.

(2) The state energy office shall, with the guidance of the advisory committee, analyze and report on the potential benefits, costs, and safety risks associated with increasing the use of compressed natural gas as fuel for school buses. The report shall address:

(a) The anticipated operation and maintenance costs of compressed natural gas school buses in comparison to diesel fuel and gasoline school buses;

(b) Factors affecting the safety of passengers, drivers, mechanics, and other persons using compressed natural gas school buses in comparison to diesel fuel and gasoline school buses;

(c) Capital costs, including:

(i) The availability and capital cost of retrofitting diesel and gasoline school buses;

(ii) The feasibility and capital cost of retrofitting diesel and gasoline school buses; and

(iii) Capital costs associated with fuel storage and refueling; and

(d) Other considerations, including air quality benefits, needed to determine the total costs, problems, and benefits of increasing the use of compressed natural gas as a fuel for school buses. The report shall also evaluate all of the preceding factors as they relate to the use of propane as a fuel for school buses.

(3) The state energy office shall submit a report to the appropriations and environmental affairs committees of the house of representatives and the ways and means and environment and natural resources committees of the senate by December 1, 1991. The school bus compressed natural gas fuel advisory committee shall be disbanded when the report is submitted.

NEW SECTION. Sec. 215. A new section is added to chapter 70.120 RCW to read as follows:

The department, in cooperation with the departments of general administration and transportation, the utilities and transportation commission, and the state energy office, shall biennially prepare a report to the legislature starting July 1, 1992, on:

(1) Progress of clean fuel and clean-fuel vehicle programs in reducing automotive emissions;

(2) Recommendations for enhancing clean-fuel distribution systems;

(3) Efforts of the state, units of local government, and the private sector to evaluate and utilize "clean fuel" or "clean-fuel vehicles"; and

(4) Recommendations for changes in the existing program to make it more effective and, if warranted, for expansion of the program.

NEW SECTION. Sec. 216. A new section is added to chapter 80.28 RCW to read as follows:

The legislature finds that compressed natural gas offers significant potential to reduce vehicle emissions and to significantly decrease dependence on petroleum-based fuels. The legislature also finds that well-developed and convenient refueling systems are imperative if compressed natural gas is to be widely used by the public. The legislature declares that the development of compressed natural gas refueling stations are in the public interest. Nothing in this section and section 217 of this act is intended to alter the regulatory practices of the commission or allow the subsidization of one ratepayer class by another.

NEW SECTION. Sec. 217. A new section is added to chapter 80.28 RCW to read as follows:

The commission shall identify barriers to the development of refueling stations for vehicles operating on compressed natural gas, and shall develop policies to remove such barriers. In developing such policies, the commission shall consider providing rate incentives to encourage natural gas companies to invest in the infrastructure required by such refueling stations.

NEW SECTION. Sec. 218. A new section is added to chapter 70.94 RCW to read as follows:

The department may disburse matching grants from funds provided by the legislature from the air pollution control account, created in section 228 of this act, to units of local government to partially offset the additional cost of purchasing "clean fuel" and/or operating "clean-fuel vehicles" provided that such vehicles are used for public transit. Publicly owned school buses are considered public transit for the purposes of this section. The department may also disburse grants to vocational-technical institutes for the purpose of establishing programs to certify clean-fuel-vehicle mechanics. The department may also distribute grants to the state energy office for the purpose of furthering the establishment of clean fuel refueling infrastructure.

NEW SECTION. Sec. 219. A new section is added to chapter 70.94 RCW to read as follows:

In areas subject to a state implementation plan, no state agency, metropolitan planning organization, or local government shall approve or fund a transportation plan, program, or project within or that affects a nonattainment area unless a determination has been made that the plan, program, or project conforms with the state implementation plan for air quality as required by the federal clean air act.

Conformity determination shall be made by the state or local government or metropolitan planning organization administering or developing the plan, program, or project.

No later than eighteen months after the effective date of this section, the director of the department of ecology and the secretary of transportation, in consultation with other state, regional, and local agencies as appropriate, shall adopt by rule criteria and guidance for demonstrating and assuring conformity of plans, programs, and projects that are wholly or partially federally funded.

A project with a scope that is limited to preservation or maintenance, or both, shall be exempted from a conformity determination requirement.

Sec. 220. RCW 82.44.020 and 1990 c 42 s 302 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using in the state any motor vehicle, except those operated under reciprocal agreements, the provisions of RCW 46.16.160 as now or hereafter amended, or dealer's licenses. The annual amount of such excise tax shall be two percent of the value of such vehicle.

(2) An additional excise tax is imposed, in addition to any other tax imposed by this section, for the privilege of using in the state any such motor vehicle, and the annual amount of such additional excise shall be two-tenths of one percent of the value of such vehicle.

(3) Effective with October 1992 motor vehicle registration expirations, a clean air excise tax is imposed in addition to any other tax imposed by this section for the privilege of using in the state any motor vehicle as defined in RCW 82.44.010, except that farm vehicles as defined in RCW 46.04.181 shall not be subject to the tax imposed by this subsection. The annual amount of the additional excise tax shall be two dollars and twenty-five cents. Effective with July 1994 motor vehicle registration expirations, the annual amount of additional excise tax shall be two dollars.

(4) In no case shall the total tax be less than two dollars except for proportionally registered vehicles.

((4)) (5) Washington residents, as defined in RCW 46.16.028, who license motor vehicles in another state or foreign country and avoid Washington motor vehicle

excise taxes are liable for such unpaid excise taxes. The department of revenue may assess and collect the unpaid excise taxes under chapter 82.32 RCW, including the penalties and interest provided therein.

Sec. 221. RCW 82.44.110 and 1990 2nd ex.s. c 1 s 801 are each amended to read as follows:

The county auditor shall regularly, when remitting license fee receipts, pay over and account to the director of licensing for the excise taxes collected under the provisions of this chapter. The director shall forthwith transmit the excise taxes to the state treasurer.

(1) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(1) as follows:

~~((1))~~ (a) 1.60 percent into the motor vehicle fund to defray administrative and other expenses incurred by the department in the collection of the excise tax.

~~((2))~~ (b) 8.15 percent into the Puget Sound capital construction account in the motor vehicle fund.

~~((3))~~ (c) 4.07 percent into the Puget Sound ferry operations account in the motor vehicle fund.

~~((4))~~ (d) 8.83 percent into the general fund to be distributed under RCW 82.44.155.

~~((5))~~ (e) 4.75 percent into the municipal sales and use tax equalization account in the general fund created in RCW 82.14.210.

~~((6))~~ (f) 1.60 percent into the county sales and use tax equalization account in the general fund created in RCW 82.14.200.

~~((7))~~ (g) 62.6440 percent into the general fund through June 30, 1993, 57.6440 percent into the general fund beginning July 1, 1993, and 66 percent into the general fund beginning January 1, 1994.

~~((8))~~ (h) 5 percent into the transportation fund created in RCW 82.44.180 beginning July 1, 1993.

~~((9))~~ (i) 5.9686 percent into the county criminal justice assistance account created in RCW 82.14.310 through December 31, 1993.

~~((10))~~ (j) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.320 through December 31, 1993.

~~((11))~~ (k) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.330 through December 31, 1993.

(2) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(2) into the transportation fund.

(3) The state treasurer shall deposit the excise tax imposed by RCW 82.44.020(3) into the air pollution control account created by section 228 of this act.

Sec. 222. RCW 82.44.150 and 1990 c 42 s 308 are each amended to read as follows:

(1) The director of licensing shall, on the twenty-fifth day of February, May, August, and November of each year, advise the state treasurer of the total amount of motor vehicle excise taxes imposed by RCW 82.44.020 (1) and (2) remitted to the department during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.020(3) and 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle

owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department shall, from motor vehicle excise taxes deposited in the general fund, under RCW 82.44.110(7), make the following deposits:

(a) To the high capacity transportation account created in RCW 47.78.010, a sum equal to four and five-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax within a class AA county, or within a class A county contiguous to a class AA county, or within a second class county contiguous to a class A county that is contiguous to a class AA county;

(b) To the central Puget Sound public transportation account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within a class AA county or within a class A county contiguous to a class AA county, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(b) applies; however, any transfer under this subsection (2)(b) must be greater than zero;

(c) To the public transportation systems account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within counties not described in (b) of this subsection, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(c) applies; however, any transfer under this subsection (2)(c) must be greater than zero; and

(d) To the transportation fund created in RCW 82.44.180, for revenues distributed after June 30, 1991, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent notwithstanding the requirements set forth in subsections (3) through (6) of this section, reduced by an amount equal to distributions made under (a), (b), and (c) of this subsection.

(3) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, shall remit

motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter.

(4) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (3) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (3) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (3) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(5) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section shall be remitted without legislative appropriation.

(6) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (3) of this section.

Sec. 223. RCW 82.44.155 and 1990 c 42 s 309 are each amended to read as follows:

When distributions are made under RCW 82.44.150, the state treasurer shall apportion and distribute the motor vehicle excise taxes deposited into the general fund under RCW 82.44.110(4) to the cities and towns ratably on the basis of population as last determined by the office of financial management. When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be used by the city or town for the purposes of police and fire protection and the preservation of the public health in the city or town, and not otherwise. If it is adjudged that revenue derived from the excise (~~tax~~) taxes imposed by ~~((this chapter))~~ RCW 82.44.020 (1) and (2) cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund.

Sec. 224. RCW 82.44.180 and 1990 c 42 s 312 are each amended to read as follows:

(1) The transportation fund is created in the state treasury. Revenues under RCW 82.44.020 (1) and (2), 82.44.110, 82.44.150, and the surcharge under RCW 82.50.510 shall be deposited into the fund as provided in those sections.

Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes.

(2) There is hereby created the central Puget Sound public transportation account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(b) shall be expended within the three county region from which the funds are derived, solely for:

(a) Development of high capacity transportation systems as defined in RCW 81.104.010;

(b) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020; and

(c) Public transportation system contributions required to fund projects approved by the transportation improvement board.

(3) There is hereby created the public transportation systems account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(c) shall be available to the public transportation system from which the funds are derived, solely for:

(a) Development of high capacity transportation systems as defined in RCW 81.104.010;

(b) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;

(c) Other public transportation system-related roadway projects on state highways, county roads, or city streets; and

(d) Public transportation system contributions required to fund projects approved by the transportation improvement board.

Sec. 225. RCW 82.50.410 and 1990 c 42 s 321 are each amended to read as follows:

The rate and measure of tax imposed by ~~((this chapter))~~ RCW 82.50.400 for each registration year shall be one percent, and a surcharge of one-tenth of one percent, of the value of the travel trailer or camper, as determined in the manner provided in this chapter: PROVIDED, That the excise tax upon a travel trailer or camper licensed for the first time in this state after the last day of any registration month may only be levied for the remaining months of the registration year including the month in which the travel trailer or camper is first licensed: PROVIDED FURTHER, That the minimum amount of tax payable shall be two dollars: PROVIDED FURTHER, That every dealer in mobile homes or travel trailers, for the privilege of using any mobile home or travel trailer eligible to be used under a dealer's license plate, shall pay an excise tax of two dollars, and such tax shall be collected upon the issuance of each original dealer's license plate, and also a similar tax shall be collected upon the issuance of each dealer's duplicate license plate, which taxes shall be in addition to any tax otherwise payable under this chapter.

A travel trailer or camper shall be deemed licensed for the first time in this state when such vehicle was not previously licensed by this state for the registration year or any part thereof immediately preceding the registration year in which application for license is made or when it has been registered in another jurisdiction subsequent to any prior registration in this state.

NEW SECTION. Sec. 226. A new section is added to chapter 82.50 RCW to read as follows:

Effective with October 1992 motor vehicle registration expirations, an additional annual clean air excise tax of two dollars and twenty-five cents is imposed on the owner of any travel trailer or camper for the privilege of using such travel trailer or camper in this state. Effective with July 1994 motor vehicle registration expirations,

the annual amount of additional excise tax shall be two dollars. The excise tax hereby imposed shall be due and payable to the department of licensing or its agents at the time of registration of a travel trailer or camper. Whenever an application is made to the department of licensing or its agents for a license for a travel trailer or camper there shall be collected, in addition to the amount of the license fee or renewal license fee, the amount of the excise tax imposed by this chapter, and no license or license plates for a travel trailer or camper may be issued unless such tax is paid in full. No additional tax shall be imposed under this chapter upon any travel trailer or camper upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such travel trailer or camper has already been paid for the registration year or fractional part thereof in which such transfer occurs. Receipts from the tax levied in this section shall be deposited in the air pollution control account created by section 228 of this act.

Sec. 227. RCW 82.50.510 and 1990 c 42 s 322 are each amended to read as follows:

The county auditor shall regularly, when remitting motor vehicle excise taxes, pay to the state treasurer the excise taxes (~~collected under this chapter~~) imposed by RCW 82.50.400. The treasurer shall then distribute such funds quarterly on the first day of the month of January, April, July and October of each year in the following amount: (1) For the one percent tax imposed under RCW 82.50.410, fifteen percent to cities and towns for the use thereof apportioned ratably among such cities and towns on the basis of population; fifteen percent to counties for the use thereof to be apportioned ratably among such counties on the basis of moneys collected in such counties from the excise taxes imposed under this chapter; and seventy percent for schools to be deposited in the state general fund; and (2) for the one-tenth of one percent surcharge imposed under RCW 82.50.410, one hundred percent to the transportation fund created in RCW 82.44.180.

NEW SECTION. Sec. 228. (1) The air pollution control account is established in the state treasury. All receipts from RCW 70.94.650, 70.94.660, 82.44.020(3), and section 226 of this act shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to develop and implement the provisions of this act and chapters 70.94 and 70.120 RCW.

(2) The amounts collected and allocated in accordance with this section shall be expended upon appropriation except as otherwise provided in this section and in accordance with the following limitations:

Portions of moneys received by the department of ecology from the air pollution control account shall be distributed by the department to local authorities based on:

(a) The level and extent of air quality problems within such authority's jurisdiction;

(b) The costs associated with implementing air pollution regulatory programs by such authority; and

(c) The amount of funding available to such authority from other sources, whether state, federal, or local, that could be used to implement such programs.

(3) The air operating permit account is created in the custody of the state treasurer. All receipts paid to the department of revenue under section 301 of this act shall be deposited into the account. Expenditures from the account may be used only for the direct and indirect costs of implementing the air operating permit program under section 301 of this act. Only the director of the department of ecology or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for such expenditures.

NEW SECTION. Sec. 229. A new section is added to chapter 70.120 RCW to read as follows:

(1) It is the intent of the legislature that the state take advantage of the best emission control systems available on new motor vehicles. The department shall conduct a study to determine if requiring new vehicles sold in the state to meet California vehicle emission standards will provide a significant benefit to attainment of ambient air quality standards in this state. The department shall report the findings of its study and its recommendations to the appropriate standing committees of the legislature. The department shall not adopt the California vehicle emission standards unless authorized by the legislature.

(2) In the event that California vehicle emission standards are adopted, the department shall not include a program for in-use testing and recall of vehicles required to meet California emission standards.

NEW SECTION. Sec. 230. The department of ecology shall contract with Western Washington University for the biennium ending June 30, 1993, for research and development of alternative fuel and solar powered vehicles. A report on the progress of such research shall be presented to the standing environmental committees and the department by January 1, 1994.

NEW SECTION. Sec. 231. A new section is added to chapter 19.112 RCW to read as follows:

The directors of the departments of ecology and agriculture may grant a variance from ASTM motor fuel specifications if necessary to produce lower emission motor fuels.

"III.

INDUSTRIAL AND COMMERCIAL SOURCES"

NEW SECTION. Sec. 301. A new section is added to chapter 70.94 RCW to read as follows:

The department of ecology, or board of an authority, shall require renewable permits for the operation of air contaminant sources subject to the following conditions and limitations:

(1) Unless a different meaning is plainly required by the context, the following words and phrases shall have the following meanings:

(a) "Lowest achievable emission rate" (LAER) means for any source that rate of emissions which reflects:

(i) The most stringent emission limitation that is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed new or modified source demonstrates that such limitations are not achievable; or

(ii) The most stringent emission limitation that is achieved in practice by such class or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

(b) "Best available control technology" (BACT) means technology that will result in an emission limitation, including a visible emission standard, based on the maximum degree of reduction for each air pollutant subject to this regulation that would be emitted from any proposed new or modified source that the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such sources or modification through application of production processes, available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air pollutant. In no event shall application of the best available technology result in emissions of any air pollutant that would exceed the

emissions allowed by any applicable standard under 40 C.F.R. Part 60 and Part 61. If the reviewing agency determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice, or operational standard, or combination thereof, to meet the requirement of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice, or operation and shall provide for compliance by means that achieve equivalent results. The term "all known available and reasonable methods of emission control" is interpreted to mean the same as best available control technology.

(c) "Reasonably available control technology" (RACT) means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any source or source category shall be adopted only after notice and opportunity for comment are afforded.

(d) "Source" means all of the emissions units including quantifiable fugitive emissions, that are located on one or more contiguous or adjacent properties, and are under the control of the same person, or persons under common control, whose activities are ancillary to the production of a single product or functionally related group of products.

(e) "New source" means (i) the construction or modification of a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted, and (ii) any other project that constitutes a new source under the federal clean air act.

(f) "Stationary source" means any building, structure, facility, or installation that emits or may emit any air contaminant.

(g) "Modification" means any physical change in, or change in the method of operation of, a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted. The term modification shall be construed consistent with the definition of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

(2) Permits shall be issued for a term of five years. A permit may be modified or amended during its term at the request of the permittee, or for any reason allowed by the federal clean air act. The rules adopted pursuant to subsection (3) of this section shall include rules for permit amendments and modifications.

(3)(a) Rules establishing the elements for a state-wide operating permit program and the process for permit application and renewal consistent with federal requirements shall be established by the department by January 1, 1993. The rules shall provide that every proposed permit must be reviewed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the permitting authority. The permit program established by these rules shall be administered by the department and delegated local air authorities. Rules developed under this subsection shall not preclude a delegated local air authority from including in a permit its own more stringent emission standards and operating restrictions.

(b) The board of any local air pollution control authority may apply to the department of ecology for a delegation order authorizing the local authority to administer the operating permit program for sources under that authority's jurisdiction. The department shall, by order, approve such delegation, if the department finds that

the local authority has the technical and financial resources, to discharge the responsibilities of a permitting authority under the federal clean air act. A delegation request shall include adequate information about the local authority's resources to enable the department to make the findings required by this subsection; provided, any delegation order issued under this subsection shall take effect ninety days after the environmental protection agency authorizes the local authority to issue operating permits under the federal clean air act.

(c) Except for the authority granted the energy facility site evaluation council to issue permits for the new construction, reconstruction, or enlargement or operation of new energy facilities under chapter 80.50 RCW, the department may exercise the authority, as delegated by the environmental protection agency, to administer Title IV of the federal clean air act as amended and to delegate such administration to local authorities as applicable pursuant to (b) of this subsection.

(4) "Best available control technology" (BACT) is required for new sources except where LAER is required.

Until July 1, 1993, "lowest achievable emission rate" (LAER) is required solely for those sources required by the federal clean air act. By December 1, 1992, the department shall recommend control technology requirements for new sources to the appropriate standing committees of the legislature.

Except as otherwise provided in RCW 70.94.331(9), "reasonably available control technology" (RACT) is required for existing sources.

In establishing technical standards, defined in subsection (2) of this section, the permitting authority shall consider and, if found to be appropriate, give credit for waste reduction within the process.

(5) Operating permits shall apply to all sources (a) where required by the federal clean air act, and (b) for any source that may cause or contribute to air pollution in such quantity as to create a threat to the public health or welfare. Subsection (b) of this subsection is not intended to apply to small businesses except when both of the following limitations are satisfied: (i) The source is in an area exceeding or threatening to exceed federal or state air quality standards; and (ii) the department provides a reasonable justification that requiring a source to have a permit is necessary to meet a federal or state air quality standard, or to prevent exceeding a standard in an area threatening to exceed the standard. For purposes of this subsection "areas threatening to exceed air quality standards" shall mean areas projected by the department to exceed such standards within five years. Prior to identifying threatened areas the department shall hold a public hearing or hearings within the proposed areas.

(6) Sources operated by government agencies are not exempt under this section.

(7) By October 1, 1993, or ninety days after the United States environmental protection agency approves the state operating permit program, whichever is later, any person required to have a permit shall submit to the permitting agency a compliance plan and permit application, signed by a responsible official, certifying the accuracy of the information submitted. Until permits are issued, existing sources shall be allowed to operate under presently applicable standards and conditions provided that such sources submit complete and timely permit applications.

(8) All proposed permits shall be subject to public notice and comment. The rules adopted pursuant to subsection (3) of this section shall specify procedures for public notice and comment. Such procedures shall provide the permitting agency with an opportunity to respond to comments received from interested parties prior to the time that the proposed permit is submitted to the environmental protection agency for review pursuant to section 505(a) of the federal clean air act. In the event that the environmental protection agency objects to a proposed permit pursuant to section 505(b) of the federal clean air act, the permitting authority shall not issue the permit, unless the permittee consents to the changes required by the environmental protection agency.

(9) The procedures contained in chapter 43.21B RCW shall apply to permit appeals. The pollution control hearings board may stay the effectiveness of any permit issued under this section during the pendency of an appeal filed by the permittee, if the permittee demonstrates that compliance with the permit during the pendency of the appeal would require significant expenditures that would not be necessary in the event that the permittee prevailed on the merits of the appeal.

(10) After the effective date of any permit program promulgated under this section, it shall be unlawful for any person to: (a) Operate a permitted source in violation of any requirement of a permit issued under this section; or (b) fail to submit a permit application at the time required by rules adopted under subsection (3) of this section.

(11) Each air operating permit shall state the origin of and specific legal authority for each requirement included therein. Every requirement in an operating permit shall be based upon the most stringent of the following requirements:

(a) The federal clean air act and rules implementing that act, including provision of the approved state implementation plan;

(b) This chapter and rules adopted thereunder; and

(c) In permits issued by a local air pollution control authority, the requirements of any order or regulation adopted by that authority.

(12) Consistent with the provisions of the federal clean air act, the permitting authority may issue general permits covering categories of permitted sources, and temporary permits authorizing emissions from similar operations at multiple temporary locations.

(13) Permitted sources within the territorial jurisdiction of an authority delegated the operating permit program shall file their permit applications with that authority, except that permit applications for sources regulated on a state-wide basis pursuant to RCW 70.94.395 shall be filed with the department. Permitted sources outside the territorial jurisdiction of a delegated authority shall file their applications with the department.

(14) When issuing operating permits to coal fired electric generating plants, the permitting authority shall give consideration to the federal time lines for the implementation of required control technology.

(15)(a) Each source emitting one hundred tons or more per year of a regulated pollutant shall pay an interim assessment of ten dollars per ton multiplied by the annual process-related emissions of each regulated pollutant emitted during calendar years 1990 and 1991. "Regulated pollutant" shall have the same meaning as defined in section 502(b) of the federal clean air act amendments of 1990.

(b) Fees collected under (a) of this subsection shall be distributed as follows: Eighty percent to the department and twenty percent to local air authorities.

(c) The fees assessed to a source under (a) of this subsection and any fees enacted under subsection (16) of this section shall be limited to the first seven thousand five hundred tons for each regulated pollutant per year.

(16) On or before November 1, 1992, the department, in consultation with the department of revenue, shall report to the appropriate standing committees of the legislature recommendations on air operating permit fees. The department shall recommend a level of fees to cover the direct and indirect costs of implementing the operating permit program required under the 1990 federal clean air act. In making such recommendations, the department shall address:

(a) The costs of the permit program elements as identified in regulations promulgated by the United States environmental protection agency, including, as applicable:

(i) Oversight of a delegated local air authority;

(ii) Ambient air monitoring, modeling, and reporting;

(iii) Training;

- (iv) Data management and quality assurance;
- (v) Development of state implementation plans;
- (vi) Emission inventories;
- (vii) Technical assistance;
- (viii) Rule making and guidelines; and
- (ix) Any other activities, consistent with the federal clean air act, that may be identified by the department;
- (b) The appropriate division of fees with delegated local air authorities; and
- (c) A methodology for tracking revenues and expenditures from fees paid under this chapter.

(17) The department shall determine the persons liable for the fee imposed by subsection (15) of this section, compute the fee, and provide by November 1 of 1991 and 1992, the identity of the fee payer with the computation of the fee to the department of revenue for collection. The department of revenue shall collect the fee computed by the department from the fee payers identified by the department. The administrative, collection, and penalty provisions of chapter 82.32 RCW shall apply to the collection of the fee by the department of revenue. The department shall provide technical assistance to the department of revenue for decisions made by the department of revenue pursuant to RCW 82.32.160 and 82.32.170. All fees collected shall be deposited in the air operating permit account.

All fees identified in this section shall be due and payable on March 1 of 1992 and 1993.

(18) For sources or source categories not required to obtain permits under subsection (5) of this section, the department or local authority may establish by rule control technology requirements. If control technology rule revisions are made by the department or local authority under this subsection, the department or local authority shall consider the remaining useful life of control equipment previously installed on existing sources before requiring technology changes. The department or any local air authority may issue a general permit, as authorized under the federal clean air act, for such sources.

(19) RCW 70.94.151 shall not apply to any source for which a permit under this section has been issued.

Sec. 302. RCW 70.94.152 and 1973 1st ex.s. c 193 s 2 are each amended to read as follows:

(1) The department of ecology or board of any authority may require notice of the ~~((construction, installation, or))~~ establishment of any proposed new ~~((air contaminant))~~ sources except single family and duplex dwellings. The department of ecology or board may require such notice to be accompanied by a fee and determine the amount of such fee: PROVIDED, That the amount of the fee may not exceed the cost of reviewing the plans, specifications, and other information and administering such notice: PROVIDED FURTHER, That any such notice given or notice of construction application submitted to either the board or to the department of ecology shall preclude a further ~~((notice))~~ submittal of a duplicate application to ~~((be given to))~~ any ~~((other))~~ board or to the department of ecology. Within thirty days of ~~((its))~~ receipt of ~~((such notice))~~ a notice of construction application, the department of ecology or board may require, as a condition precedent to the ~~((construction, installation, or))~~ establishment of the ~~((air contaminant))~~ new source or sources covered thereby, the submission of plans, specifications, and such other information as it deems necessary ~~((in order))~~ to determine whether the proposed ~~((construction, installation, or establishment))~~ new source will be in accord with applicable rules and regulations in force ~~((pursuant to))~~ under this chapter ~~((, and will provide all known available and reasonable methods of emission control))~~. If on the basis of plans, specifications, or other information required ~~((pursuant to))~~ under this section the department of ecology or board determines that the proposed ~~((construction, installation, or establishment))~~ new source

will not be in accord with this chapter or the applicable ordinances, resolutions, rules, and regulations adopted ~~((pursuant thereto, or will not provide all known available and reasonable means of emission control))~~ under this chapter, it shall issue an order ((for the prevention of the construction, installation, or establishment of the air contaminant source or sources)) denying permission to establish the new source. If on the basis of plans, specifications, or other information required ~~((pursuant to))~~ under this section, the department of ecology or board determines that the proposed ((construction, installation, or establishment)) new source will be in accord with this chapter, and the applicable ((ordinances, resolutions,)) rules((;)) and regulations adopted ((pursuant thereto)) and will provide all known available and reasonable methods of emission control)) under this chapter, it shall issue an order of approval ((of)) for the ((construction, installation, and)) establishment of the ((air contaminant)) new source or sources, which order may provide such conditions ((of operation)) as are reasonably necessary to assure the maintenance of compliance with this chapter and the applicable ((ordinances, resolutions,)) rules((;)) and regulations adopted ((pursuant thereto)) under this chapter. Every order of approval under this chapter must be reviewed prior to issuance by a professional engineer or staff under the supervision of a professional engineer in the employ of the department of ecology or board.

(2) ~~((For the purposes of this chapter, addition to or enlargement or replacement of an air contaminant source, or any major alteration therein, shall be construed as construction or installation or establishment of a new air contaminant source.))~~ The determination~~((;))~~ required under subsection (1) of this section((, of whether a proposed construction, installation, or establishment will be in accord with this chapter and the applicable ordinances, resolutions, rules, and regulations adopted pursuant thereto)) shall include a determination of whether the operation of the new air contaminant source at the location proposed will cause any ambient air quality standard to be exceeded.

(3) New source review of a modification shall be limited to the emission unit or units proposed to be modified and the air contaminants whose emissions would increase as a result of the modification.

(4) Nothing in this section shall be construed to authorize the department of ecology or board to require the use of emission control equipment or other equipment, machinery, or devices of any particular type, from any particular supplier, or produced by any particular manufacturer.

~~((4))~~ (5) Any features, machines, and devices constituting parts of or called for by plans, specifications, or other information submitted pursuant to subsection (1) ~~((hereof))~~ of this section shall be maintained and operate in good working order.

~~((5))~~ (6) The absence of an ordinance, resolution, rule, or regulation, or the failure to issue an order pursuant to this section shall not relieve any person from his or her obligation to comply with ~~((any))~~ applicable emission control requirements or with any other provision of law.

(7) Within thirty days of receipt of a notice of construction application the department of ecology or board shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application. Within sixty days of receipt of a complete application the department or board shall either (a) issue a final decision on the application, or (b) for those projects subject to public notice, initiate notice and comment on a proposed decision, followed as promptly as possible by a final decision.

NEW SECTION. Sec. 303. A new section is added to chapter 70.94 RCW to read as follows:

Any person proposing to replace or substantially alter the emission control technology installed on an existing stationary source emission unit shall file a notice of construction application with the jurisdictional permitting authority. For projects not otherwise reviewable under RCW 70.94.152, the permitting authority may (1) require

that the owner or operator employ reasonably available control technology for the affected emission unit and (2) may prescribe reasonable operation and maintenance conditions for the control equipment. Within thirty days of receipt of an application for notice of construction under this section the permitting authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application. Within thirty days of receipt of a complete application the permitting authority shall either issue an order of approval or a proposed RACT determination for the proposed project. Construction shall not commence on a project subject to review under this section until the permitting authority issues a final order of approval. However, any notice of construction application filed under this section shall be deemed to be approved without conditions if the permitting authority takes no action within thirty days of receipt of a complete application for a notice of construction.

NEW SECTION. Sec. 304. A new section is added to chapter 70.94 RCW to read as follows:

The department shall prepare recommendations to reduce air emissions for source categories not generally required to have a permit under section 301 of this act. Such recommendations shall not require any action by the owner or operator of a source and shall be consistent with rules adopted under chapter 70.95C RCW. The recommendations shall include but not be limited to: Process changes, product substitution, equipment modifications, hazardous substance use reduction, recycling, and energy efficiency.

Sec. 305. RCW 70.94.155 and 1981 c 224 s 1 are each amended to read as follows:

(1) As used in subsection (3) of this section, the term "bubble" means an air pollution control system which permits aggregate measurements of allowable emissions, for a single category of pollutant, for emissions points from a specified emissions-generating facility or facilities. Individual point source emissions levels from such specified facility or facilities may be modified provided that the aggregate limit for the specified sources is not exceeded.

(2) Whenever any regulation relating to emission standards or other requirements for the control of emissions is adopted which provides for compliance with such standards or requirements no later than a specified time after the date of adoption of the regulation, the appropriate activated air pollution control authority or, if there be none, the department of ecology shall, by permit or regulatory order, issue to air contaminant sources subject to the standards or requirements, schedules of compliance setting forth timetables for the achievement of compliance as expeditiously as practicable, but in no case later than the time specified in the regulation. Interim dates in such schedules for the completion of steps of progress toward compliance shall be as enforceable as the final date for full compliance therein.

(3) Wherever requirements necessary for the attainment of air quality standards or, where such standards are not exceeded, for the maintenance of air quality can be achieved through the use of a control program involving the bubble concept, such program may be authorized by a regulatory order or orders or permit issued to the air contaminant source or sources involved. Such order or permit shall only be authorized after the control program involving the bubble concept is accepted by United States environmental protection agency as part of an approved state implementation plan. Any such order or permit provision shall restrict total emissions within the bubble to no more than would otherwise be allowed in the aggregate for all emitting processes covered. The orders or permits provided for by this subsection shall be issued by the department or the authority with jurisdiction. If the bubble involves interjurisdictional approval, concurrence in the total program must be secured from each regulatory entity concerned.

Sec. 306. RCW 70.94.181 and 1983 c 3 s 176 are each amended to read as follows:

(1) Any person who owns or is in control of any plant, building, structure, establishment, process or equipment may apply to the department of ecology (~~where it has regulatory authority under RCW 70.94.390, 70.94.395, 70.94.410, and 70.94.420,~~) or appropriate local authority board for a variance from rules or regulations governing the quality, nature, duration or extent of discharges of air contaminants. The application shall be accompanied by such information and data as the department of ecology or board may require. The department of ecology or board may grant such variance, provided that variances to state rules shall require the department's approval prior to being issued by a local authority board. The total time period for a variance and renewal of such variance shall not exceed one year. Variances may be issued by either the department or a local board but only after public hearing or due notice, if ~~((it))~~ the department or board finds that:

(a) The emissions occurring or proposed to occur do not endanger public health or safety or the environment; and

(b) Compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public.

(2) No variance shall be granted pursuant to this section until the department of ecology or board has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.

(3) Any variance or renewal thereof shall be granted within the requirements of subsection (1) ~~((and for time periods))~~ of this section and under conditions consistent with the reasons therefor, and within the following limitations:

(a) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement or control of the pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available, and subject to the taking of any substitute or alternate measures that the department of ecology or board may prescribe.

~~(b) ((If the application for variance shows that there is no automobile fragmentizer within a reasonable distance of the wrecking yard for which the variance is sought, a variance will be granted for a period not to exceed three years for commercial burning of automobile hulks, subject to such conditions as the department of ecology may impose as to climatic conditions and hours during which burning of such hulks may be carried out: PROVIDED, HOWEVER, That any variance granted hereunder shall be of no force and effect after July 1, 1970.~~

~~(e))~~ If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the department of ecology or board is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

~~((d))~~ (c) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in ~~((item))~~ (a) ~~((b))~~ and ~~((e))~~ (b) of this ~~((subparagraph))~~ subsection, it shall be for not more than one year.

(4) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the department of ecology or board on account of the variance, no renewal thereof shall be granted unless following a public hearing on the complaint on due notice the ~~((state board))~~ department or board finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least sixty days prior to the expiration of the variance. Immediately upon

receipt of an application for renewal, the department of ecology or board shall give public notice of such application in accordance with rules (~~and regulations~~) of the department of ecology or board.

(5) A variance or renewal shall not be a right of the applicant or holder thereof but shall be granted at the discretion of the department of ecology or board. However, any applicant adversely affected by the denial or the terms and conditions of the granting of an application for a variance or renewal of a variance by the department of ecology or board may obtain judicial review thereof under the provisions of chapter 34.05 RCW as now or hereafter amended.

(6) Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of RCW 70.94.710 through 70.94.730 to any person or his or her property.

(7) An application for a variance, or for the renewal thereof, submitted to the department of ecology or board pursuant to this section shall be approved or disapproved by the department or board within sixty-five days of receipt unless the applicant and the department of ecology or board agree to a continuance.

(8) Variances approved under this section shall not be included in orders or permits provided for in section 301 of this act or RCW 70.94.152 until such time as the variance has been accepted by the United States environmental protection agency as part of an approved state implementation plan.

Sec. 307. RCW 70.94.205 and 1973 1st ex.s. c 193 s 4 are each amended to read as follows:

Whenever any records or other information, other than ambient air quality data or emission data, furnished to or obtained by the department of ecology or the board of any authority (~~(pursuant to any sections in chapter 70.94 RCW)~~ under this chapter, relate to processes or production unique to the owner or operator, or is likely to affect adversely the competitive position of such owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the department of ecology or board. Nothing herein shall be construed to prevent the use of records or information by the department of ecology or board in compiling or publishing analyses or summaries relating to the general condition of the outdoor atmosphere: PROVIDED, That such analyses or summaries do not reveal any information otherwise confidential under the provisions of this section: PROVIDED FURTHER, That emission data furnished to or obtained by the department of ecology or board shall be correlated with applicable emission limitations and other control measures and shall be available for public inspection during normal business hours at offices of the department of ecology or board.

NEW SECTION. **Sec. 308.** A new section is added to chapter 70.94 RCW to read as follows:

The department shall establish a technical assistance unit within its air quality program, consistent with the federal clean air act, to provide the regulated community, especially small businesses with:

(1) Information on air pollution laws, rules, compliance methods, and technologies;

(2) Information on air pollution prevention methods and technologies, and prevention of accidental releases;

(3) Assistance in obtaining permits and developing emission reduction plans;

(4) Information on the health and environmental effects of air pollution.

No representatives of the department designated as part of the technical assistance unit created in this section may have any enforcement authority. Staff of the technical assistance unit who provide on-site consultation at an industrial or commercial facility and who observe violations of air quality rules shall immediately inform the owner or operator of the facility of such violations. On-site consultation

visits shall not be regarded as an inspection or investigation and no notices or citations may be issued or civil penalties assessed during such a visit. However, violations shall be reported to the appropriate enforcement agency and the facility owner or operator shall be notified that the violations will be reported. No enforcement action shall be taken by the enforcement agency for violations reported by technical assistance unit staff unless and until the facility owner or operator has been provided reasonable time to correct the violation. Violations that place any person in imminent danger of death or substantial bodily harm or cause physical damage to the property of another in an amount exceeding one thousand dollars may result in immediate enforcement action by the appropriate enforcement agency.

Sec. 309. RCW 70.94.211 and 1974 ex.s. c 69 s 4 are each amended to read as follows:

~~((Whenever the board or the control officer has reason to believe that any provision of this chapter or any ordinance, resolution, rule or regulation relating to the control or prevention of air pollution has been violated, such board or control officer may))~~ At least thirty days prior to the commencement of any formal enforcement action under RCW 70.94.430 or 70.94.431 a local air authority shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this chapter or the ((ordinance, resolution,)) rule or regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order directing that necessary corrective action be taken within a reasonable time. In lieu of an order, the board or the control officer may require that the alleged violator or violators appear before the board for a hearing((, or in addition to or in place of an order or hearing, the board may initiate action pursuant to RCW 70.94.425, 70.94.430, and 70.94.435)). Every notice of violation shall offer to the alleged violator an opportunity to meet with the local air authority prior to the commencement of enforcement action.

Sec. 310. RCW 70.94.430 and 1984 c 255 s 1 are each amended to read as follows:

(1) Any person who knowingly violates any of the provisions of ~~((this))~~ chapter 70.94 or 70.120 RCW, or any ordinance, resolution, ~~((rule))~~ or regulation in force pursuant thereto shall be guilty of a ~~((misdemeanor))~~ crime and upon conviction thereof shall be punished by a fine of not more than ~~((one))~~ ten thousand dollars, or by imprisonment in the county jail for not more than ~~((ninety days))~~ one year, or by both ~~((fine and imprisonment))~~ for each separate violation.

~~((Any person who wilfully violates any of the provisions of this chapter or any ordinance, resolution, rule or regulation in force pursuant thereto shall be guilty of a gross misdemeanor. Upon conviction the offender shall be punished by a fine of not less than one hundred dollars for each offense or by imprisonment for a term of not more than one year or by both fine and imprisonment.~~

~~In case of a continuing violation, whether or not wilfully committed, each day's continuance shall be a separate and distinct violation.))~~

(2) Any person who negligently releases into the ambient air any substance listed by the department of ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who at the time negligently places another person in imminent danger of death or substantial bodily harm shall be guilty of a crime and shall, upon conviction, be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than one year, or both.

(3) Any person who knowingly releases into the ambient air any substance listed by the department of ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who knows at the time that he or she thereby places another person in imminent danger of death or substantial bodily harm, shall be guilty of a crime and shall, upon conviction, be

punished by a fine of not less than fifty thousand dollars, or by imprisonment for not more than five years, or both.

(4) Any person who knowingly fails to disclose a potential conflict of interest under RCW 70.94.100 shall be guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine or not more than five thousand dollars.

Sec. 311. RCW 70.94.431 and 1990 c 157 s 1 are each amended to read as follows:

(1) In addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of chapter 70.94 RCW, chapter 70.120 RCW, or any of the rules ~~((and regulations of the department or the board shall))~~ in force under such chapters may incur a civil penalty in an amount not to exceed ~~((one))~~ ten thousand dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation. ~~((For the purposes of this subsection, the maximum daily fine imposed by a local board for violations of standards by a specific emissions unit is one thousand dollars.))~~

Any person who fails to take action as specified by an order issued pursuant to this chapter shall be liable for a civil penalty of not more than ten thousand dollars for each day of continued noncompliance. (2) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal.

The maximum penalty amounts established in this section may be increased annually to account for inflation as determined by the state office of the economic and revenue forecast council.

~~((2) Further, the person is subject to a fine of up to five thousand dollars to be levied by the director of the department of ecology if requested by the board of a local authority or if the director determines that the penalty is needed for effective enforcement of this chapter. A local board shall not make such a request until notice of violation and compliance order procedures have been exhausted, if such procedures are applicable. For the purposes of this subsection, the maximum daily fine imposed by the department of ecology for violations of standards by a specific emissions unit is five thousand dollars.))~~

(3) Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300.

(4) All penalties recovered under this section by the department shall be paid into the state treasury and credited to the ~~((general fund))~~ air pollution control account established in section 228 of this act or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds. If a prior penalty for the same violation has been paid to a local authority, the penalty imposed by the department under subsection ~~((2))~~ (1) of this section shall be reduced by the amount of the payment. ~~((Notwithstanding any other provisions of this chapter, no penalty may be levied for the violation of any opacity standard in an amount exceeding four hundred dollars per day.))~~

(5) To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

(6) Public or private entities that are recipients or potential recipients of department grants, whether for air quality related activities or not, may have such

grants rescinded or withheld by the department for failure to comply with provisions of this chapter.

(7) In addition to other penalties provided by this chapter, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(8) By January 1, 1992, the department shall develop rules for excusing excess emissions from enforcement action if such excess emissions are unavoidable. The rules shall specify the criteria and procedures for the department and local air authorities to determine whether a period of excess emissions is excusable in accordance with the state implementation plan.

Sec. 312. RCW 70.94.860 and 1984 c 164 s 2 are each amended to read as follows:

The department of ecology may accept delegation of ~~((the prevention of significant deterioration program pursuant to Part C, Subpart 1 of))~~ programs as provided for in the federal clean air act. Subject to federal approval, the department may, in turn, delegate ((this)) such programs to the local authority with jurisdiction in a given area.

Sec. 313. RCW 70.94.875 and 1985 c 456 s 3 are each amended to read as follows:

The department of ecology, in consultation with the ~~((joint legislative committee on science and technology or the))~~ appropriate committees of the house of representatives and of the senate, shall:

- (1) Continue evaluation of information and research on acid deposition in the Pacific Northwest region;
- (2) Establish critical levels of acid deposition and lake, stream, and soil acidification; and
- (3) Notify the legislature if acid deposition or lake, stream, and soil acidification reaches the levels established under subsection (2) of this section.

NEW SECTION. Sec. 314. A new section is added to chapter 70.94 RCW to read as follows:

(1) The science advisory board is hereby created to advise the department on procedures for assessing and managing the risks associated with air contaminant emissions. The board shall consist of five members knowledgeable in the fields of risk assessment or risk management. Members shall be appointed by the director of the department. The board shall be staffed by the department.

(2) The board shall:

(a) Advise the department on the most appropriate methods for identifying and measuring cancer risks or other chronic health effects resulting from exposure to air contaminant emissions; and

(b) Identify, evaluate, and recommend procedures relating to managing the risks associated with exposure to air contaminant emissions.

(3) In fulfilling its duties under subsection (2) of this section, the board shall consider all appropriate studies and reports relating to risk assessment or risk management including but not limited to reports authorized by the federal clean air act from the national academy of sciences and the risk assessment and risk management commission.

(4) Members shall be compensated as provided in RCW 43.03.250 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) The duties of the board shall terminate on July 1, 1996.

NEW SECTION. Sec. 315. A new section is added to chapter 70.94 RCW to read as follows:

The department and local air pollution control authorities shall preempt the application of chapter 9 of the uniform building code and article 80 of the uniform

fire code by other state agencies and local governments for the purposes of controlling outdoor air pollution from industrial and commercial sources, except where authorized by this act. Actions by other state agencies and local governments under article 80 of the uniform fire code to take immediate action in response to an emission that presents a physical hazard or imminent health hazard are not preempted.

"IV.
OUTDOOR BURNING"

Sec. 401. RCW 70.94.745 and 1972 ex.s. c 136 s 2 are each amended to read as follows:

It shall be the responsibility and duty of the department of natural resources, department of ecology, department of agriculture, fire districts, and local air pollution control authorities to establish, through regulations, ordinances, or policy, a limited burning program for the people of this state, consisting of a one-permit system, until such time as ~~((an))~~ alternate technology or methods of disposing of the organic refuse ~~((described in this chapter shall))~~ have been developed ((which is)) that are reasonably economical and less harmful to the environment. It is the policy of this state to ~~((encourage the fostering and development of such))~~ foster and encourage development of alternate methods or technology for disposing of or reducing the amount of organic refuse.

NEW SECTION. Sec. 402. A new section is added to chapter 70.94 RCW to read as follows:

(1) Consistent with the policy of the state to reduce outdoor burning to the greatest extent practical:

(a) Outdoor burning shall not be allowed in any area of the state where federal or state ambient air quality standards are exceeded for pollutants emitted by outdoor burning.

(b) Outdoor burning shall not be allowed in any urban growth area as defined by RCW 36.70A.030, or any city of the state having a population greater than ten thousand people if such cities are threatened to exceed state or federal air quality standards, and alternative disposal practices consistent with good solid waste management are reasonably available or practices eliminating production of organic refuse are reasonably available. In no event shall such burning be allowed after December 31, 2000.

(2) "Outdoor burning" means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

(3) This section shall not apply to silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas.

NEW SECTION. Sec. 403. A new section is added to chapter 70.94 RCW to read as follows:

(1) The department of natural resources shall administer a program to reduce state-wide emissions from silvicultural forest burning so as to achieve the following minimum objectives:

(a) Twenty percent reduction by December 31, 1994 providing a ceiling for emissions until December 31, 2000; and

(b) Fifty percent reduction by December 31, 2000 providing a ceiling for emissions thereafter.

Reductions shall be calculated from the average annual emissions level from calendar years 1985 to 1989, using the same methodology for both reduction and base year calculations.

(2) The department of natural resources, within twelve months after the effective date of this section, shall develop a plan, based upon the existing smoke management agreement to carry out the programs as described in this section in the most efficient, cost-effective manner possible. The plan shall be developed in consultation with the department of ecology, public and private landowners engaged in silvicultural forest burning, and representatives of the public.

The plan shall recognize the variations in silvicultural forest burning including, but not limited to, a landowner's responsibility to abate an extreme fire hazard under chapter 76.04 RCW and other objectives of burning, including abating and preventing a fire hazard, geographic region, climate, elevation and slope, proximity to populated areas, and diversity of land ownership. The plan shall establish priorities that the department of natural resources shall use to allocate allowable emissions, including but not limited to, silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas. The plan shall also recognize the real costs of the emissions program and recommend equitable fees to cover the costs of the program.

The emission reductions in this section are to apply to all forest lands including those owned and managed by the United States. If the United States does not participate in implementing the plan, the departments of natural resources and ecology shall use all appropriate and available methods or enforcement powers to ensure participation.

The plan shall include a tracking system designed to measure the degree of progress toward the emission reductions goals set in this section. The department of natural resources shall report annually to the department of ecology and the legislature on the status of the plan, emission reductions and progress toward meeting the objectives specified in this section, and the goals of this chapter and chapter 76.04 RCW.

(3) If the December 31, 1994, emission reductions targets in this section are not met, the department of natural resources, in consultation with the department of ecology, shall use its authority granted in this chapter and chapter 76.04 RCW to immediately limit emissions from such burning to the 1994 target levels and limit silvicultural forest burning in subsequent years to achieve equal annual incremental reductions so as to achieve the December 31, 2000, target level. If, as a result of the program established in this section, the emission reductions are met in 1994, but are not met by December 31, 2000, the department of natural resources in consultation with the department of ecology shall immediately limit silvicultural forest burning to reduce emissions from such burning to the December 31, 2000, target level in all subsequent years.

Sec. 404. RCW 70.94.660 and 1971 ex.s. c 232 s 2 are each amended to read as follows:

(1) The department of natural resources shall have the responsibility for issuing and regulating burning permits required by it relating to the following activities ~~((declared to be))~~ for the protection of life or property and/or ~~((it))~~ for the public health, safety, and welfare:

~~((1))~~ (a) Abating a forest fire hazard;

~~((2))~~ (b) Prevention of a fire hazard;

~~((3))~~ (c) Instruction of public officials in methods of forest fire fighting; ~~((and~~

~~(4))~~ (d) Any silvicultural operation to improve the forest lands of the state; and

(e) Silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas.

(2) The department of natural resources shall not retain such authority, but it shall be the responsibility of the appropriate fire protection agency for permitting and

regulating outdoor burning on lands where the department of natural resources does not have fire protection responsibility.

(3) Permit fees shall be assessed for silvicultural burning under the jurisdiction of the department of natural resources and collected by the department of natural resources as provided for in this section. All fees shall be deposited in the air pollution control account, created in section 228 of this act. The legislature shall appropriate to the department of natural resources funds from the air pollution control account to enforce and administer the program under section 403 of this act and RCW 70.94.660, 70.94.670, and 70.94.690. Fees shall be set by rule by the department of natural resources at the level necessary to cover the costs of the program after receiving recommendations on such fees from the public and the forest fire advisory board established by RCW 76.04.145.

Sec. 405. RCW 70.94.670 and 1971 ex.s. c 232 s 3 are each amended to read as follows:

The department of natural resources in granting burning permits for fires for the purposes set forth in RCW 70.94.660 shall condition the issuance and use of such permits to comply with air quality standards established by the department of ecology after full consultation with the department of natural resources. Such burning shall not cause the state air quality standards (~~for suspended particulate matter~~) to be exceeded in the ambient air up to two thousand feet above ground level over critical areas designated by the department of ecology, otherwise subject to air pollution from other sources. Air quality standards (~~for suspended particulate matter~~) shall be established and published by the department of ecology which shall also establish a procedure for advising the department of natural resources when ~~(the)~~ and where air contaminant levels exceed(s) or threaten(s) to exceed the ambient air standards over such critical areas. The (~~suspended particulate matter~~) air quality shall be quantitatively measured by the department of ecology or the appropriate local air pollution control authority at established (~~primary air mass stations or primary ground level~~) monitoring stations over such designated areas. Further, such permitted burning shall not cause damage to public health or the environment. All permits issued under this section shall be subject to all applicable fees, permitting, penalty, and enforcement provisions of this chapter. The department of natural resources shall set forth smoke dispersal objectives designed consistent with this section to minimize any air pollution (~~from smoke~~) from such burning and the procedures necessary to meet those objectives.

The department of natural resources shall encourage more intense utilization in logging and alternative silviculture practices to reduce (~~forest fire hazards and shall encourage development and use of procedures and equipment to burn forest debris in a manner that will produce less smoke~~) the need for burning. The department of natural resources shall, whenever practical, encourage ~~(development)~~ landowners to develop and use (of) alternative acceptable disposal methods subject to the following priorities: (1) Slash production minimization, (2) slash utilization, (3) nonburning disposal, (4) silvicultural burning. Such alternative methods shall be evaluated as to the relative impact on air, water, and land pollution, public health, and their financial feasibility.

The department of natural resources shall not issue burning permits and shall revoke previously issued permits at any time in any area where the department of ecology or local board has declared a stage of impaired air quality as defined in RCW 70.94.473.

Sec. 406. RCW 70.94.690 and 1971 ex.s. c 232 s 5 are each amended to read as follows:

In the regulation of outdoor burning not included in RCW 70.94.660 requiring permits from the department of natural resources, said department and the state, local, or regional air pollution control authorities will cooperate in regulating such burning so as to minimize insofar as possible duplicate inspections and separate permits while

still accomplishing the objectives and responsibilities of the respective agencies. The department of natural resources shall include any local authority's burning regulations with permits issued where applicable pursuant to RCW 70.94.740 through 70.94.775. The department shall develop agreements with all local authorities to coordinate regulations.

Permits shall be withheld by the department of natural resources when so requested by the department of ecology if a forecast, alert, warning, or emergency condition exists as defined in the episode criteria of the department of ecology.

NEW SECTION. Sec. 407. A new section is added to chapter 70.94 RCW to read as follows:

Nothing contained in this chapter shall prohibit fires necessary: (1) To promote the regeneration of rare and endangered plants found within natural area preserves as identified under chapter 79.70 RCW; and (2) for Indian ceremonies or for the sending of smoke signals if part of a religious ritual. Permits issued for burning under this section shall be drafted to minimize emissions including denial of permission to burn during periods of adverse meteorological conditions.

Sec. 408. RCW 70.94.650 and 1971 ex.s. c 232 s 1 are each amended to read as follows:

(1) Any person who proposes to set fires in the course of ~~((the following: (1) (a) weed abatement, ((2)) (b) instruction in methods of fire fighting (except forest fires), or ((3) Disease prevention relating to)) (c) agricultural activities, shall, prior to carrying out the same, obtain a permit from an air pollution control authority or the department of ecology, as appropriate. Each such authority and the department of ecology shall, by rule or ordinance, establish a permit system to carry out the provisions of this section except as provided in RCW 70.94.660. General criteria of state-wide applicability for ruling on such permits shall be established by the department, by rule ~~((or regulation)), after consultation with the various air pollution control authorities. Permits shall be issued under this section based on seasonal operations or by individual operations, or both ~~((PROVIDED, That))~~. All permits so issued shall be conditioned to insure that the public interest in air, water, and land pollution and safety to life and property is fully considered. In addition to any other requirements established by the department to protect air quality pursuant to other laws, applicants for permits must show that the setting of fires as requested is the most reasonable procedure to follow in safeguarding life or property under all circumstances or is otherwise reasonably necessary to successfully carry out the enterprise in which the applicant is engaged ~~((in)), or both. All burning permits will be designed to minimize air pollution insofar as practical. Nothing in this section shall relieve the applicant from obtaining permits, licenses, or other approvals required by any other law ~~((PROVIDED FURTHER, That))~~. An application for a permit to set fires in the course of agricultural burning for controlling diseases, insects, ~~((and)) weed abatement or development of physiological conditions conducive to increased crop yield, shall be ~~((granted))~~ acted upon within ~~((fourteen))~~ seven days from the date such application is filed ~~((PROVIDED, That nothing herein shall prevent a householder from setting fire in the course of burning leaves, clippings or trash when otherwise permitted locally. Nothing contained herein shall prohibit Indian campfires or the sending of smoke signals if part of a religious ritual))~~.~~~~~~~~

(2) Except as provided in RCW 70.94.780 permit fees shall be assessed for outdoor burning under this section and shall be collected by the department of ecology or the appropriate local air authority at the time the permit is issued. All fees collected shall be deposited in the air pollution control account created in section 228 of this act. Fees shall be set by rule by the permitting agency at the level determined by the task force created by subsection (4) of this section, but shall not exceed two dollars and fifty cents per acre to be burned. After fees are established by rule, any increases in

such fees shall be limited to annual inflation adjustments as determined by the state office of the economic and revenue forecast council.

(3) Conservation districts and the Washington State University agricultural extension program in conjunction with the department shall develop public education material for the agricultural community identifying the health and environmental affects of agricultural outdoor burning and providing technical assistance in alternatives to agricultural outdoor burning.

(4) An agricultural burning practices and research task force shall be established under the direction of the department. The task force shall be composed of a representative from the department who shall serve as chair; one representative of eastern Washington local air authorities; three representatives of the agricultural community from different agricultural pursuits; one representative of the department of agriculture; two representatives from universities or colleges knowledgeable in agricultural issues; one representative of the public health or medical community; and one representative of the conservation districts. The task force shall identify best management practices for reducing air contaminant emissions from agricultural activities and provide such information to the department and local air authorities. The task force shall determine the level of fees to be assessed by the permitting agency pursuant to subsection (2) of this section, based upon the level necessary to cover the costs of administering and enforcing the permit programs, to provide funds for research into alternative methods to reduce emissions from such burning, and to the extent possible be consistent with fees charged for such burning permits in neighboring states. The fee level shall provide, to the extent possible, for lesser fees for permittees who use best management practices to minimize air contaminant emissions. The task force shall identify research needs related to minimizing emissions from agricultural burning and alternatives to such burning. Further, the task force shall make recommendations to the department on priorities for spending funds provided through this chapter for research into alternative methods to reduce emissions from agricultural burning.

Sec. 409. RCW 70.94.654 and 1973 1st ex.s. c 193 s 6 are each amended to read as follows:

Whenever the department of ecology shall find that any fire protection agency, county, or conservation district which is outside the jurisdictional boundaries of an activated air pollution control authority is capable of effectively administering the issuance and enforcement of permits for any or all of the kinds of burning identified in RCW 70.94.650 ~~((1) and (3))~~ and desirous of doing so, the department of ecology may delegate ~~((all))~~ powers necessary for the issuance ~~((and))~~ or enforcement, or both, of permits for any or all of the kinds of burning to the fire protection agency, county ~~(: PROVIDED, That))~~, or conservation district. Such delegation may be withdrawn by the department of ecology upon ~~((a))~~ its finding that the fire protection agency, county, or conservation district is not effectively administering the permit program.

Sec. 410. RCW 70.94.775 and 1974 ex.s. c 164 s 1 are each amended to read as follows:

No person shall cause or allow any outdoor fire:

(1) Containing garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, or any substance other than natural vegetation ~~((which))~~ that normally emits dense smoke or obnoxious odors ~~((except as provided in RCW 70.94.650: PROVIDED, That))~~. Agricultural heating devices ~~((which))~~ that otherwise meet the requirements of this chapter shall not be considered outdoor fires under this section;

(2) During a forecast, alert, warning or emergency condition as defined in RCW 70.94.715~~(;~~

~~(3) In any area which has been designated by the department of ecology or board of an activated authority as an area exceeding or threatening to exceed state or federal ambient air quality standards, or after July 1, 1976, state ambient air quality~~

~~goals for particulates, except instructional fires permitted by RCW 70.94.650(2)) or impaired air quality condition as defined in RCW 70.94.473.~~

Sec. 411. RCW 70.94.780 and 1973 1st ex.s. c 193 s 10 are each amended to read as follows:

In addition to any other powers granted to them by law, the fire protection agency (~~(authorized to issue)~~), county, or conservation district issuing burning permits (~~(may)~~) shall regulate or prohibit outdoor burning (~~(in order)~~) as necessary to prevent or abate the nuisances caused by such burning. No fire protection agency, county, or conservation district may issue a burning permit in an area where the department or local board has declared any stage of impaired air quality per RCW 70.94.473 or any stage of an air pollution episode. All burning permits issued shall be subject to all applicable fee, permitting, penalty, and enforcement provisions of this chapter. The permitted burning shall not cause damage to public health or the environment.

Any entity issuing a permit under this section may charge a fee at the level necessary to recover the costs of administering and enforcing the permit program.

Sec. 412. RCW 70.94.750 and 1972 ex.s. c 136 s 3 are each amended to read as follows:

The following outdoor fires described in this section may be burned subject to the provisions of (~~(the program established pursuant to RCW 70.94.755 for any area)~~) this chapter and also subject to city ordinances, county resolutions, (~~(and)~~) rules (~~(and regulations)~~) of fire districts and laws, and rules (~~(and regulations)~~) enforced by the department of natural resources if a permit has been issued by a fire protection agency, county, or conservation district:

(1) Fires consisting of leaves, clippings, prunings and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by the property owner or his or her designee.

(2) Fires consisting of residue of a natural character such as trees, stumps, shrubbery or other natural vegetation arising from land clearing projects or agricultural pursuits for pest or disease control; provided the fires described in this subsection may be prohibited in those areas having a general population density of one thousand or more persons per square mile.

Sec. 413. RCW 70.94.656 and 1990 c 113 s 1 are each amended to read as follows:

It is hereby declared to be the policy of this state that strong efforts should be made to minimize adverse effects on air quality from the open burning of field and turf grasses grown for seed. To such end this section is intended to promote the development of economical and practical alternate agricultural practices to such burning, and to provide for interim regulation of such burning until practical alternates are found.

(1) The department shall approve of a study or studies for the exploration and identification of economical and practical alternate agricultural practices to the open burning of field and turf grasses grown for seed. Prior to the issuance of any permit for such burning under RCW 70.94.650, there shall be collected a fee not to exceed one dollar per acre of crop to be burned. Any such fees received by any authority shall be transferred to the department of ecology. The department of ecology shall deposit all such acreage fees in a special grass seed burning research account, hereby created, in the state treasury. All earnings of investments of balances in the special grass seed burning research account shall be credited to the general fund. The department shall allocate moneys annually from this account for the support of any approved study or studies as provided for in this subsection. For the conduct of any such study or studies, the department may contract with public or private entities: PROVIDED, That whenever the department of ecology shall conclude that sufficient reasonably available alternates to open burning have been developed, and at such time

as all costs of any studies have been paid, the grass seed burning research account shall be dissolved, and any money remaining therein shall revert to the general fund.

The fee collected under this subsection shall constitute the research portion of fees required under RCW 70.94.650 for open burning of grass grown for seed.

(2) Whenever on the basis of information available to it, the department after public hearings have been conducted wherein testimony will be received and considered from interested parties wishing to testify shall conclude that any procedure, program, technique, or device constitutes a practical alternate agricultural practice to the open burning of field or turf grasses grown for seed, the department shall, by order, certify approval of such alternate. Thereafter, in any case which any such approved alternate is reasonably available, the open burning of field and turf grasses grown for seed shall be disallowed and no permit shall issue therefor.

(3) Until approved alternates become available, the department or the authority may limit the number of acres on a pro rata basis among those affected for which permits to burn will be issued in order to effectively control emissions from this source.

(4) Permits issued for burning of field and turf grasses may be conditioned to minimize emissions insofar as practical, including denial of permission to burn during periods of adverse meteorological conditions.

"V.

WOODSTOVES AND FIREPLACES"

Sec. 501. RCW 70.94.457 and 1987 c 405 s 4 are each amended to read as follows:

~~((Before January 1, 1988,))~~ The department of ecology shall establish by rule under chapter 34.05 RCW:

(1) State-wide emission performance standards for new ~~((wood stoves))~~ solid fuel burning devices. Notwithstanding any other provision of this chapter which allows an authority to adopt more stringent emission standards, no authority shall adopt any emission standard for new ~~((wood stoves))~~ solid fuel burning devices other than the state-wide standard adopted by the department under this section.

~~(a) ((For new wood stoves sold after July 1, 1988, the state wide performance standard, by rule, shall be the equivalent of and consistent with state wide emission standards in effect in bordering states on or before January 1, 1987. For solid fuel burning devices for which bordering states have not established emission standards, the department may temporarily exempt or establish, by rule, state wide standards including emission levels and test procedures for such devices and such emission levels and test procedures shall be equivalent to emission levels per pound per hour burned for other new wood stoves regulated by this subsection))~~ After January 1, 1995, no solid fuel burning device shall be offered for sale that does not meet the following particulate air contaminant emission standards under the test methodology of the United States environmental protection agency in effect on January 1, 1991, or an equivalent standard under any test methodology adopted by the United States environmental protection agency subsequent to such date: (i) Two and one-half grams per hour for catalytic wood stoves; and (ii) four and one-half grams per hour for all other solid fuel burning devices. For purposes of this subsection, "equivalent" shall mean the emissions limits specified in this subsection multiplied by a statistically reliable conversion factor determined by the department that compares the difference between the emission test methodology established by the United States environmental protection agency prior to the effective date of this section, with the test methodology adopted subsequently by the agency. Subsection (a) of this subsection does not apply to fireplaces.

(b) After January 1, 1997, no fireplace, except masonry fireplaces, shall be offered for sale unless such fireplace meets the 1990 United States environmental

protection agency standards for wood stoves or equivalent standard that may be established by the state building code council by rule. Prior to January 1, 1997, the state building code council shall establish by rule a methodology for the testing of factory-built fireplaces. The methodology shall be designed to achieve a particulate air emission standard equivalent to the 1990 United States environmental protection agency standard for wood stoves. In developing the rules, the council shall include on the technical advisory committee at least one representative from the masonry fireplace builders and at least one representative of the factory-built fireplace manufacturers.

(c) Prior to January 1, 1997, the state building code council shall establish by rule design standards for the construction of new masonry fireplaces in Washington state. In developing the rules, the council shall include on the technical advisory committee at least one representative from the masonry fireplace builders and at least one representative of the factory-built fireplace manufacturers. It shall be the goal of the council to develop design standards that generally achieve reductions in particulate air contaminant emissions commensurate with the reductions being achieved by factory-built fireplaces at the time the standard is established.

(d) Actions of the department and local air pollution control authorities under this section shall preempt actions of other state agencies and local governments for the purposes of controlling air pollution from solid fuel burning devices, except where authorized by this act.

(e) Subsection (1)(a) of this section shall not apply to fireplaces.

~~((b))~~ (f) Notwithstanding (a) of this subsection, the department is authorized to adopt, by rule, emission standards adopted by the United States environmental protection agency for new wood stoves sold at retail. For solid fuel burning devices for which the United States environmental protection agency has not established emission standards, the department may ~~((temporarily))~~ exempt or establish, by rule, state-wide standards including emission levels and test procedures for such devices and such emission levels and test procedures shall be equivalent to emission levels per pound per hour burned for other new wood stoves and fireplaces regulated under this subsection.

(2) A program to:

(a) Determine whether a new ~~((wood stove))~~ solid fuel burning device complies with the state-wide emission performance standards established in subsection (1) of this section; and

(b) Approve the sale of ~~((stoves))~~ devices that comply with the state-wide emission performance standards.

Sec. 502. RCW 70.94.470 and 1987 c 405 s 5 are each amended to read as follows:

~~(1) ((Before January 1, 1988,))~~ The department shall establish, by rule under chapter 34.05 RCW, ~~((state wide opacity levels for residential solid fuel burning devices as follows:~~

~~(a) A state wide opacity level of twenty percent for the purpose of public education;~~

~~(b) Until July 1, 1990, a state wide opacity level of forty percent for the purpose of enforcement on a complaint basis; and~~

~~(c) After July 1, 1990, a)~~ (a) a state-wide opacity level of twenty percent for residential solid fuel burning devices for the purpose of enforcement on a complaint basis and (b) a state-wide opacity of ten percent for purposes of public education.

(2) Notwithstanding any other provision of this chapter which may allow an authority to adopt a more stringent opacity level, no authority shall adopt or enforce an opacity level~~((:~~

~~(a) Lower than forty percent until July 1, 1990; and~~

~~(b) Lower than twenty percent after July 1, 1990))~~ for solid fuel burning devices other than established in this section.

(3) Actions of the department and local air pollution control authorities under this section shall preempt actions of other state agencies and local governments for the purposes of controlling air pollution from solid fuel burning devices, except where authorized by this act.

NEW SECTION. **Sec. 503.** A new section is added to chapter 70.94 RCW to read as follows:

After January 1, 1992, no used solid fuel burning device shall be installed in new or existing buildings unless such device is either Oregon department of environmental quality phase II or United States environmental protection agency certified or a pellet stove either certified or exempt from certification by the United States environmental protection agency.

(1) By July 1, 1992, the state building code council shall adopt rules requiring an adequate source of heat other than woodstoves in all new and substantially remodeled residential and commercial construction. This rule shall apply (a) to areas designated by a county to be an urban growth area under chapter 36.70A RCW; and (b) to areas designated by the environmental protection agency as being in nonattainment for particulate matter.

(2) For purposes of this section, "substantially remodeled" means any alteration or restoration of a building exceeding sixty percent of the appraised value of such building within a twelve-month period.

Sec. 504. RCW 70.94.473 and 1990 c 128 s 2 are each amended to read as follows:

(1) Any person in a residence or commercial establishment which has an adequate source of heat without burning wood shall:

(a) Not burn wood in any solid fuel burning device whenever the department has determined under RCW 70.94.715 that any air pollution episode exists in that area;

(b) Not burn wood in any solid fuel burning device except those which ~~((meet the standards set forth in RCW 70.94.457,))~~ are either Oregon department of environmental quality phase II or United States environmental protection agency certified or certified by the department under RCW 70.94.457(1) or a pellet stove either certified or issued an exemption ((certificate)) by the United States environmental protection agency in accordance with Title 40, Part 60 of the code of federal regulations, in the geographical area and for the period of time that a first stage of impaired air quality has been determined, by the department or any authority, for that area. A first stage of impaired air quality is reached when particulates ten microns and smaller in diameter are at an ambient level of seventy-five micrograms per cubic meter measured on a twenty-four hour average or when carbon monoxide is at an ambient level of eight parts of contaminant per million parts of air by volume measured on an eight-hour average; and

(c) Not burn wood in any solid fuel burning device ~~((, including those which meet the standards set forth in RCW 70.94.457,))~~ in a geographical area and for the period of time that a second stage of impaired air quality has been determined by the department or any authority, for that area. A second stage of impaired air quality is reached when particulates ten microns and smaller in diameter are at an ambient level of one hundred five micrograms per cubic meter measured on a twenty-four hour average.

(2) ~~((When))~~ If a local air authority exercises the limitation on solid fuel burning devices specified under RCW 70.94.477(2), a single stage of impaired air quality applies in the geographical area defined by the authority in accordance with RCW 70.94.477(2) and is reached when particulates ten microns and smaller in diameter are at an ambient level of ninety micrograms per cubic meter measured on a twenty-four hour average or when carbon monoxide is at an ambient level of eight parts of contaminant per million parts of air by volume measured on an eight-hour average.

~~(When)~~ If this single stage of impaired air quality is reached, no person in a residence or commercial establishment ~~((which))~~ that has an adequate source of heat without burning wood shall burn wood in any solid fuel burning device, including those which meet the standards set forth in RCW 70.94.457.

(3) Actions of the department and local air pollution control authorities under this section shall preempt actions of other state agencies and local governments for the purposes of controlling air pollution from solid fuel burning devices, except where authorized by this act.

Sec. 505. RCW 70.94.483 and 1990 c 128 s 5 are each amended to read as follows:

(1) The wood stove education and enforcement account is hereby created in the general fund. Money placed in the account shall include all money received under subsection (2) of this section and any other money appropriated by the legislature. Money in the account shall be spent for the purposes of the wood stove education program established under RCW 70.94.480 and for enforcement of the wood stove program, and shall be subject to legislative appropriation.

(2) The department of ecology, with the advice of the advisory committee, shall set a flat fee~~((not to exceed fifteen))~~ of thirty dollars, on the retail sale, as defined in RCW 82.04.050, of each solid fuel burning device~~((excepting masonry fireplaces,))~~ after January 1, ~~((1988))~~ 1992. The fee shall be imposed upon the consumer and shall not be subject to the retail sales tax provisions of chapters 82.08 and 82.12 RCW. The fee may be adjusted annually above ~~((fifteen))~~ thirty dollars ~~((according to changes in the consumer price index after January 1, 1989))~~ to account for inflation as determined by the state office of the economic and revenue forecast council. The fee shall be collected by the department of revenue in conjunction with the retail sales tax under chapter 82.08 RCW. If the seller fails to collect the fee herein imposed or fails to remit the fee to the department of revenue in the manner prescribed in chapter 82.08 RCW, the seller shall be personally liable to the state for the amount of the fee. The collection provisions of chapter 82.32 RCW shall apply. The department of revenue shall deposit fees collected under this section in the wood stove education and enforcement account.

Sec. 506. RCW 70.94.041 and 1983 c 3 s 175 are each amended to read as follows:

Except as otherwise provided in this section, any building or structure listed on the national register of historic sites, structures, or buildings established pursuant to 80 Stat. 915, 16 U.S.C. Sec. 470a, or on the state register established pursuant to RCW ~~((43.51A.080))~~ 27.34.220, shall be permitted to burn wood as it would have when it was a functioning facility as an authorized exception to the provisions of this chapter. Such burning of wood shall not be exempted from the provisions of RCW 70.94.710 through 70.94.730.

NEW SECTION. Sec. 507. A new section is added to chapter 70.94 RCW to read as follows:

(1) A task force is established for the purposes of recommending programs to:

(a) Encourage persons with wood stoves not meeting the requirements of RCW 70.94.457 or United States environmental protection agency certificate requirements to remove such wood stoves and install a less polluting certified wood stove or other source of heat; and

(b) Educate the public on wood stove emissions and methods to reduce such emissions.

(2) The task force shall be appointed by the speaker of the house of representatives and the president of the senate and shall consist of:

(a) Two members from the house of representatives committee on environmental affairs;

(b) Two members from the senate committee on environment and natural resources;

(c) Two members from the house of representatives committee on energy and utilities; and

(d) Two members from the senate committee on energy and utilities.

(3) In developing recommendations, the task force shall consult with representatives from the department of ecology, local air authorities, wood stove dealers, wood stove manufacturers, public and investor owned utilities, citizen organizations, environmental organizations, and public health organizations.

(4) By November 1, 1991, the task force shall report to the appropriate standing committees of the legislature. The report shall recommend methods to:

(a) Use public and private funds to provide credit toward purchasing old wood stoves not certified under RCW 70.94.457;

(b) Use public and private funds to implement public education programs designed to reduce emissions from wood stoves;

(c) Prevent fraud or abuse of the programs developed under this section; and

(d) Develop emissions' data collection and monitoring systems.

(5) The task force created in subsection (1) of this section shall terminate on July 1, 1995.

"VI.

GLOBAL WARMING AND OZONE DEPLETION"

NEW SECTION. **Sec. 601.** The legislature finds that:

(1) The release of chlorofluorocarbons and other ozone-depleting chemicals into the atmosphere contributes to the destruction of stratospheric ozone and threatens plant and animal life with harmful overexposure to ultraviolet radiation;

(2) The technology and equipment to extract and recover chlorofluorocarbons and other ozone-depleting chemicals from air conditioners, refrigerators, and other appliances are available;

(3) A number of nonessential consumer products contain ozone-depleting chemicals; and

(4) Unnecessary releases of chlorofluorocarbons and other ozone-depleting chemicals from these sources should be eliminated.

NEW SECTION. **Sec. 602.** A new section is added to chapter 70.94 RCW to read as follows:

(1) Regulated refrigerant means a class I or class II substance as listed in Title VI of section 602 of the federal clean air act amendments of November 15, 1990.

(2) A person who services or repairs or disposes of a motor vehicle air conditioning system; commercial or industrial air conditioning, heating, or refrigeration system; or consumer appliance shall use refrigerant extraction equipment to recover regulated refrigerant that would otherwise be released into the atmosphere. This subsection does not apply to off-road commercial equipment.

(3) Upon request, the department shall provide information and assistance to persons interested in collecting, transporting, or recycling regulated refrigerants.

(4) The willful release of regulated refrigerant from a source listed in subsection (2) of this section is prohibited.

NEW SECTION. **Sec. 603.** A new section is added to chapter 70.94 RCW to read as follows:

No person may sell, offer for sale, or purchase any of the following:

(1) A regulated refrigerant in a container designed for consumer recharge of a motor vehicle air conditioning system or consumer appliance during repair or service. This subsection does not apply to a regulated refrigerant purchased for the recharge of

the air conditioning system of off-road commercial or agricultural equipment and sold or offered for sale at an establishment which specializes in the sale of off-road commercial or agricultural equipment or parts or service for such equipment;

(2) Nonessential consumer products that contain chlorofluorocarbons or other ozone-depleting chemicals, and for which substitutes are readily available. Products affected under this subsection shall include, but are not limited to, party streamers, tire inflators, air horns, noise makers, and chlorofluorocarbon-containing cleaning sprays designed for noncommercial or nonindustrial cleaning of electronic or photographic equipment.

NEW SECTION. **Sec. 604.** A new section is added to chapter 70.94 RCW to read as follows:

The department shall adopt rules to implement sections 602 and 603 of this act. Rules shall include but not be limited to minimum performance specifications for refrigerant extraction equipment, as well as procedures for enforcing sections 602 and 603 of this act.

Enforcement provisions adopted by the department shall not include penalties or fines in areas where equipment to collect or recycle regulated refrigerants is not readily available.

"VII. MISCELLANEOUS SECTIONS"

Sec. 701. RCW 70.94.053 and 1987 c 505 s 60 and 1987 c 109 s 34 are each reenacted and amended to read as follows:

(1) In each county of the state there is hereby created an air pollution control authority, which shall bear the name of the county within which it is located. The boundaries of each authority shall be coextensive with the boundaries of the county within which it is located. An authority shall include all incorporated and unincorporated areas of the county within which it is located.

(2) All authorities which are presently (~~or may hereafter be within counties of the first class, class A or class AA, are hereby designated as~~) activated authorities (~~and~~) shall carry out the duties and exercise the powers provided in this chapter. Those activated authorities (~~herby activated~~) which encompass contiguous counties (~~located in one or the other of the two major areas determined in RCW 70.94.011~~) are declared to be and directed to function as a multicounty authority.

(3) Except as provided in RCW 70.94.232, all other air pollution control authorities are hereby designated as inactive authorities.

(4) The boards of those authorities designated as activated authorities by this chapter shall be comprised of such appointees and/or county commissioners or other officers as is provided in RCW 70.94.100. (~~The first meeting of the boards of those authorities designated as activated authorities by this chapter shall be on or before sixty days after June 8, 1967.~~

(5) ~~The department is directed to conduct the necessary evaluations and delineate appropriate air pollution regions throughout the state, taking into consideration:~~

(a) ~~The natural climatic and topographic features affecting the potential for buildup of air contaminant concentrations.~~

(b) ~~The degree of urbanization and industrialization and the existence of activities which are likely to cause air pollution.~~

(c) ~~The county boundaries as related to the air pollution regions and the practicality of administering air pollution control programs.)~~

Sec. 702. RCW 70.94.055 and 1967 c 238 s 5 are each amended to read as follows:

The board of county commissioners of any county (~~either than a first class, class A or class AA county~~) may activate an air pollution control authority following a public hearing on its own motion, or upon a filing of a petition signed by one hundred property owners within the county. If the board of county commissioners determines as a result of the public hearing that:

(1) Air pollution exists or is likely to occur; and

(2) The city or town ordinances, or county resolutions, or their enforcement, are inadequate to prevent or control air pollution, they (~~shall~~) may by resolution activate an air pollution control authority or combine with a contiguous county or counties to form a multicounty air pollution control authority.

Sec. 703. RCW 70.94.092 and 1975 1st ex.s. c 106 s 1 are each amended to read as follows:

Notwithstanding the provisions of RCW 1.16.030, the budget year of each activated authority shall be the fiscal year beginning July 1st and ending on the following June 30th. (~~The current budget year shall be terminated June 30, 1975, and a budget for the fiscal year beginning July 1, 1975, shall be adopted pursuant to this section as now or hereafter amended.~~) On or before the fourth Monday in June of each year, each activated authority shall adopt a budget for the following fiscal year. The activated authority budget shall contain adequate funding and provide for staff sufficient to carry out the provisions of all applicable ordinances, resolutions, and local regulations related to the reduction, prevention, and control of air pollution. The legislature acknowledges the need for the state to provide reasonable funding to local authorities to carry out the requirements of this chapter. The budget shall contain an estimate of all revenues to be collected during the following budget year, including any surplus funds remaining unexpended from the preceding year. The remaining funds required to meet budget expenditures, if any, shall be designated as "supplemental income" and shall be obtained from the component cities, towns, and counties in the manner provided in this chapter. The affirmative vote of three-fourths of all members of the board shall be required to authorize emergency expenditures.

Sec. 704. RCW 70.94.100 and 1989 c 150 s 1 are each amended to read as follows:

(1) The governing body of each authority shall be known as the board of directors.

(2) In the case of an authority comprised of one county the board shall be comprised of two appointees of the city selection committee (~~as hereinafter provided~~), at least one of whom shall represent the city having the most population in the county, and two representatives to be designated by the board of county commissioners. In the case of an authority comprised of two (~~or~~), three, four, or five counties, the board shall be comprised of one appointee (~~of the city selection committee of~~) from each county (~~as hereinafter provided~~), who shall represent the city having the most population in such county, to be designated by the mayor and city council of such city, and one representative from each county to be designated by the board of county commissioners of each county making up the authority. (~~In the case of an authority comprised of four or five counties, the board shall be comprised of one appointee of the city selection committee of each county as hereinafter provided who shall represent the city having the most population in such county, and one representative from each county to be designated by the board of county commissioners of each county making up the authority.~~) In the case of an authority comprised of six or more counties, the board shall be comprised of one representative from each county to be designated by the board of county commissioners of each county making up the authority, and (~~one~~) three appointees, one each from (~~each city with over one hundred thousand population~~) the three largest cities within the local authority's jurisdiction to be appointed by the mayor and city council of such city.

(3) If the board of an authority otherwise would consist of an even number, the members selected as above provided shall agree upon and elect an additional member who shall be either a member of the governing body of one of the towns, cities or counties comprising the authority, or a private citizen residing in the authority. ~~((All board members shall hold office at the pleasure of the appointing body.))~~

(4) The terms of office of board members shall be four years.

(5) Wherever a member of a board has a potential conflict of interest in an action before the board, the member shall declare to the board the nature of the potential conflict prior to participating in the action review. The board shall, if the potential conflict of interest, in the judgment of a majority of the board, may prevent the member from a fair and objective review of the case, remove the member from participation in the action.

Sec. 705. RCW 70.94.130 and 1969 ex.s. c 168 s 15 are each amended to read as follows:

The board shall exercise all powers of the authority except as otherwise provided. The board shall conduct its first meeting within thirty days after all of its members have been appointed or designated as provided in RCW 70.94.100. The board shall meet at least ten times per year. All meetings shall be publicly announced prior to their occurrence. All meetings shall be open to the public. A majority of the board shall constitute a quorum for the transaction of business and shall be necessary for any action taken by the board. The board shall elect from its members a ~~((chairman))~~ chair and such other officers as may be necessary. Any member of the board may designate a regular alternate to serve on the board in his or her place with the same authority as the member when he or she is unable to attend. Each member of the board, or his or her representative, shall receive from the authority ~~((twenty-five dollars per day))~~ compensation consistent with such authority's rates (but not to exceed one thousand dollars per year) for ~~((each full day))~~ time spent in the performance of ~~((his))~~ duties under this chapter, plus the actual and necessary expenses incurred by ~~((him))~~ the member in such performance. The board may appoint ~~((an executive director))~~ a control officer, and any other personnel, and shall determine their salaries, and pay same, together with any other proper indebtedness, from authority funds.

Sec. 706. RCW 70.94.141 and 1970 ex.s. c 62 s 56 are each amended to read as follows:

The board of any activated authority in addition to any other powers vested in them by law, shall have power to:

(1) Adopt, amend and repeal its own ~~((ordinances, resolutions, or))~~ rules and regulations, ~~((as the case may be,))~~ implementing this chapter and consistent with it, after consideration at a public hearing held in accordance with chapter ~~((42.32))~~ 42.30 RCW. Rules and regulations shall also be adopted in accordance with the notice and adoption procedures set forth in RCW 34.05.320, those provisions of RCW 34.05.325 that are not in conflict with chapter 42.30 RCW, and with the procedures of RCW 34.05.340, 34.05.355 through 34.05.380, and with chapter 34.08 RCW, except that rules shall not be published in the Washington Administrative Code. Judicial review of rules adopted by an authority shall be in accordance with Part V of chapter 34.05 RCW. An air pollution control authority shall not be deemed to be a state agency.

(2) Hold hearings relating to any aspect of or matter in the administration of this chapter not prohibited by the provisions of chapter 62, Laws of 1970 ex. sess. and in connection therewith issue subpoenas to compel the attendance of witnesses and the production of evidence, administer oaths and take the testimony of any person under oath.

(3) Issue such orders as may be necessary to effectuate the purposes of this chapter and enforce the same by all appropriate administrative and judicial proceedings subject to the rights of appeal as provided in chapter 62, Laws of 1970 ex. sess.

(4) Require access to records, books, files and other information specific to the control, recovery or release of air contaminants into the atmosphere.

(5) Secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract or otherwise.

(6) Prepare and develop a comprehensive plan or plans for the prevention, abatement and control of air pollution within its jurisdiction.

(7) Encourage voluntary cooperation by persons or affected groups to achieve the purposes of this chapter.

(8) Encourage and conduct studies, investigation and research relating to air pollution and its causes, effects, prevention, abatement and control.

(9) Collect and disseminate information and conduct educational and training programs relating to air pollution.

(10) Advise, consult, cooperate and contract with agencies and departments and the educational institutions of the state, other political subdivisions, industries, other states, interstate or interlocal agencies, and the United States government, and with interested persons or groups.

(11) Consult, upon request, with any person proposing to construct, install, or otherwise acquire an air contaminant source or device or system for the control thereof, concerning the efficacy of such device or system, or the air pollution problems which may be related to the source, device or system. Nothing in any such consultation shall be construed to relieve any person from compliance with this chapter, ordinances, resolutions, rules and regulations in force pursuant thereto, or any other provision of law.

(12) Accept, receive, disburse and administer grants or other funds or gifts from any source, including public and private agencies and the United States government for the purpose of carrying out any of the functions of this chapter.

Sec. 707. RCW 70.94.170 and 1969 ex.s. c 168 s 21 are each amended to read as follows:

Any activated authority which has adopted an ordinance, resolution, or valid rules and regulations as provided herein for the control and prevention of air pollution shall appoint a full time control officer, ((who)) whose sole responsibility shall be to observe and enforce the provisions of this chapter and all orders, ordinances, resolutions, or rules and regulations of such activated authority pertaining to the control and prevention of air pollution.

Sec. 708. RCW 70.94.231 and 1969 ex.s. c 168 s 29 are each amended to read as follows:

Upon the date that an authority begins to exercise its powers and functions, all ~~((districts formed as a district under chapter 70.94 RCW prior to June 8, 1967 which previously were wholly or partially composed of one or more cities or towns located within such activated authority shall be considered to be dissolved but its))~~ rules and regulations in force on such date shall remain in effect until superseded by the rules and regulations of the authority as provided in RCW 70.94.230. ~~((In such event, the board of any such district shall proceed to wind up the affairs of the district in the same manner as if the district were dissolved as provided in RCW 70.94.260.))~~

Sec. 709. RCW 70.94.240 and 1969 ex.s. c 168 s 30 are each amended to read as follows:

The board of any authority ~~((shall))~~ may appoint an air pollution control advisory council to advise and consult with such board, and the control officer in effectuating the purposes of this chapter. The council shall consist of at least five appointed members who are residents of the authority and who are preferably skilled and experienced in the field of air pollution control, ((two)) chemistry, meteorology, public health, or a related field, at least one of whom shall serve as a representative((s)) of industry and one of whom shall serve as a representative of the environmental community. The ~~((chairman))~~ chair of the board of any such authority

shall serve as ex officio member of the council and be its ~~((chairman))~~ chair. Each member of the council shall receive from the authority per diem and travel expenses in an amount not to exceed that provided for the state board in this chapter (but not to exceed one thousand dollars per year) for each full day spent in the performance of his or her duties under this chapter.

Sec. 710. RCW 70.94.331 and 1988 c 106 s 1 are each amended to read as follows:

(1) The department shall have all the powers as provided in RCW 70.94.141.

(2) The department, in addition to any other powers vested in it by law after consideration at a public hearing held in accordance with chapters 42.30 ~~((RCW))~~ and ~~((chapter))~~ 34.05 RCW shall:

(a) Adopt rules ~~((and regulations))~~ establishing air quality objectives and air quality standards;

(b) Adopt emission standards which shall constitute minimum emission standards throughout the state. An authority may enact more stringent emission standards, except for emission performance standards for new wood stoves and opacity levels for residential solid fuel burning devices which shall be state-wide, but in no event may less stringent standards be enacted by an authority without the prior approval of the department after public hearing and due notice to interested parties;

(c) Adopt by rule ~~((and regulation))~~ air quality standards and emission standards for the control or prohibition of emissions to the outdoor atmosphere of radionuclides, dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof. Such requirements may be based upon a system of classification by types of emissions or types of sources of emissions, or combinations thereof, which it determines most feasible for the purposes of this chapter. However, an industry, or the air pollution control authority having jurisdiction, can choose, subject to the submittal of appropriate data that the industry has quantified, to have any limit on the opacity of emissions from a source whose emission standard is stated in terms of a weight of particulate per unit volume of air (e.g., grains per dry standard cubic foot) be based on the applicable particulate emission standard for that source, such that any violation of the opacity limit accurately indicates a violation of the applicable particulate emission standard. Any alternative opacity limit provided by this section that would result in increasing air contaminants emissions in any nonattainment area shall only be granted if equal or greater emission reductions are provided for by the same source obtaining the revised opacity limit. A reasonable fee may be assessed to the industry to which the alternate opacity standard would apply. The fee shall cover only those costs to the air pollution control authority which are directly related to the determination on the acceptability of the alternate opacity standard, including testing, oversight and review of data.

(3) The air quality standards and emission standards may be for the state as a whole or may vary from area to area or source to source, except that emission performance standards for new wood stoves and opacity levels for residential solid fuel burning devices shall be state-wide, as may be appropriate to facilitate the accomplishment of the objectives of this chapter and to take necessary or desirable account of varying local conditions of population concentration, the existence of actual or ~~((reasonable))~~ reasonably foreseeable air pollution, topographic and meteorologic conditions and other pertinent variables.

(4) The department is directed to cooperate with the appropriate agencies of the United States or other states or any interstate agencies or international agencies with respect to the control of air pollution and air contamination, or for the formulation for the submission to the legislature of interstate air pollution control compacts or agreements.

(5) The department is directed to conduct or cause to be conducted a continuous surveillance program to monitor the quality of the ambient atmosphere as

to concentrations and movements of air contaminants and conduct or cause to be conducted a program to determine the quantity of emissions to the atmosphere.

(6) The department shall enforce the air quality standards and emission standards throughout the state except where a local authority is enforcing the state regulations or its own regulations which are more stringent than those of the state.

(7) The department shall encourage local units of government to handle air pollution problems within their respective jurisdictions; and, on a cooperative basis provide technical and consultative assistance therefor.

(8) The department shall have the power to require the addition to or deletion of a county or counties from an existing authority in order to carry out the purposes of this chapter ~~((: PROVIDED, HOWEVER, That))~~. No such addition or deletion shall be made without the concurrence of any existing authority involved. Such action shall only be taken after a public hearing held pursuant to the provisions of chapter 34.05 RCW.

(9) The department shall establish rules requiring sources or source categories to apply reasonable and available control methods. Such rules shall apply to those sources or source categories that individually or collectively contribute the majority of state-wide air emissions of each regulated pollutant. The department shall review, and if necessary, update its rules every five years to ensure consistency with current reasonable and available control methods. The department shall have adopted rules required under this subsection for all sources by July 1, 1996.

For the purposes of this section, "reasonable and available control methods" shall include but not be limited to, changes in technology, processes, or other control strategies.

Sec. 711. RCW 70.94.332 and 1987 c 109 s 18 are each amended to read as follows:

~~((Whenever the department of ecology has reason to believe that any provision of this chapter or any rule or regulation adopted by it or being enforced by it under RCW 70.94.410 relating to the control or prevention of air pollution has been violated, it may))~~ At least thirty days prior to the commencement of any formal enforcement action under RCW 70.94.430 and 70.94.431, the department of ecology shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this chapter or the rule or regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the department may require that the alleged violator or violators appear before it for the purpose of providing the department information pertaining to the violation or the charges complained of. ((In addition to or in place of an order or hearing, the department may initiate action pursuant to RCW 70.94.425, 70.94.430, and 70.94.435)) Every notice of violation shall offer to the alleged violator an opportunity to meet with the department prior to the commencement of enforcement action.

Sec. 712. RCW 70.94.385 and 1987 c 109 s 41 are each amended to read as follows:

(1) Any authority may apply to the department for state financial aid. The department shall ~~((by rule and regulation))~~ annually establish the ((ratio)) amount of state funds ((to)) available for the local ((funds)) authorities taking into consideration available federal and state funds. The establishment of funding amounts shall be consistent with federal requirements and local maintenance of effort necessary to carry out the provisions of this chapter. Any such aid shall be expended from the general fund or from ((such)) other appropriations as the legislature may provide for this purpose: PROVIDED, That federal funds shall be utilized to the maximum unless otherwise approved by the department: PROVIDED FURTHER, That the ((ratio)) amount of state funds provided to local ((funds of)) authorities during the previous year shall not be ((changed)) reduced without a public notice or public hearing held by the

department if requested by the affected local authority, unless such changes are the direct result of a reduction in the available federal funds for air pollution control programs.

(2) Before any such application is approved and financial aid is given or approved by the department, the authority shall demonstrate to the satisfaction of the department that it is fulfilling the requirements of ~~((RCW 70.94.380, or,))~~ this chapter. If the department has not adopted ambient air quality standards and objectives as permitted by RCW 70.94.331, the authority shall demonstrate to the satisfaction of the department that it is acting in good faith and doing all that is possible and reasonable to control and prevent air pollution within its jurisdictional boundaries and to carry out the purposes of this chapter.

(3) The department shall adopt rules ~~((and regulations))~~ requiring the submission of such information by each authority including the submission of its proposed budget and a description of its program in support of the application for state financial aid as necessary to enable the department to determine the need for state aid.

Sec. 713. RCW 70.94.395 and 1987 c 109 s 43 are each amended to read as follows:

If the department finds, after public hearing upon due notice to all interested parties, that the emissions from a particular type or class of air contaminant source should be regulated on a state-wide basis in the public interest and for the protection of the welfare of the citizens of the state, it may adopt and enforce rules ~~((and regulations))~~ to control and/or prevent the emission of air contaminants from such source ~~((: PROVIDED, That)).~~ An authority may, after public hearing and a finding by the board of a need for more stringent rules ~~((and regulations))~~ than those adopted by the department under this section, propose the adoption of such rules ~~((and regulations))~~ by the department for the control of emissions from the particular type or class ~~((of))~~ of air contaminant source within the geographical area of the authority. The department shall hold a public hearing and shall adopt the proposed rules ~~((and regulations))~~ within the area of the requesting authority, unless it finds that the proposed rules ~~((and regulations))~~ are inconsistent with the rules ~~((and regulations))~~ adopted by the department under this section ~~((: PROVIDED, FURTHER, That)).~~ When such standards are adopted by the department it shall delegate solely to the requesting authority all powers necessary for their enforcement at the request of the authority ~~((: PROVIDED, That the department may delegate the responsibility for the enforcement of such rules and regulations to any authority which it deems capable of enforcing such regulations: PROVIDED FURTHER, That)).~~ If after public hearing the department finds that the regulation on a state-wide basis of a particular type ~~((of))~~ or class of air contaminant source is no longer required for the public interest and the protection of the welfare of the citizens of the state, the department may relinquish exclusive jurisdiction over such source.

Sec. 714. RCW 70.94.405 and 1987 c 109 s 45 are each amended to read as follows:

At any time after an authority has been activated for no less than one year, the department may, on its own motion, conduct a hearing held in accordance with chapters 42.30 ~~((RCW))~~ and ~~((chapter))~~ 34.05 RCW, ~~((as now or hereafter amended))~~ to determine whether or not the air pollution prevention and control program of such authority is being carried out in good faith and is as effective as possible ~~((under the circumstances)).~~ If at such hearing the department finds that such authority is not carrying out its air pollution control or prevention program in good faith, ~~((of))~~ is not doing all that is possible and reasonable to control and/or prevent air pollution within the geographical area over which it has jurisdiction, or is not carrying out the provisions of this chapter, it shall set forth in a report or order to the appropriate authority: (1) Its recommendations as to how air pollution prevention and/or control

might be more effectively accomplished; and (2) guidelines which will assist the authority in carrying out the recommendations of the department.

Sec. 715. RCW 70.94.410 and 1987 c 109 s 46 are each amended to read as follows:

(1) If, after thirty days from the time that the department issues a report or order to an authority under RCW 70.94.400 and 70.94.405, such authority has not taken ~~((any))~~ action which indicates that it is attempting in good faith to implement the recommendations or actions of the department as set forth in the report or order, the department may, by order, declare as null and void any or all ordinances, resolutions, rules or regulations of such authority relating to the control and/or prevention of air pollution, and at such time the department shall become the sole body with authority to make and enforce rules and regulations for the control and/or prevention of air pollution within the geographical area of such authority. ~~((In))~~ If this ~~((connection))~~ occurs, the department may assume all those powers which are given to it by law to effectuate the purposes of this chapter. The department may, by order, continue in effect and enforce ~~((those))~~ provisions of the ordinances, resolutions, or rules ~~((and regulations))~~ of such authority which are not less stringent than those requirements which the department may have found applicable to the area under RCW 70.94.331, until such time as the department adopts its own rules ~~((and regulations))~~. Any rules ~~((and regulations))~~ promulgated by the department shall be subject to the provisions of chapter 34.05 RCW ~~((as it now appears or may hereinafter be amended))~~. Any enforcement actions shall be subject to RCW 43.21B.300 or 43.21B.310.

(2) No provision of this chapter is intended to prohibit any authority from reestablishing its air pollution control program which meets with the approval of the department and which complies with the purposes of this chapter and with applicable rules ~~((and regulations))~~ and orders of the department.

(3) Nothing in this chapter shall prevent the department from withdrawing the exercise of its jurisdiction over an authority upon its own motion ~~((: PROVIDED, That))~~ if the department has found at a hearing held in accordance with chapters 42.30 ((RCW)) and ((chapter)) 34.05 RCW ~~((as now or hereafter amended))~~, that the air pollution prevention and control program of such authority will be carried out in good faith ~~((or))~~, that such program will do all that is possible and reasonable to control and/or prevent air pollution within the geographical area over which it has jurisdiction, and that the program complies with the provisions of this chapter. Upon the withdrawal of the department, the department shall prescribe certain recommendations as to how air pollution prevention and/or control is to be effectively accomplished and guidelines which will assist the authority in carrying out the recommendations of the department.

Sec. 716. RCW 70.94.420 and 1987 c 109 s 47 are each amended to read as follows:

~~((4))~~ It is declared to be the intent of the legislature of the state of Washington that any state department or agency having jurisdiction over any building, installation, ~~((or))~~ other property, or other activity creating or likely to create significant air pollution shall cooperate with the department and with air pollution control agencies in preventing and/or controlling the pollution of the air in any area insofar as the discharge of ~~((the matter))~~ air contaminants from or by such building, installation, ~~((or))~~ other property, or activity may cause or contribute to pollution of the air in such area. Such state department or agency shall comply with the provisions of this chapter and with any ordinance, resolution, rule or regulation issued hereunder in the same manner as any other person subject to such laws ~~((;))~~ or rules ~~((or regulations))~~.

~~((2))~~ In addition to its other powers and duties prescribed by law, the department may establish classes of potential pollution sources for which any state department or agency having jurisdiction over any building, installation, or other property, which is not located within the geographical boundaries of any authority

~~which has an air pollution control and/or prevention program in effect, shall, before discharging any matter into the air, obtain a permit from the department for such discharge, such permits to be issued for a specified period of time to be determined by the department and subject to revocation if the department finds that such discharge is endangering the health and welfare of any persons. Such permits may also be required for any such building, installation, or other property which is located within the geographical boundaries of any authority which has an air pollution control and prevention program in effect if the standards set by the department for state departments and agencies are more stringent than those of the authority. In connection with the issuance of any permits under this section, there shall be submitted to the department such plans, specifications, and other information as it deems relevant thereto and under such other conditions as it may prescribe.))~~

NEW SECTION. Sec. 717. Sections 602 and 603 of this act shall take effect July 1, 1992. Sections 202 through 209 of this act shall take effect January 1, 1993. Sections 210 and 505 of this act shall take effect January 1, 1992.

The remainder of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 718. The following acts or parts of acts are each repealed:

(1) RCW 70.120.110 and 1989 c 240 s 7, 1985 c 7 s 131, & 1979 ex.s. c 163 s 12;

(2) RCW 70.120.140 and 1987 c 505 s 62 & 1980 c 176 s 5;

(3) RCW 70.120.900 and 1989 c 240 s 9;

(4) RCW 70.94.232 and 1983 c 3 s 177 & 1967 c 238 s 40;

(5) RCW 70.94.680 and 1971 ex.s. c 232 s 4;

(6) RCW 70.94.740 and 1972 ex.s. c 136 s 1;

(7) RCW 70.94.810 and 1984 c 277 s 3;

(8) RCW 70.94.815 and 1984 c 277 s 5;

(9) RCW 70.94.825 and 1984 c 277 s 7; and

(10) RCW 70.94.870 and 1984 c 164 s 3.

NEW SECTION. Sec. 719. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 720. Captions and headings as used in this act constitute no part of the law.

NEW SECTION. Sec. 721. A new section is added to chapter 70.94 RCW to read as follows:

This chapter shall be known and may be cited as the clean air Washington act.

MOTION

Senator Saling moved that the following amendment by Senators Saling, Patterson and McCaslin to the striking amendment by Senators Anderson and Sutherland be adopted:

On page 9, line 18, strike everything beginning with "Should any" through "acceptance" on line 21

Debate ensued.

Senator Saling demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Saling, Patterson and McCaslin on page 9, line 18, to the striking amendment by Senators Anderson and Sutherland to Engrossed Substitute House Bill No. 1028.

ROLL CALL

The Secretary called the roll and the amendment to the amendment was not adopted by the following vote: Yeas, 16; Nays, 29; Absent, 1; Excused, 3.

Voting yea: Senators Barr, Cantu, Hansen, Hayner, McCaslin, Nelson, Newhouse, Patterson, Roach, Saling, Stratton, Thorsness, von Reichbauer, West, Williams, Wojahn - 16.

Voting nay: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Jesernig, Johnson, M. Kreidler, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Niemi, Oke, Pelz, Rinehart, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Vognild - 29.

Absent: Senator Matson - 1.

Excused: Senators Owen, Rasmussen, Sellar - 3.

MOTION

Senator Vognild moved that the following amendment to the striking amendment by Senators Anderson and Sutherland be adopted:

On page 9, after line 24, insert the following:

"(3) Persons who fail the required tests following the expenditure of up to four hundred fifty dollars to qualify for a certificate of acceptance shall be granted a two-year permit to operate the tested vehicle. If, at the conclusion of the two-year period, the vehicle still is unable to pass the emissions test it shall be prohibited from using any road or highway in this state."

Debate ensued.

MOTION

On motion of Senator Vognild, and there being no objection, the amendment on page 9, after line 24, to the striking amendment by Senators Anderson and Sutherland was withdrawn.

MOTION

Senator Williams moved that the following amendments to the striking amendment by Senators Anderson and Sutherland be considered simultaneously and be adopted:

On page 14, line 24, after "~~director~~)" strike everything down to and including "vehicle" on line 28, and insert "Under such system a motor vehicle shall be inspected biennially for motor vehicles with a model year of 1981 or later, or yearly for motor vehicles with a model year between 1967 and 1981, except where annual inspections for all motor vehicles would be required to meet federal law and prevent federal sanctions"

On page 17, line 2, after "vehicle" strike everything down to and including "that" on line 5, and insert "registered in an emission contributing area, as that area is established under chapter 70.120 RCW, for any year in which the vehicle"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Williams on page 14, line 24, and page 17, line 2, to the striking amendment by Senators Anderson and Sutherland to Engrossed Substitute House Bill No. 1028.

The motion by Senator Williams failed and the amendments to the striking amendment were not adopted.

MOTION

Senator Skratek moved that the following amendment to the striking amendment by Senators Anderson and Sutherland be adopted:

On page 64, after line 23, insert the following new subsections to read as follows:

"(2) To promote alternatives to outdoor burning in urban growth areas and threatened air pollution population areas as outlined in subsection 1(b), grant funds for the acquisition of equipment for shredding, grinding, chipping or mechanical conversion of household yard wastes shall be available to local governments.

(3) Grant funds shall be administered by the department of ecology through its solid waste management account established in chapter 70.95 .800 RCW. The department of ecology shall establish rules to implement this section of the act."

Renumber the remaining subsections accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Skratek on page 64, after line 23, to the striking amendment by Senators Anderson and Sutherland to Engrossed Substitute House Bill No. 1028.

The motion by Senator Skratek failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Madsen moved that the following amendments by Senators Madsen and Oke be considered simultaneously and be adopted:

On page 106, before line 1, insert a new section to read as follows:

Sec. 718. RCW 70.94.473 and 1991 c 128 s 2 are each amended to read as follows:

(1) Any person in a residence or commercial establishment which has an adequate source of heat without burning wood shall:

(a) Not burn wood in any solid fuel burning device whenever the department has determined under RCW 70.94.715 that any air pollution episode exists in that area;

(b) Not burn wood in any solid fuel burning device except those which meet the standards set forth in RCW 70.94.457, or a pellet stove either certified or issued an exemption certificate by the United State Environmental Protection Agency in accordance with Title 40, Part 60 of the code of federal regulations, in the geographical area and for the period of time that a first stage of impaired air quality has been determined, by the department or any authority, for that area. A first stage of impaired air quality is reached when particulates ten microns and smaller in diameter are at an ambient level of seventy-five micrograms per cubic meter measured on a twenty-four hour average or when carbon monoxide is at an ambient level of eight parts of contaminant per million parts of air by volume measured on a eight-hour average; and

(c) Not burn wood in any solid fuel burning device, including those which meet the standards set forth in RCW 70.94.457, in a geographical area and for the period of time that a second stage of impaired air quality has been determined by the department or any authority, for that area. A second stage of impaired air quality is reached when particulates ten microns and smaller in diameter are at an ambient level of one hundred and five micrograms per cubic meter measured on a twenty-four hour average.

(2) ~~((When))~~ If a local air authority exercises the limitation on solid fuel burning devices specified under RCW 70.94.477(2), a single stage of impaired air quality applies in the geographical area defined by the authority in accordance with RCW 70.94.477(2) and is reached when particulates ten microns and smaller in diameter are at an ambient level of ninety micrograms per cubic meter measured on a twenty-four hour average or when carbon monoxide is at an ambient level of eight parts of contaminant per million parts of air by volume measured on an eight-hour average.

~~((When))~~ If this single stage of impaired air quality is reached, no person in a residence or commercial establishment ~~((which))~~ that has an adequate source of heat without burning wood shall burn wood in any solid fuel burning device, including those which meet the standards set forth in RCW 70.94.457.

(3) The provisions of subsections (1) (b) and (c) and (2) of this section shall not apply to any person who burns wood as source of heat in a residence where a person over the age of sixty-two resides.

Renumber the remaining sections consecutively and correct the internal cross references.

On page 126, line 22, after ".420;" add "70.94.473;"

Debate ensued.

MOTION

On motion of Senator Madsen, and there being no objection, the amendments on page 106, before line 1, and page 126, line 22, to the striking amendment by Senators Anderson and Sutherland were withdrawn.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Anderson and Sutherland to Engrossed Substitute House Bill No. 1028.

The striking amendment by Senators Anderson and Sutherland to Engrossed Substitute House Bill No. 1028 was adopted.

MOTIONS

On motion of Senator Anderson, the following title amendment was adopted:

On page 1, line 2 of the title, after "quality;" strike the remainder of the title and insert "amending RCW 70.94.011, 70.94.030, 70.120.010, 70.120.020, 70.120.070, 70.120.080, 70.120.120, 70.120.150, 70.120.170, 46.16.015, 82.44.020, 82.44.110, 82.44.150, 82.44.155, 82.44.180, 82.50.410, 82.50.510, 70.94.152, 70.94.155, 70.94.181, 70.94.205, 70.94.211, 70.94.430, 70.94.431, 70.94.860, 70.94.875, 70.94.745, 70.94.660, 70.94.670, 70.94.690, 70.94.650, 70.94.654, 70.94.775, 70.94.780, 70.94.750, 70.94.656, 70.94.457, 70.94.470, 70.94.473, 70.94.483, 70.94.041, 70.94.055, 70.94.092, 70.94.100, 70.94.130, 70.94.141, 70.94.170, 70.94.231, 70.94.240, 70.94.331, 70.94.332, 70.94.385, 70.94.395, 70.94.405, 70.94.410, and 70.94.420; reenacting and amending RCW

70.94.053; adding new sections to chapter 70.120 RCW; adding a new section to chapter 43.19 RCW; adding new sections to chapter 80.28 RCW; adding new sections to chapter 70.94 RCW; adding a new section to chapter 19.112 RCW; adding a new section to chapter 82.50 RCW; creating new sections; repealing RCW 70.120.110, 70.120.140, 70.120.900, 70.94.232, 70.94.680, 70.94.740, 70.94.810, 70.94.815, 70.94.825, and 70.94.870; prescribing penalties; providing effective dates; and declaring an emergency."

On motion of Senator Anderson, the rules were suspended, Engrossed Substitute House Bill No. 1028, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Anderson: "I note changes in Sections 216 and 217, language which refers to the role of the Utilities and Transportation Commission in furthering the development of compressed natural gas refueling stations. Could you please tell me the intent of these changes?"

Senator Anderson: "Certainly. The change to which you refer is to clarify the legislative intent that these sections are not meant to force the UTC to change any regulatory practices or to allow the subsidization of the CNG refueling stations by any other class of ratepayers. We expect the UTC to develop rules and approve tariffs which will ensure that users of compressed natural gas for vehicle fuel pay the costs associated with developing and providing service to them. Examples of such rules and tariffs are those which ensure that ratepayers in communities which require electrical undergrounding are not subsidized by ratepayers in communities which do not and which ensure that residential ratepayers do not subsidize the cost of service to industrial customers or vice versa."

Senator Sutherland: "Thank you. It's clear to me that nothing in these sections allows the subsidization of one ratepayer class by another."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1028, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1028, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 15; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bailey, Bauer, Bluechel, Conner, Erwin, Gaspard, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Oke, Pelz, Rinehart, Roach, Skratek, A. Smith, L. Smith, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer - 31.

Voting nay: Senators Amondson, Barr, Cantu, Craswell, Hansen, Matson, McCaslin, Newhouse, Patterson, Saling, Snyder, Stratton, West, Williams, Wojahn - 15.

Excused: Senators Owen, Rasmussen, Sellar - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1028, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Newhouse, the Committee on Ways and Means was relieved of further consideration of Substitute House Bill No. 2187.

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 2187 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Engrossed Substitute House Bill No. 1938.

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill No. 1938 was advanced to second reading and placed on the second reading calendar.

MOTION

Senator Newhouse moved that Engrossed Substitute House Bill No. 1777 be moved from the desk and placed on the second reading calendar.

POINT OF ORDER

Senator Talmadge: "A point of order, Mr. President. When that motion was previously made before the Senate, I had raised the point of order with respect to its propriety before the Senate. I believe the bill was read in the day after the cutoff resolution which allows for the reading of bills from the Senate Ways and Means Committee. Therefore, I believe the bill in not properly before the Senate and would ask the President to so rule on the point of order."

Further debate ensued.

At 3:27 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 3:34 p.m. by Vice President Pro Tempore Bluechel.

SPECIAL ORDER OF BUSINESS

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 1027 was made a special order of business today at 4:55 p.m.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1884, by House Committee on Judiciary (originally sponsored by Representatives Ebersole, Forner, Belcher, Locke, Spanel, Peery, Phillips, H. Myers, Riley, R. Johnson, Paris, Wineberry, Ogden, Ludwig, Edmondson, Zellinsky, Brough, Jacobsen, Nelson, Miller, Holland, Winsley, Roland, Hine, Brekke, Rasmussen, Fraser, Mitchell and Orr)

Providing for domestic violence programs and community response.

The bill was read the second time.

MOTIONS

Senator Nelson moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

The collective costs to the community for domestic violence include the systematic destruction of individuals and their families, lost lives, lost productivity, and increased health care, criminal justice, and social service costs.

Children growing up in violent homes are deeply affected by the violence as it happens and could be the next generation of batterers and victims.

Many communities have made headway in addressing the effects of domestic violence and have devoted energy and resources to stopping this violence. However, the process for breaking the cycle of abuse is lengthy. No single system intervention is enough in itself.

An integrated system has not been adequately funded and structured to assure access to a wide range of services, including those of the law/safety/justice system, human service system, and health care system. These services need to be coordinated and multidisciplinary in approach and address the needs of victims, batterers, and children from violent homes.

Given the lethal nature of domestic violence and its effect on all within its range, the community has a vested interest in the methods used to stop and prevent future violence. Clear standards of quality are needed so that perpetrator treatment programs receiving public funds or court-ordered referrals can be required to comply with these standards.

While incidents of domestic violence are not caused by perpetrator's use of alcohol and illegal substances, substance abuse may be a contributing factor to domestic violence and the injuries and deaths that result from it.

There is a need for consistent training of professionals who deal frequently with domestic violence or are in a position to identify domestic violence and provide support and information.

Much has been learned about effective interventions in domestic violence situations; however, much is not yet known and further study is required to know how to best stop this violence. RCW 7.68.070 and 1990 c 3 s 502 are each amended to read as follows:

The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW as now or hereafter amended except as provided in this section:

(1) The provisions contained in RCW 51.32.015, 51.32.030, 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 as now or hereafter amended are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, or the victim's family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, subject to the limitations under RCW 7.68.015. The rights, duties, responsibilities, limitations, and procedures applicable to a worker as contained in RCW 51.32.010 as now or hereafter amended are applicable to this chapter.

(3) The limitations contained in RCW 51.32.020 as now or hereafter amended are applicable to claims under this chapter. In addition thereto, no person or spouse, child, or dependent of such person is entitled to benefits under this chapter when the injury for which benefits are sought, was:

(a) The result of consent, provocation, or incitement by the victim, as determined by a reasonable review of the police report and, in cases of domestic violence, an assessment that takes into consideration the primary physical aggressor criteria set forth in RCW 10.31.100(2)(b);

(b) Sustained while the crime victim was engaged in the attempt to commit, or the commission of, a felony; or

(c) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services or the department of corrections, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services or the department of corrections.

(4) The benefits established upon the death of a worker and contained in RCW 51.32.050 as now or hereafter amended shall be the benefits obtainable under this chapter and provisions relating to payment contained in that section shall equally apply under this chapter: PROVIDED, That benefits for burial expenses shall not exceed the maximum cost used by the department of social and health services for the funeral and burial of a deceased indigent person under chapter 74.08 RCW in any claim: PROVIDED FURTHER, That if the criminal act results in the death of a victim who was not gainfully employed at the time of the criminal act, and who was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act;

(a) Benefits payable to an eligible surviving spouse, where there are no children of the victim at the time of the criminal act who have survived the victim or where such spouse has legal custody of all of his or her children, shall be limited to burial expenses and a lump sum payment of seven thousand five hundred dollars without reference to number of children, if any;

(b) Where any such spouse has legal custody of one or more but not all of such children, then such burial expenses shall be paid, and such spouse shall receive a lump sum payment of three thousand seven hundred fifty dollars and any such child or children not in the legal custody of such spouse shall receive a lump sum of three thousand seven hundred fifty dollars to be divided equally among such child or children;

(c) If any such spouse does not have legal custody of any of the children, the burial expenses shall be paid and the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars and any such child or children not in the legal custody of the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars to be divided equally among the child or children;

(d) If no such spouse survives, then such burial expenses shall be paid, and each surviving child of the victim at the time of the criminal act shall receive a lump sum payment of three thousand seven hundred fifty dollars up to a total of two such

children and where there are more than two such children the sum of seven thousand five hundred dollars shall be divided equally among such children.

No other benefits may be paid or payable under these circumstances.

(5) The benefits established in RCW 51.32.060 as now or hereafter amended for permanent total disability proximately caused by the criminal act shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That if a victim becomes permanently and totally disabled as a proximate result of the criminal act and was not gainfully employed at the time of the criminal act, the victim shall receive monthly during the period of the disability the following percentages, where applicable, of the average monthly wage determined as of the date of the criminal act pursuant to RCW 51.08.018 as now or hereafter amended:

(a) If married at the time of the criminal act, twenty-nine percent of the average monthly wage.

(b) If married with one child at the time of the criminal act, thirty-four percent of the average monthly wage.

(c) If married with two children at the time of the criminal act, thirty-eight percent of the average monthly wage.

(d) If married with three children at the time of the criminal act, forty-one percent of the average monthly wage.

(e) If married with four children at the time of the criminal act, forty-four percent of the average monthly wage.

(f) If married with five or more children at the time of the criminal act, forty-seven percent of the average monthly wage.

(g) If unmarried at the time of the criminal act, twenty-five percent of the average monthly wage.

(h) If unmarried with one child at the time of the criminal act, thirty percent of the average monthly wage.

(i) If unmarried with two children at the time of the criminal act, thirty-four percent of the average monthly wage.

(j) If unmarried with three children at the time of the criminal act, thirty-seven percent of the average monthly wage.

(k) If unmarried with four children at the time of the criminal act, forty percent of the average monthly wage.

(l) If unmarried with five or more children at the time of the criminal act, forty-three percent of the average monthly wage.

(6) The benefits established in RCW 51.32.080 as now or hereafter amended for permanent partial disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section equally apply under this chapter.

(7) The benefits established in RCW 51.32.090 as now or hereafter amended for temporary total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That no person is eligible for temporary total disability benefits under this chapter if such person was not gainfully employed at the time of the criminal act, and was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act.

(8) The benefits established in RCW 51.32.095 as now or hereafter amended for continuation of benefits during vocational rehabilitation shall be benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That benefits shall not exceed five thousand dollars for any single injury.

(9) The provisions for lump sum payment of benefits upon death or permanent total disability as contained in RCW 51.32.130 as now or hereafter amended apply under this chapter.

(10) The provisions relating to payment of benefits to, for or on behalf of workers contained in RCW 51.32.040, 51.32.055, 51.32.100, 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160, and 51.32.210 as now or hereafter amended are applicable to payment of benefits to, for or on behalf of victims under this chapter.

(11) No person or spouse, child, or dependent of such person is entitled to benefits under this chapter where the person making a claim for such benefits has refused to give reasonable cooperation to state or local law enforcement agencies in their efforts to apprehend and convict the perpetrator(s) of the criminal act which gave rise to the claim.

(12) In addition to other benefits provided under this chapter, victims of sexual assault are entitled to receive appropriate counseling. Fees for such counseling shall be determined by the department in accordance with RCW 51.04.030, subject to the limitations of RCW 7.68.080. Counseling services may include, if determined appropriate by the department, counseling of members of the victim's immediate family, other than the perpetrator of the assault.

(13) Except for medical benefits authorized under RCW 7.68.080, no more than thirty thousand dollars shall be granted as a result of a single injury or death, except that benefits granted as the result of total permanent disability or death shall not exceed forty thousand dollars.

(14) Notwithstanding other provisions of this chapter and Title 51 RCW, benefits payable for total temporary disability under subsection (7) of this section, shall be limited to fifteen thousand dollars.

(15) Any person who is responsible for the victim's injuries, or who would otherwise be unjustly enriched as a result of the victim's injuries, shall not be a beneficiary under this chapter.

(16) Crime victims' compensation is not available to pay for services covered under chapter 74.09 RCW or Title XIX of the federal social security act, except to the extent that the costs for such services exceed service limits established by the department of social and health services.

(17) In addition to other benefits provided under this chapter, victims of domestic violence as defined in RCW 10.99.020 are entitled to receive appropriate counseling. Fees for counseling shall be determined by the department in accordance with RCW 51.04.030, subject to the limitations of RCW 7.68.080. Benefits for victims of domestic violence shall be based on the entire history of domestic violence experienced by the victim in the specific relationship for which benefits are claimed.

Sec. 2. RCW 10.99.020 and 1986 c 257 s 8 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Family or household members" means spouses, former spouses, ~~((adult persons related by blood or marriage, persons who are presently residing together or who have resided together in the past, and))~~ persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, and adult persons who are presently residing together or who have resided together in the past.

(2) "Domestic violence" includes but is not limited to any of the following crimes when committed by one family or household member against another:

- (a) Assault in the first degree (RCW 9A.36.011);
- (b) Assault in the second degree (RCW 9A.36.021);
- (c) Assault in the third degree (RCW 9A.36.031);
- (d) Assault in the fourth degree (RCW 9A.36.041);

- (e) Reckless endangerment in the first degree (RCW 9A.36.045);
 (f) Reckless endangerment (~~in the second degree~~) in the second degree
 (RCW 9A.36.050);
 ((f)) (g) Coercion (RCW 9A.36.070);
 ((g)) (h) Burglary in the first degree (RCW 9A.52.020);
 ((h)) (i) Burglary in the second degree (RCW 9A.52.030);
 ((i)) (j) Criminal trespass in the first degree (RCW 9A.52.070);
 ((j)) (k) Criminal trespass in the second degree (RCW 9A.52.080);
 ((k)) (l) Malicious mischief in the first degree (RCW 9A.48.070);
 ((l)) (m) Malicious mischief in the second degree (RCW 9A.48.080);
 ((m)) (n) Malicious mischief in the third degree (RCW 9A.48.090);
 ((n)) (o) Kidnapping in the first degree (RCW 9A.40.020);
 ((o)) (p) Kidnapping in the second degree (RCW 9A.40.030);
 ((p)) (q) Unlawful imprisonment (RCW 9A.40.040);
 ((q)) (r) Violation of the provisions of a restraining order restraining the
 person or excluding the person from a residence (RCW 26.09.300);
 ((r)) (s) Violation of the provisions of a protection order restraining the person
 or excluding the person from a residence (RCW 26.50.060, 26.50.070, or 26.50.130);
 ((s)) (t) Rape in the first degree (RCW 9A.44.040); and
 ((t)) (u) Rape in the second degree (RCW 9A.44.050).
 (3) "Victim" means a family or household member who has been subjected to
 domestic violence.

Sec. 3. RCW 10.99.040 and 1985 c 303 s 10 are each amended to read as follows:

- (1) Because of the serious nature of domestic violence, the court in domestic violence actions:
- Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;
 - Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;
 - Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his client the victim's location; and
 - Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.
- (2) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim. The no-contact order shall also be issued in writing as soon as possible. If the court has probable cause to believe that the person charged or arrested is likely to use or display or threaten to use a deadly weapon as defined in RCW 9A.04.110 in any further acts of violence, the court may also require that person to surrender any deadly weapon in that person's immediate possession or control, or subject to that person's immediate possession or control, to the sheriff of the county or chief of police of the municipality in which that person resides or to the defendant's counsel for safekeeping.

(3) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended.

(4) Willful violation of a court order issued under subsection (2) or (3) of this section is a misdemeanor. Any assault that is a violation of an order issued under this section and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of a protective order issued under this section that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 10.99 RCW and will subject a violator to arrest; any assault or reckless endangerment that is a violation of this order is a felony. A certified copy of the order shall be provided to the victim. If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed. Such orders need not be entered into the computer information system in this state which is used by law enforcement agencies to list outstanding warrants.

(5) Whenever an order prohibiting contact is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year or until the expiration date specified on the order into any computer information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

Sec. 4. RCW 10.99.050 and 1985 c 303 s 12 are each amended to read as follows:

(1) When a defendant is found guilty of a crime and a condition of the sentence restricts the defendant's ability to have contact with the victim, such condition shall be recorded and a written certified copy of that order shall be provided to the victim.

(2) Willful violation of a court order issued under this section is a misdemeanor. Any assault that is a violation of an order issued under this section and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of a protective order issued under this section that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 10.99 RCW and will subject a violator to arrest; any assault or reckless endangerment that is a violation of this order is a felony.

(3) Whenever an order prohibiting contact is issued pursuant to this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

Sec. 5. RCW 26.50.110 and 1984 c 263 s 12 are each amended to read as follows:

(1) Whenever an order for protection is granted under this chapter and the respondent or person to be restrained knows of the order, a violation of the restraint provisions or of a provision excluding the person from a residence is a misdemeanor.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter that restrains the person or excludes the person from a residence, if the person restrained knows of the order.

(3) A violation of an order for protection shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of a protective order issued under this chapter that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order for protection granted under this chapter, the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

NEW SECTION. Sec. 6. The department of social and health services shall adopt rules for standards of approval of domestic violence perpetrator programs that accept perpetrators of domestic violence into treatment to satisfy court orders or that represent the programs as ones that treat domestic violence perpetrators. The treatment must meet the following minimum qualifications:

(1) All treatment must be based upon a full, complete clinical intake including: Current and past violence history; a lethality risk assessment; a complete diagnostic evaluation; a substance abuse assessment; criminal history; assessment of cultural issues, learning disabilities, literacy, and special language needs; and a treatment plan that adequately and appropriately addresses the treatment needs of the individual.

(2) To facilitate communication necessary for periodic safety checks and case monitoring, the program must require the perpetrator to sign the following releases:

(a) A release for the program to inform the victim and victim's community and legal advocates that the perpetrator is in treatment with the program, and to provide information, for safety purposes, to the victim and victim's community and legal advocates;

(b) A release to prior and current treatment agencies to provide information on the perpetrator to the program; and

(c) A release for the program to provide information on the perpetrator to relevant legal entities including: Lawyers, courts, parole, probation, child protective services, and child welfare services.

(3) Treatment must be for a minimum treatment period defined by the secretary of the department by rule. The weekly treatment sessions must be in a group unless there is a documented, clinical reason for another modality. Any other therapies, such as individual, marital, or family therapy, substance abuse evaluations or therapy, medication reviews, or psychiatric interviews, may be concomitant with the weekly group treatment sessions described in this section but not a substitute for it.

(4) The treatment must focus primarily on ending the violence, holding the perpetrator accountable for his or her violence, and changing his or her behavior. The treatment must be based on nonvictim-blaming strategies and philosophies and shall include education about the individual, family, and cultural dynamics of domestic violence.

(5) Satisfactory completion of treatment must be contingent upon the perpetrator meeting specific criteria, defined by rule by the secretary of the department, and not just upon the end of a certain period of time or a certain number of sessions.

(6) The program must have policies and procedures for dealing with reoffenses and noncompliance.

(7) All evaluation and treatment services must be provided by, or under the supervision of, qualified personnel.

(8) The secretary of the department may adopt rules and establish fees as necessary to implement this section.

Sec. 7. RCW 26.50.010 and 1984 c 263 s 2 are each amended to read as follows:

As used in this chapter, the following terms shall have the meanings given them:

(1) "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; or (b) sexual assault of one family or household member by another.

(2) "Family or household members" means spouses, former spouses, ~~((adult persons related by blood or marriage, persons who are presently residing together, or who have resided together in the past, and))~~ persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, and adult persons who are presently residing together or who have resided together in the past.

(3) "Court" includes the superior, district, and municipal courts of the state of Washington.

(4) "Judicial day" does not include Saturdays, Sundays, or legal holidays.

Sec. 8. RCW 70.123.020 and 1979 ex.s. c 245 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Shelter" means a place of temporary refuge, offered on a twenty-four hour, seven day per week basis to victims of domestic violence and their children.

(2) "Domestic violence" is a categorization of offenses, as defined in RCW 10.99.020, committed by one cohabitant against another.

(3) "Department" means the department of social and health services.

(4) "Victim" means a cohabitant who has been subjected to domestic violence.

(5) "Cohabitant" means a person who is married or who is cohabiting with a person of the opposite sex like husband and wife at the present or at sometime in the past. Any person who has one or more children in common with another person, regardless of whether they have been married or lived together at any time, shall be treated as a cohabitant.

(6) "Community advocate" means a person employed by a local domestic violence program to provide ongoing assistance to victims of domestic violence in assessing safety needs, documenting the incidents and the extent of violence for possible use in the legal system, making appropriate social service referrals, and developing protocols and maintaining ongoing contacts necessary for local systems coordination.

(7) "Domestic violence program" means an agency that provides shelter, advocacy, and counseling for domestic violence victims in a supportive environment.

(8) "Legal advocate" means a person employed by a domestic violence program or court system to advocate for victims of domestic violence, within the criminal and civil justice systems, by attending court proceedings, assisting in document and case preparation, and ensuring linkage with the community advocate.

(9) "Secretary" means the secretary of the department of social and health services or the secretary's designee.

NEW SECTION. **Sec. 9.** Client records maintained by domestic violence programs shall not be subject to discovery in any judicial proceeding unless:

(1) A written pretrial motion is made to a court stating that discovery is requested of the client's domestic violence records;

(2) The written motion is accompanied by an affidavit or affidavits setting forth specifically the reasons why discovery is requested of the domestic violence program's records;

(3) The court reviews the domestic violence program's records in camera to determine whether the domestic violence program's records are relevant and whether the probative value of the records is outweighed by the victim's privacy interest in the confidentiality of such records, taking into account the further trauma that may be inflicted upon the victim by the disclosure of the records; and

(4) The court enters an order stating whether the records or any part of the records are discoverable and setting forth the basis for the court's findings.

NEW SECTION. **Sec. 10.** The department of social and health services shall establish a technical assistance grant program to assist local communities in determining how to respond to domestic violence. The goals of the program shall be to coordinate and expand existing services to:

(1) Serve any individual affected by domestic violence with the primary focus being the safety of the victim;

(2) Assure an integrated, comprehensive, accountable community response that is adequately funded and sensitive to the diverse needs of the community;

(3) Create a continuum of services that range from prevention, crisis intervention, and counseling through shelter, advocacy, legal intervention, and representation to longer term support, counseling, and training; and

(4) Coordinate the efforts of government, the legal system, the private sector, and a range of service providers, such as doctors, nurses, social workers, teachers, and child care workers.

NEW SECTION. **Sec. 11.** (1) A county or group of counties may apply to the department for a technical assistance grant to develop a comprehensive county plan for dealing with domestic violence. The county authority may contract with a local nonprofit entity to develop the plan.

(2) County comprehensive plans shall be developed in consultation with the department, domestic violence programs, schools, law enforcement, and health care, legal, and social service providers that provide services to persons affected by domestic violence.

(3) County comprehensive plans shall be based on the following principles:

(a) The safety of the victim is primary;

(b) The community needs to be well-educated about domestic violence;

(c) Those who want to and who should intervene need to know how to do so effectively;

(d) Adequate services, both crisis and long-term support, should exist throughout all parts of the county;

(e) Police and courts should hold the batterer accountable for his or her crimes;

(f) Treatment for batterers should be provided by qualified counselors; and

(g) Coordination teams are needed to ensure that the system continues to work over the coming decades.

(4) County comprehensive plans shall provide for the following:

(a) Public education about domestic violence;

(b) Training for professionals on how to recognize domestic violence and assist those affected by it;

(c) Development of protocols among agencies so that professionals respond to domestic violence in an effective, consistent manner;

(d) Development of services to victims of domestic violence and their families, including shelters, safe homes, transitional housing, community and legal advocates, and children's services; and

(e) Local and regional teams to oversee implementation of the system, ensure that efforts continue over the years, and assist with day-to-day and system-wide coordination.

Sec. 12. RCW 42.17.310 and 1990 2nd ex.s. c 1 s 1103 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapter 43.163 RCW and chapters 43.31, 43.63A, and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(x) Information obtained by the board of pharmacy and its representatives as provided in RCW 69.41.044 and 69.41.280.

(y) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(z) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(aa) Financial and valuable trade information under RCW 51.36.120.

(bb) Effective March 1, 1991, the work and home addresses, other than the city of residence, of a person shall remain undisclosed or be omitted from all documents made available for public review if that person requests in writing, under oath, that these addresses be kept private because disclosure would endanger his or her life, physical safety, or property. This provision does not in any way restrict the sharing or collection of information by state and local governmental agencies required for the daily administration of their duties. The secretary of state shall administer this provision and establish the procedures and rules that are necessary for its operation. An agency that has not been furnished with a request for confidentiality of address information is not liable for damages resulting from its disclosure of the information. For purpose of service of process, the secretary of state shall serve as agent for each person who submits a request under this subsection. A request shall be of no force

or effect if the requester does not include a statement, along with or part of the request, designating the secretary of state as agent of the requester for purposes of service of process.

(cc) Client records maintained by an agency that is a domestic violence program as defined in section 9 of this act or a rape crisis center as defined in RCW 70.125.030.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. Sec. 13. The department of health shall conduct a study to determine whether domestic violence perpetrator counselors should be certified to examine and treat domestic violence perpetrators. The department shall conduct the study according to the criteria set forth in RCW 18.120.110. The department shall report to the house of representatives judiciary committee and the senate law and justice committee regarding its findings and recommendations by September 1, 1992.

NEW SECTION. Sec. 14. Sections 10 through 12 of this act are each added to chapter 70.123 RCW.

NEW SECTION. Sec. 15. Section 14 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 16. If by June 30, 1991, the omnibus operating budget appropriations act for the 1991-93 biennium does not provide specific funding for sections 2, 7, 11, and 12 of this act, referencing the sections by bill and section number, any such section not referenced is null and void.

On motion of Senator Adam Smith, the following amendment to the Committee on Ways and Means striking amendment was adopted:

On page 25, after line 14, add a new section to read as follow:

NEW SECTION. Sec. 15. Section 7 of this act is added to chapter 26.50 RCW.

Renumber the remaining sections consecutively and correct internal cross references.

MOTIONS

On motion of Senator Nelson, the following amendment by Senators Nelson, Rasmussen and Adam Smith to the Committee on Ways and Means striking amendment was adopted:

On page 25, after line 14 of the amendment, insert the following:

Sec. 15. RCW 82.14.340 and 1990 2nd ex.s. c 1 s 901 are each amended to read as follows:

The legislative authority of any county with a population of two hundred thousand or more, and any other county with a population of one hundred fifty thousand or more that has had its population increase by at least twenty-four percent during the preceding nine years, as certified by the office of financial management for the first day of April of each year, may and, if requested by resolution of the governing bodies of cities in the county with an aggregate population equal to or greater than fifty percent of the total population of the county, as last determined by the office of financial management, shall submit an authorizing proposition to the voters of the county and if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter.

The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such county. The rate of tax shall equal one-tenth of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax).

When distributing moneys collected under this section, the state treasurer shall distribute ten percent of the moneys to the county in which the tax was collected. The remainder of the moneys collected under this section shall be distributed to the county and the cities within the county ratably based on population as last determined by the office of financial management. In making the distribution based on population, the county shall receive that proportion that the unincorporated population of the county bears to the total population of the county and each city shall receive that proportion that the city incorporated population bears to the total county population.

Moneys received from any tax imposed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Moneys received by the county and the cities within the county from any tax imposed under this section may be expended for domestic violence community advocates, as defined in RCW 70.123.020, if, prior to the effective date of this section and prior to approval of the voters, the legislative authority of the county, which submitted an authorizing proposition to the voters of the county, adopted by ordinance a financial plan that included expenditure of a portion of the moneys received for domestic violence community advocates.

This section expires January 1, 1994.

Renumber the sections consecutively and correct internal references accordingly.

On motion of Senator Nelson, the following amendment by Senators Nelson and Talmadge to the Committee on Ways and Means striking amendment was adopted:

On page 25, after line 14 of the amendment, insert the following:

Sec. 15. RCW 26.44.140 and 1990 c 3 s 1301 are each amended to read as follows:

The court shall require that an individual who, while acting in a parental role, has physically or sexually abused a child and has been removed from the home pursuant to a court order issued in a proceeding under chapter 13.34 RCW, prior to being permitted to reside in the home where the child resides, complete the treatment and education requirements necessary to protect the child from future abuse. The court may require the individual to continue treatment as a condition for remaining in the home where the child resides.

The department of social and health services or supervising agency shall be responsible for advising the court as to appropriate treatment and education

requirements, providing referrals to the individual, monitoring and assessing the individual's progress, informing the court of such progress, and providing recommendations to the court.

The person removed from the home shall pay for these services ((according to a schedule established by the department of social and health services. This schedule shall be based on the individual's ability to pay)) unless the person is otherwise eligible to receive financial assistance in paying for such services. Nothing in this section shall be construed to create in any person an entitlement to services or financial assistance in paying for services.

Renumber the sections consecutively and correct any internal references.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Engrossed Substitute House Bill No. 1884.

The Committee on Ways and Means striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Nelson, the following title amendments were considered simultaneously and were adopted"

On page 1, line 1 of the title, after "violence;" strike the remainder of the title and insert "amending RCW 7.68.070, 10.99.020, 10.99.040, 10.99.050, 26.50.110, 26.50.010, 70.123.020, and 42.17.310; adding new sections to chapter 70.123 RCW; creating new sections; prescribing penalties; and declaring an emergency."

On page 26, line 6, after ".310;" add "adding a new section to chapter 26.50 RCW;

On page 26, line 6 of the title amendment, strike "and 42.17.310" and insert "42.17.310, and 26.44.140"

On page 26, line 6 of the title amendment, after "70.123.020," strike "and 42.17.310" and insert "42.17.310, and 82.14.340"

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 1884, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1884, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1884, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling,

Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Rasmussen, Sellar - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1884, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2187, by House Committee on Revenue (originally sponsored by Representatives O'Brien, Dellwo, Brough, Anderson, May, Kremen, Beck, Zellinsky, Miller, Day, Basich, Riley, R. King, Rasmussen, Prentice, Ferguson, Padden, Broback, Ballard, Edmondson, Brumsickle, P. Johnson, Bowman, Wynne, Mielke, Casada, Nealey, Van Luven, Fuhrman, Holland, Wilson, Schmidt, Neher, Lisk, Rayburn, Scott, Roland, Ogden, Orr, Haugen, Jacobsen, Cole, Pruitt, McLean, Tate, Morton, Valle, Dorn, Heavey, Franklin, Cantwell and Leonard)

Exempting nonprofit organization auctions from excise tax.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, Substitute House Bill No. 2187 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2187.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2187 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams - 45.

Voting nay: Senators Vognild, Wojahn - 2.

Excused: Senators Rasmussen, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 2187, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1938, by House Committee on Energy and Utilities (originally sponsored by Representatives Fraser, Grant, May, Winsley, Roland, Riley, Miller, Phillips, O'Brien, Rasmussen, Sheldon, Basich, Ogden, Orr, Bray, Pruitt and Sprengle)

Creating a state-wide enhanced 911 network.

The bill was read the second time.

MOTIONS

Senator McDonald moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** The legislature finds that a state-wide emergency communications network of enhanced 911 telephone service, which allows an immediate display of a caller's identification and location, would serve to further the safety, health, and welfare of the state's citizens, and would save lives. The legislature, after reviewing the study outlined in section 1, chapter 260, Laws of 1990, further finds that state-wide implementation of enhanced 911 telephone service is feasible and should be accomplished as soon as practicable.

Sec. 2. RCW 38.52.030 and 1986 c 266 s 25 are each amended to read as follows:

(1) The director may employ such personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

(2) The director, subject to the direction and control of the governor, shall be responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(3) The director shall develop and maintain a comprehensive, all-hazard emergency plan for the state which shall include an analysis of the natural and man-caused hazards which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.

(4) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.

(5) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.

(6) The director may appoint a communications coordinating committee consisting of six to eight persons with the director, or his or her designee, as chairman thereof. Three of the members shall be appointed from qualified, trained and experienced telephone communications administrators or engineers actively engaged in such work within the state of Washington at the time of appointment, and three of the members shall be appointed from qualified, trained and experienced radio communication administrators or engineers actively engaged in such work within the state of Washington at the time of appointment. This committee shall advise the director on all aspects of the communications and warning systems and facilities operated or controlled under the provisions of this chapter.

(7) The director, through the state enhanced 911 coordinator, shall coordinate and facilitate implementation and operation of a state-wide enhanced 911 emergency communications network.

(8) The director shall appoint a state coordinator of search and rescue operations to coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and on request to maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

~~((8))~~ (9) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to individuals within the state who are victims of a natural or man-made disaster, as defined by RCW 38.52.010(6). Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: PROVIDED, HOWEVER, That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

~~((9))~~ (10) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

(b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency response;

(c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and

(d) Undertaking other duties in this area that are deemed appropriate by the director.

NEW SECTION. Sec. 3. By December 31, 1998, each county, singly or in combination with adjacent counties, shall implement district-wide, county-wide, or multicounty-wide enhanced 911 emergency communications systems so that enhanced 911 is available throughout the state. The county shall provide funding for the enhanced 911 communication system in the county or district in an amount equal to the amount the maximum tax under RCW 82.14B.020(1) would generate in the county or district or the amount necessary to provide full funding of the system in the county or district, whichever is less. The state enhanced 911 coordination office established by section 4 of this act shall assist and facilitate enhanced 911 implementation throughout the state.

NEW SECTION. Sec. 4. A state enhanced 911 coordination office, headed by the state enhanced 911 coordinator, is established in the emergency management division of the department. Duties of the office shall include:

(1) Coordinating and facilitating the implementation and operation of enhanced 911 emergency communications systems throughout the state;

(2) Seeking advice and assistance from, and providing staff support for, the enhanced 911 advisory committee; and

(3) Recommending to the utilities and transportation commission by August 31st of each year the level of the state enhanced 911 excise tax for the following year.

NEW SECTION. Sec. 5. The enhanced 911 advisory committee is created to advise and assist the state enhanced 911 coordinator in coordinating and facilitating the implementation and operation of enhanced 911 throughout the state. The director shall appoint members of the committee who represent diverse geographical areas of the state and include state residents who are members of the national emergency number association, the associated public communications officers northwest, the Washington state fire chiefs association, the Washington association of sheriffs and police chiefs, the Washington state council of fire fighters, the Washington state council of police officers, the Washington ambulance association, the state fire policy board, the Washington fire commissioners association, the Washington state patrol, the association of Washington cities, the Washington state association of counties, the utilities and transportation commission or commission staff, and representatives of large and small local exchange telephone companies. This section shall expire December 31, 2000.

NEW SECTION. Sec. 6. The enhanced 911 account is created in the state treasury. All receipts from the state enhanced 911 excise tax imposed by RCW 82.14B.030 shall be deposited into the account. Moneys in the account shall be used only to help implement and operate enhanced 911 state-wide. The state enhanced 911 coordinator, with the advice and assistance of the enhanced 911 advisory committee, shall specify by rule the purposes for which moneys may be expended from this account.

NEW SECTION. Sec. 7. The legislature finds that telecommunications companies providing consolidated emergency communications systems and related service are not subject to liability in conjunction with providing these services except as stated below:

(1) No telecommunications company is liable to a person for the good-faith release to emergency communication system personnel of information not in the public record including nonpublished or nonlisted telephone numbers.

(2) A local exchange company providing emergency communications systems or services, and its employees and agents, is not liable in tort to a person for damages alleged to have been caused by the design, development, installation, maintenance, or provision of consolidated emergency communications systems or services, unless these entities or persons act with malice or criminal intent, or commit reckless, willful, and wanton conduct.

(3) For purposes of this section, "reckless, willful, and wanton conduct" is defined as an intentional and knowing action or failure to act, creating an unreasonable

risk of harm to another, and which involves a high degree of probability that the harm will result.

Sec. 8. RCW 9.73.070 and 1967 ex.s. c 93 s 5 are each amended to read as follows:

~~(The provisions of)~~ (1) This chapter shall not apply to any activity in connection with services provided by a common carrier pursuant to its tariffs on file with the Washington utilities and transportation commission or the Federal Communication Commission and any activity of any officer, agent or employee of a common carrier who performs any act otherwise prohibited by this law in the construction, maintenance, repair and operations of the common carrier's communications services, facilities, or equipment or incident to the use of such services, facilities or equipment. Common carrier as used in this section means any person engaged as a common carrier or public service company for hire in intrastate, interstate or foreign communication by wire or radio or in intrastate, interstate or foreign radio transmission of energy.

(2) This chapter shall not apply to a 911 or enhanced 911 emergency service provided for purposes of aiding public health or public safety agencies to respond to calls placed for emergency assistance.

Sec. 9. RCW 82.14B.010 and 1981 c 160 s 1 are each amended to read as follows:

The legislature finds that the state and counties should be provided with an additional revenue source to fund enhanced 911 emergency ~~(service)~~ communication systems throughout the state on a multicounty, county-wide, or district-wide basis. The legislature further finds that the most efficient and appropriate method of deriving additional revenue for this purpose is to ~~((vest the legislative authorities of the counties, subject to voter approval, with the power to))~~ impose an excise tax on the use of telephone access lines.

Sec. 10. RCW 82.14B.020 and 1981 c 160 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Emergency services communication system" means a multicounty, county-wide, or district-wide radio or landline communications network, including an enhanced 911 telephone system, which provides rapid public access for coordinated dispatching of services, personnel, equipment, and facilities for police, fire, medical, or other emergency services.

(2) ~~((Telephone))~~ Enhanced 911 telephone system" means a public telephone system consisting of a network, data base, and on-premises equipment that is accessed by dialing 911 and that enables reporting police, fire, medical, or other emergency situations to a public safety answering point. The system includes the capability to selectively route incoming 911 calls to the appropriate public safety answering point that operates in a defined 911 service area and the capability to automatically display the name, address, and telephone number of incoming 911 calls at the appropriate public safety answering point.

(3) "Switched access line" means the telephone service line which connects a subscriber's main telephone(s) or equivalent main telephone(s) to the ~~((telephone))~~ local exchange company's switching office.

~~((3))~~ (4) ~~((Telephone))~~ Local exchange company" has the meaning ascribed to it in RCW 80.04.010.

Sec. 11. RCW 82.14B.030 and 1981 c 160 s 3 are each amended to read as follows:

(1) The legislative authority of a county may impose ~~((an))~~ a county enhanced 911 excise tax on the use of ~~((telephone))~~ switched access lines in an amount not exceeding fifty cents per month for each ~~((telephone))~~ switched access line. The amount of tax shall be uniform for each telephone access line. ~~((This tax must be~~

approved by a favorable vote of at least three fifths of the electors thereof voting on the proposition, at which election the number of persons voting "yes" on the proposition shall constitute three fifths of a number equal to forty per centum of the total votes cast in the county at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in the county in the last preceding general election; or by a majority of at least three fifths of the electors thereof voting on the proposition when the number of electors voting on the proposition exceeds forty per centum of the total votes cast in the county in the last preceding general election. This tax may be imposed for six years without subsequent voter approval. At any election held under this section, the ballot title of the proposition shall state the maximum monthly rate of the proposed tax which may be imposed by the county legislative authority. The actual rate of tax to be imposed shall be set by ordinance, which rate shall not exceed the maximum monthly rate approved by the electors.

No tax may be imposed under this section for more than one year before the expected implementation date of an emergency services communication system. The power granted under this section is in addition to any other authority which counties have to fund emergency services communication systems.) Each county shall provide notice of such tax to all local exchange companies serving in the county at least sixty days in advance of the date on which the first payment is due.

(2) Beginning January 1, 1992, a state enhanced 911 excise tax is imposed on all switched access lines in the state. For 1992, the tax shall be set at a rate of twenty cents per switched access line. Until December 31, 1998, the amount of tax shall not exceed twenty cents per switched access line and thereafter shall not exceed ten cents per switched access line. The tax shall be uniform for each switched access line. Tax proceeds shall be deposited by the treasurer in the enhanced 911 account created in section 6 of this act.

(3) By August 31st of each year the state enhanced 911 coordinator shall recommend the level for the next year of the state enhanced 911 excise tax to the utilities and transportation commission. The commission shall by the following October 31st determine the level of the state enhanced 911 excise tax for the following year.

Sec. 12. RCW 82.14B.040 and 1981 c 160 s 4 are each amended to read as follows:

((A county imposing a) The state enhanced 911 tax and the county enhanced 911 tax ((under)) created in this chapter shall ((require collection of the tax)) be collected from the user by the ((telephone)) local exchange company providing the switched access line. The ((telephone)) local exchange company shall state the amount of the ((tax)) taxes separately on the billing statement which is sent to the user.

Sec. 13. RCW 82.14B.090 and 1987 c 17 s 3 are each amended to read as follows:

An emergency service communication district is authorized to finance and provide an emergency service communication system and((, if authorized by the voters,)) to finance the system by imposing the excise tax authorized in RCW 82.14B.030.

Sec. 14. RCW 82.14B.100 and 1987 c 17 s 4 are each amended to read as follows:

RCW 82.14B.040 through 82.14B.060 apply to any emergency service communication district established under RCW 82.14B.070 ((through)) and 82.14B.090. ((A ballot proposition to authorize the excise tax authorized under RCW 82.14B.040 through 82.14B.060 may be submitted to the voters of a proposed emergency service communication district at the same election the ballot proposition creating the district is submitted. The authority to impose the tax shall only exist if both of these ballot propositions are approved.))

NEW SECTION. Sec. 15. The following acts or parts of acts are each repealed:

- (1) RCW 80.36.550 and 1990 c 260 s 3;
- (2) RCW 80.36.5501 and 1990 c 260 s 2; and
- (3) RCW 82.14B.080 and 1987 c 17 s 2.

NEW SECTION. Sec. 16. Sections 1 and 3 through 7 of this act are each added to chapter 38.52 RCW.

NEW SECTION. Sec. 17. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof.

Senator Snyder moved that the following amendment by Senators Snyder, Patterson, McMullen, Hansen and Barr to the Committee on Ways and Means striking amendment be adopted:

On page 11, beginning on line 18, strike all of section 17.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Snyder, Patterson, McMullen, Hansen and Barr on page 11, beginning on line 18, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1938.

The motion by Senator Snyder failed and the amendment to the Committee on Ways and Means striking amendment was not adopted on a rising vote.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1938.

The motion by Senator McDonald carried and the Committee on Ways and Means striking amendment was adopted.

MOTIONS

On motion of Senator Thorsness, the following title amendment was adopted:

On page 1, line 1 of the title, after "911;" strike the remainder of the title and insert "amending RCW 38.52.030, 9.73.070, 82.14B.010, 82.14B.020, 82.14B.030, 82.14B.040, 82.14B.090, and 82.14B.100; adding new sections to chapter 38.52 RCW; repealing RCW 80.36.550, 80.36.5501, and 82.14B.080; and providing for submission of this act to a vote of the people."

On motion of Senator Thorsness, the rules were suspended, Engrossed Substitute House Bill No. 1938, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1938, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1938, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senators Craswell, McCaslin, Sutherland - 3.

Excused: Senators Rasmussen, Sellar - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1938, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1704 and the pending amendment by Senator Nelson and Hansen on page 24, after line 8, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator McMullen, the President finds that Substitute House Bill No. 1704 is a measure which makes changes in vehicle licensing and fuel tax administration by, among other things, providing authority to the Department of Licensing to assess fuel tax reports and recover property of debtor-distributors; providing for implementation of a collection process for the local option fuel tax and other changes relative to vehicle licensing and mitigation of penalties and assessments in the areas of aircraft fuel and special fuel.

"The amendment by Senators Nelson and Hansen would, among other things, revise fees for motor vehicle wreckers; require certain records be available for inspection during defined business hours; and provide a mechanism for cease and desist orders.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Nelson and Hansen on page 24, after line 8, to Substitute House Bill No. 1704 was ruled out of order.

MOTION

On motion of Senator Madsen, the rules were suspended, Substitute House Bill No. 1704, as amended by the Senate, was advanced to third

reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1704, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1704, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Rasmussen, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 1704, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of the point of order raised by Senator Talmadge on the motion by Senator Newhouse to move Engrossed Substitute House Bill No. 1777 from the desk and to place the bill on the second reading calendar.

RULING BY THE PRESIDENT

President Pritchard: "For many years the Senate has referred to budgets which have passed one House or another in an effort to determine whether a particular bill is necessary to implement a budget.

"Engrossed Substitute House Bill No. 1777 is, apparently, necessary to implement the capital budget as it passed the House and was sent to the Senate.

"According to the cutoff resolution, the committee deadline does not apply to such bills and the bill is properly before the Senate until 5 p.m. this evening."

Engrossed Substitute House Bill No. 1777 was ruled to be properly before the Senate and was placed on the second reading calendar.

PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, a point of parliamentary inquiry. To make clear that ruling, your ruling is that if a bill that is referenced in a budget--capital budget, transportation budget, or general fund budget--has passed one of the houses of the Legislature, that it would comply with the provisions of the cutoff resolution?"

REPLY BY THE PRESIDENT

President Pritchard: "That has been the rulings and the practice of the Senate for many, many years and I am staying with that precedent."

Senator Talmadge: "Thank you, Mr. President. It would perhaps be useful if it would be acceptable, Mr. President, to have that ruling transcribed and distributed to members for future reference."

President Pritchard: "It will be in the Journal."

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1777, by House Committee on Human Services (originally sponsored by Representatives H. Sommers, Schmidt, Hargrove, Braddock, Leonard, Winsley, Fraser, Bowman, Zellinsky, Holland, Paris, Basich and May) (by request of Department of Corrections)

Expediting new prison construction.

The bill was read the second time.

MOTION

On motion of Senator Thorsness, the rules were suspended, Engrossed Substitute House Bill No. 1777 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1777.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1771 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 12; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rinehart, Roach, Saling, L. Smith, Snyder, Stratton, Sutherland, Thorsness, von Reichbauer, West - 34.

Voting nay: Senators Bauer, Conner, Jesernig, McMullen, Moore, Murray, Pelz, Skratek, A. Smith, Talmadge, Williams, Wojahn - 12.

Absent: Senator Vognild - 1.

Excused: Senators Rasmussen, Sellar - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1777, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341, by House Committee on Trade and Economic Development (originally sponsored by Representatives Sheldon, Hargrove, Jones, Inslee, Riley, Rayburn, P. Johnson, Bowman, Haugen, Paris, Brumsickle, Wynne, Beck, Fuhrman, Ferguson, Basich, Morton, Padden, Roland, Heavey, H. Myers, Peery, Ebersole, May, Lisk, Zellinsky, Nealey, Edmondson, Cooper, Betzoff, Miller, Mitchell, Jacobsen, R. King, Wineberry, Franklin and R. Johnson)

Promoting economic development.

The bill was read the second time.

MOTION

Senator Snyder moved that the following Committee on Commerce and Labor amendment not be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. FINDINGS AND INTENT. The legislature finds that:

(1) The economic health and well-being of timber-dependent communities is of substantial public concern. The significant reduction in annual timber harvest levels likely will result in reduced economic activity and persistent unemployment and underemployment over time, which would be a serious threat to the safety, health, and welfare of residents of the timber-dependent communities, decreasing the value of private investments and jeopardizing the sources of public revenue.

(2) The state is experiencing a dual economy, where growth is occurring rapidly in some areas and is occurring slowly or not at all in other areas. This uneven growth rate across the state is causing some areas to suffer negative impacts from too much growth while other areas experience difficulty in creating adequate economic development. Inadequate economic development is a serious threat to the public safety, health, and welfare of a community. The state has an interest in encouraging growth state-wide, which reduces the negative impacts of growth in rapidly growing areas and assists areas of the state in need of economic development.

(3) Timber-dependent communities are most often located in areas that are experiencing little or no economic growth, creating an even greater risk to the health, safety, and welfare of these communities. The ability to remedy problems caused by the substantial reduction in harvest activity is beyond the power and control of the regulatory process and influence of the state, and the ordinary operations of private enterprise without additional governmental assistance are insufficient to adequately remedy the resulting problems of poverty and unemployment.

(4) The revitalization and diversification of the economies of timber-dependent communities require the stimulation of private investment, the development of new business ventures, the provision of capital to ventures sponsored by local organizations and capable of growth in the business markets, and assistance to viable, but under-financed, small businesses in order to create and preserve jobs that are sustainable in the local economy. Therefore, the legislature declares there to be a substantial public purpose in providing capital to promote economic development and job creation in distressed areas in general and timber-dependent communities in particular. To accomplish this purpose, it is the intent of the legislature to:

(a) Increase the public financing of infrastructure necessary for economic development and make such financing more flexible;

(b) Increase and target the amount of public financing available to businesses to better create or preserve jobs through formation or expansion of viable enterprises;

(c) Provide technical and financial assistance to businesses to increase the export of products from timber-dependent communities;

(d) Increase the resources available to associated development organizations to provide economic and community development services in timber-dependent communities and to provide resource and referral services to the community regarding state and local economic and community development services;

(e) Increase training and retraining services accessible to timber-dependent communities; and

(f) Provide for coordination of noneconomic development services in timber-dependent communities as economic development efforts will not succeed unless social, housing, health, and other needs are addressed.

Sec. 2. RCW 43.160.010 and 1989 c 431 s 61 are each amended to read as follows:

INFRASTRUCTURE FINANCING--CERB--INTENT. (1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs additionally advances the state's purpose to improve economic vitality. Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

(a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;

(b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;

(c) Encouraging wider access to financial resources for both large and small industrial development projects;

(d) Encouraging new economic development or expansions to maximize employment;

(e) Encouraging the retention of viable existing firms and employment; and

(f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways in the vicinity of new industries considering locating in this state or existing industries that are considering significant expansion.

(a) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can

be addressed in a timely fashion and with coordination among all responsible governmental entities.

(b) It is the intent of the legislature to create an economic development account within the motor vehicle fund from which expenditures can be made by the department of transportation for state highway improvements necessitated by planned economic development. All such improvements must first be approved by the state transportation commission and the community economic revitalization board in accordance with the procedures established by RCW 43.160.074 and 47.01.280. It is further the intent of the legislature that such improvements not jeopardize any other planned highway construction projects. The improvements are intended to be of limited size and cost, and to include such items as additional turn lanes, signalization, illumination, and safety improvements.

(3) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials are eligible for consideration from the board.

(4) The legislature finds that sharing economic growth state-wide is important to the welfare of the state. Distressed areas and timber-dependent communities do not share in the economic vitality of the Puget Sound region. Infrastructure is one of several ingredients that are critical for economic development. Distressed areas and timber-dependent communities generally lack the infrastructure necessary to diversify and revitalize their economies. It is, therefore, the intent of the legislature to increase the availability of funds to help provide infrastructure to distressed areas and timber-dependent communities.

Sec. 3. RCW 43.160.020 and 1985 c 466 s 58 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) "Department" means the department of trade and economic development or its successor with respect to the powers granted by this chapter.

(4) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

(5) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

(6) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

(7) "Local government" means any port district, county, city, or town.

(8) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

(9) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

(10) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

(11) Until July 1, 1995, "timber-dependent community" means a county, city, or town located in a county meeting two of the following three criteria for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average, (b) a direct lumber and wood products job loss of one hundred or more, or (c) an annual unemployment rate twenty percent or more above the state average.

(12) Until July 1, 1995, "tourism project" means a project where additions to current facilities will attract primarily nonresident visitors for overnight stays. A tourism project may be a new project or an expansion or refurbishment of an existing facility.

NEW SECTION. Sec. 4. A new section is added to chapter 43.160 RCW to read as follows:

(1) The economic development account is created within the public facilities construction loan revolving fund under RCW 43.160.080. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of RCW 43.160.010(4) and this section. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) Applications under this section for assistance from the economic development account are subject to all of the applicable criteria set forth under this chapter, as well as procedures and criteria established by the board, except as otherwise provided.

(3) Eligible applicants under this section are limited to political subdivisions of the state in timber-dependent communities that demonstrate, to the satisfaction of the board, the local economy's dependence on the forest products industry.

(4) Applicants must demonstrate that their request is part of an economic development plan consistent with applicable state planning requirements. Industrial projects must be approved by the local government and the associate development organization. Applicants must demonstrate that tourism projects have been approved by the local government and are part of a regional tourism plan approved by the local and regional tourism organizations.

(5) Publicly owned projects may be financed under this section upon proof by the applicant that the public project is a necessary component of, or constitutes in whole, a tourism project.

(6) Applications must demonstrate local match and participation. The amount of local match shall not be less than twenty percent of the total dollar amount sought in the application. Such match may include: Land donation, other public or private funds or both, or other means of local commitment to the project.

(7) Board financing for feasibility studies shall not exceed twenty-five thousand dollars per study. Board funds for feasibility studies may be provided as a grant and require a dollar for dollar match with up to one-half in-kind match allowed.

(8) Board financing for tourism projects shall not exceed two hundred fifty thousand dollars. Other public facility projects under this section shall not exceed five hundred thousand dollars. Loans with flexible terms and conditions to meet the needs of the applicants shall be provided. Grants may also be authorized, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

(9) The board shall develop guidelines for allowable local match and feasibility studies.

(10) Applications under this section need not demonstrate evidence that specific private development or expansion is ready to occur or will occur if funds are provided.

(11) This section shall expire July 1, 1995.

NEW SECTION. Sec. 5. A new section is added to chapter 43.160 RCW to read as follows:

(1) For the 1991-93 biennium, half of all funds appropriated to the department for purposes of this chapter shall be used for section 4 of this act.

(2) This section shall expire on July 1, 1995.

NEW SECTION. Sec. 6. A new section is added to chapter 43.160 RCW to read as follows:

The board shall establish guidelines for making grants and loans under section 4 of this act. The guidelines shall include:

(1) A process to equitably compare and evaluate applications from competing communities.

(2) Criteria to ensure that approved projects will have a high probability of success and are likely to provide long-term economic benefits to the community. The board shall give priority to applications from communities with high unemployment rates or high rates of timber unemployment. The criteria shall include: (a) A minimum amount of local participation, determined by the board per application, to verify community support for the project; (b) an analysis that establishes the project is feasible using standard economic principles; and (c) an explanation from the applicant regarding how the project is consistent with the communities' economic strategy and goals.

(3) A method of evaluating the impact of the loans or grants on the economy of the community and whether the loans or grants achieved their purpose. The board shall provide to the legislative fiscal committees a report by January 15, 1995, and January 15, 1996, identifying by county the economic growth and/or economic diversification attributable to the loan and grant awards authorized by this section and section 4 of this act and RCW 43.160.076.

This section shall expire July 1, 1995.

Sec. 7. RCW 43.160.080 and 1987 c 422 s 6 are each amended to read as follows:

INFRASTRUCTURE--CERB--REVOLVING LOAN FUND REPAYMENTS.

There shall be a fund known as the public facilities construction loan revolving fund, which shall consist of all moneys collected under this chapter, except moneys of the board collected in connection with the issuance of industrial development revenue bonds, and any moneys appropriated to it by law: PROVIDED, That seventy-five percent of all principal and interest payments on loans made with the proceeds deposited in the fund under section 901, chapter 57, Laws of 1983 1st ex. sess. shall be deposited in the general fund as reimbursement for debt service payments on the bonds authorized in RCW 43.83.184. The state treasurer shall be custodian of the revolving fund. Disbursements from the revolving fund shall be on authorization of the board. In order to maintain an effective expenditure and revenue control, the public facilities construction loan revolving fund shall be subject in all respects to chapter 43.88 RCW(~~but no appropriation is required to permit expenditures and payment of obligations from the fund~~).

Moneys in this fund not needed to meet the current expenses and obligations of the board shall be invested in the manner authorized for moneys in revolving funds. Any interest earned shall be deposited in this fund and shall be used for the purposes specified in this chapter. The state treasurer shall render reports to the board advising of the status of any funds invested, the market value of the assets as of the date the statement is rendered, and the income received from the investments during the period covered by the report.

NEW SECTION. Sec. 8. A new section is added to chapter 43.31 RCW to read as follows:

INCREASING EXPORTS FROM TIMBER-DEPENDENT COMMUNITIES.

(1) Marketing is a vital element in expanding the economies of timber-

dependent communities. The export of products produced in timber-dependent areas contributes substantial economic benefits to these communities, including an increase in jobs and an increase in tax revenues to the state and local governments.

(2)(a) Subject to funding for this subsection, the department shall contract with the small business export finance assistance center, created in chapter 43.210 RCW, to assist businesses in timber-dependent communities obtain financing for the export of their products. The department shall assist the small business export finance assistance center to ensure the services available under this subsection are understood and accessible in timber-dependent communities.

(b) Subject to funding for the necessary reserve funds, the Washington economic development finance authority, created in chapter 43.163 RCW, shall provide financing for export transactions where the product being exported is produced in timber-dependent communities.

(3) The department may make rules that are necessary to carry out this section and to coordinate the services described in this section and to prioritize the services based on greatest negative impact from the harvest reductions.

(4) For purposes of this section, the definition of "timber-dependent community" is the same as RCW 43.160.020.

NEW SECTION. Sec. 9. A new section is added to chapter 43.06 RCW to read as follows:

COORDINATION OF STATE AND LOCAL SERVICES. (1) The governor, or the governor's designee, shall coordinate state noneconomic development related assistance provided to timber-dependent communities to ensure state services are delivered effectively and efficiently and coordinated locally with minimal duplication and maximum local access.

(2) Associate development organizations located in timber-dependent communities shall assist the governor in coordinating the delivery of state economic development related services locally. The associate development organization, as the primary local coordinating organization for state and local economic development services, shall provide resource and referral services to ensure state and local economic development services are delivered effectively and efficiently with minimal duplication and maximum local access.

Sec. 10. RCW 43.17.065 and 1990 1st ex.s. c 17 s 77 are each amended to read as follows:

EXPEDITING PERMITS IN TIMBER-DEPENDENT COMMUNITIES.

(1) Where power is vested in a department to issue permits, licenses, certifications, contracts, grants, or otherwise authorize action on the part of individuals, businesses, local governments, or public or private organizations, such power shall be exercised in an expeditious manner. All departments with such power shall cooperate with officials of the business assistance center of the department of trade and economic development, and any other state officials, when such officials request timely action on the part of the issuing department.

(2)(a) The legislature finds that timber-dependent communities and distressed counties, as defined in RCW 43.160.020, are located predominately in areas characterized by little or no growth. These areas impact the environment less than areas of high growth. These timber-dependent communities and distressed counties need sites for industrial and economic development with infrastructure in place as soon as possible to help revitalize their local economies.

(b) Any state agency in which subsection (1) of this section applies shall adopt, by August 1, 1991, an expedited process for the fast and efficient processing of any permits or other actions that are necessary for economic development in timber-dependent communities and distressed counties.

Sec. 11. RCW 53.36.030 and 1990 c 254 s 1 are each amended to read as follows:

(A) (1)(a) Except as provided in (b) of this subsection, a port district may at any time contract indebtedness or borrow money for district purposes and may issue general obligation bonds therefor not exceeding an amount, together with any existing indebtedness of the district not authorized by the voters, of one-fourth of one percent of the value of the taxable property in the district(=and=).

(b) Port districts having both a comprehensive scheme of harbor improvements and industrial developments or amendments thereto and a long-term finance plan that have been filed with the department of community development and having less than eight hundred million dollars in value of taxable property may at anytime contract indebtedness or borrow money for district purposes, and may issue general obligation bonds therefor not exceeding an amount, combined with existing indebtedness of the district not authorized by the voters, of three-eighths of one percent of the value of the taxable property in the district.

(2) With the assent of three-fifths of the voters voting thereon at a general or special port election called for that purpose, a port district may contract indebtedness or borrow money for district purposes and may issue general obligation bonds therefor provided the total indebtedness of the district at any such time shall not exceed three-fourths of one percent of the value of the taxable property in the district(= PROVIDED FURTHER, That).

(3) In addition to the indebtedness authorized under subsections (1) and (2) of this section, port districts having less than two hundred million dollars in value of taxable property and operating a municipal airport may at any time contract indebtedness or borrow money for airport capital improvement purposes and may issue general obligation bonds therefor not exceeding an additional one-eighth of one percent of the value of the taxable property in the district without authorization by the voters; and, with the assent of three-fifths of the voters voting thereon at a general or special port election called for that purpose, may contract indebtedness or borrow money for airport capital improvement purposes and may issue general obligation bonds therefor for an additional three-eighths of one percent provided the total indebtedness of the district for all port purposes at any such time shall not exceed one and one-fourth percent of the value of the taxable property in the district.

(4) Any port district may issue general district bonds evidencing any indebtedness, payable at any time not exceeding fifty years from the date of the bonds. Such bonds shall be issued and sold in accordance with chapter 39.46 RCW.

(5) Elections required under this section shall be held as provided in RCW 39.36.050.

(6) For the purpose of this section, "indebtedness of the district" shall not include any debt of a county-wide district with a population less than twenty-five hundred people when the debt is secured by a mortgage on property leased to the federal government; and the term "value of the taxable property" shall have the meaning set forth in RCW 39.36.015.

(Such bonds shall be issued and sold in accordance with chapter 39.46 RCW.)

NEW SECTION. Sec. 12. TITLE. This act may be referred to as "the omnibus timber community assistance act."

NEW SECTION. Sec. 13. SECTION HEADINGS ARE NOT LAW. Section headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

The President declared the question before the Senate to be the motion by Senator Snyder to not adopt the Committee on Commerce and Labor striking amendment to Engrossed Substitute House Bill No. 1341.

The motion by Senator Snyder carried and the Committee on Commerce and Labor striking amendment was not adopted.

MOTION

Senator Owen moved that the following amendment by Senators Owen, Snyder, Conner, Amondson, McDonald, Matson and McMullen be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) Cutbacks in allowable sales of old growth timber in Washington state pose a substantial threat to the region and the state with massive layoffs, loss of personal income, and declines in state revenues;

(2) The timber-impacted communities are of critical significance to the state because of their leading role in the overall economic well-being of the state and their importance to the quality of life to all residents of Washington, and that this region requires a special state effort to diversify the local economy;

(3) There are key opportunities to broaden the economic base in the timber-impacted communities including agriculture, high-technology, tourism, and regional exports; and

(4) A coordinated state, local, and private sector effort offers the greatest potential to promote economic diversification and to provide support for new projects within the region.

The legislature further finds that if a special state effort does not take place the decline in allowable timber sales may result in a loss of six thousand logging and milling jobs; two hundred million dollars in direct wages and benefits; twelve thousand indirect jobs; and three hundred million dollars in indirect wages and benefits.

It is the intent of the legislature to develop comprehensive programs to provide diversified economic development and promote job creation and employment opportunities for the citizens of the timber-impacted communities.

NEW SECTION. Sec. 2. For the purposes of sections 1 through 13 of this act:

(1) "Department" means the department of trade and economic development;

(2) "Board" means the economic recovery coordination board;

(3) "Timber impact area" means a county or city or town located within a county meeting two of the following three criteria for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct lumber and wood products job loss of one hundred positions or more; or (c) an annual unemployment rate twenty percent above the state average.

(4) "Forest products worker" means any worker whose dislocation results from the reduction of forest fibre enhancement, transportation, or production. The Washington employment security department shall certify as to whether or not an individual works in an industry that meets this definition. It shall include workers employed in industries defined by SIC codes 24 and 26 and those who are involved in the harvesting and management of logs, transportation of logs and wood products, and processing of wood products, as well as the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting these definitions.

NEW SECTION. Sec. 3. (1) The governor shall appoint a timber recovery coordinator. The coordinator shall coordinate the state's economic and social programs

targeted to timber-dependent communities and the state's interests in federal land management and regulatory issues.

The governor shall appoint a social services subcoordinator at the department of social and health services. The subcoordinator shall be responsible for coordinating and improving all dislocated worker and family assistance programs directed to timber or rural communities.

The governor shall appoint an economic development subcoordinator at the department of trade and economic development to coordinate all community and economic development programs directed towards timber-dependent or rural communities.

(2) The coordinator's responsibilities shall include but not be limited to:

(a) Serve as executive secretary of the economic recovery coordination board and direct staff associated with the board.

(b) Chair the agency timber task force and direct staff associated with the task force.

(c) Ensure that state programs directed to timber-dependent communities are effective and meet the intent of the legislature.

(d) Coordinate the state's position and response to federal land management and regulatory issues affecting timber and other rural communities.

(e) Respond to the needs and concerns of citizens at the local level.

(f) Develop a strategic plan for the economic recovery of timber communities.

(g) Provide recommendations and technical assistance on proposals for the diversification of timber-dependent communities.

(h) Provide recommendations to the governor, the legislature, and congress on land management and economic and regulatory policies that impact timber-dependent communities.

(i) Recommend to the legislature any changes or improvements in existing programs designed to benefit timber communities.

(j) Coordinate the social service timber task forces administered by the department of social and health services in cooperation with county governments.

(k) Coordinate the associate development organizations in timber-dependent counties.

(l) Report to the legislature on the progress of the economic recovery of timber communities in January 1992 to evaluate the success of the program.

(3) The coordinator may determine that other economic situations affecting other communities, not involving timber recovery, are adversely affecting the state's economy and may exercise all of the coordinator's powers to promote economic recovery in such areas.

(4) This section shall expire June 30, 1993.

NEW SECTION. Sec. 4. (1) There is established the agency timber task force. The task force shall be chaired by the timber recovery coordinator, who shall be responsible for all activities of the task force and who shall have executive authority over all agencies represented in the task force with regard to programs created in this act. The task force shall consist of the directors, or representatives of the directors, of the following agencies: The department of trade and economic development, department of community development, employment security department, department of social and health services, state board for community college education, state board for vocational education, or its replacement entity, department of natural resources, department of transportation, state energy office, department of wildlife, and department of ecology. The task force shall consult and enlist the assistance of the following: The higher education coordinating board, University of Washington school of forestry, Washington State University school of forestry, Northwest policy center, superintendent of public instruction, Washington association of counties, and rural development

council. It shall be the responsibility of the coordinator that all directives of this act are carried out expeditiously by the agencies represented in the task force.

(2) The agency timber task force shall be responsible for coordinating all programs oriented towards economic and social development of timber communities as well as directing a joint state response to all federal land management and regulatory actions. The functions of the board shall include but not be limited to:

(a) With the assistance of the Northwest policy center at the University of Washington, develop a strategic plan for the economic recovery of timber communities;

(b) Reviewing and approving all proposals, work plans, and expenditures for economic and social programs targeted to rural and timber communities. No expenditures for such programs can be made without review by the agency timber task force; and

(c) Coordinate, review, and encourage all general social and economic development programs that could affect timber communities.

(3) This section shall expire June 30, 1993.

NEW SECTION. Sec. 5. The Northwest policy center at the University of Washington shall design an evaluation mechanism for all timber community programs and undertake an evaluation of each program's effectiveness by November 1, 1993.

NEW SECTION. Sec. 6. (1) There is established the economic recovery coordination board consisting of one representative, appointed by the governor, from each timber impact area economic development council. The timber recovery coordinator and the two subcoordinators shall be members of the board. Each timber impact area economic development council shall submit the names of three nominees representing different interests to the governor. Within sixty days after the effective date of this section, the governor shall select one nominee from each economic development council list. The governor's appointments shall have representation from representatives of local businesses, labor organizations, local governments, visitor and convention bureaus, local educational institutions, local associate development organizations, the agribusiness community, and local ports. In making the appointments, the governor shall endeavor to ensure that the appointees have experience in local diversification efforts. Vacancies shall be filled in the same manner as the original appointment.

The board shall advise the timber recovery coordinator and the agency timber task force on issues relating to timber community economic and social development, and review and provide recommendations on proposals for the diversification of the timber-impacted areas presented to it by the timber recovery coordinator.

The board shall appoint members to local recovery advisory committees in each timber impact area. In making the appointments the board shall endeavor to recruit members of the community with expertise in areas needed to create a revitalized economy. The advisory committee shall assist the recovery board with review and recommendations.

Members of the board and committees shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(2) The board may determine that other economic situations affecting other communities, not involving timber recovery, are adversely affecting the state's economy and may exercise all of the board's powers to promote economic recovery in such areas.

(3) This section shall expire June 30, 1993.

NEW SECTION. Sec. 7. The department of trade and economic development shall begin implementation of economic diversification programs.

In carrying out these programs, the department, in consultation with the economic recovery coordination board, shall determine which objectives are most likely to lead to economic recovery and diversification. Consideration shall be given to potential jobs and income benefits, generation of additional fiscal support, increased

private sector participation, and market forces supporting the proposed objectives. The department shall employ an economic development subcoordinator appointed by the governor under section 3 of this act who will coordinate with the economic recovery board. The board shall consider such studies and governmental agencies which could support the priority goals determined under this section.

NEW SECTION. Sec. 8. The economic development subcoordinator shall facilitate the department's activities within the timber-impacted regions. The subcoordinator's responsibilities shall include but not be limited to:

(1) Coordinating the activities of the department and the department of community development in timber-impacted areas;

(2) Seeking to increase the use of existing state economic development programs in the timber-impacted regions;

(3) Helping to locate additional funds to be used for diversification and recovery activities;

(4) Seeking advice and recommendations from the board on activities within the priority areas;

(5) Coordinating evaluation of state programs in the region;

(6) Seeking to increase the effectiveness of existing efforts to incubate new enterprises in the timber-impacted areas and to increase the resources devoted to the incubation of new enterprises;

(7) Facilitating a new technology and research base in the region for local businesses, including efforts to increase: The availability and accessibility of venture capital in the timber-impacted areas, especially for the early stages of enterprise development and for the expansion of existing enterprises, the accessibility of legal expertise, especially in regard to licenses and patents, and the identification of and assistance to entrepreneurs with expertise in managing new product development; and

(8) Increasing the availability and coordination of resources devoted to the expansion, development, and modernization of enterprises in existing promising growth areas of the timber-impacted regional economy such as the industrial applications of advanced technology and recreational development.

NEW SECTION. Sec. 9. The department shall contract with local bodies to develop various programs to promote diversification, such as regional exporting, waterfront tourism, job retention, small business marketing and training, small business incubators, investment opportunities, and securing federal contracts. The department, after consultation with the board, shall establish guidelines for the awarding of contracts under this section.

NEW SECTION. Sec. 10. The department, in consultation with the board, shall:

(1) Gather, analyze, and disseminate information about the competitiveness of the wood products industry in this state and make that information available to the wood products industry, state government, and the general public.

(2) Encourage cooperation among wood products firms through the formation of business networks to develop solutions to technology and product development problems, acquire and disseminate marketing information, promote and market wood products of this state, and address other common industry problems.

(3) Receive assistance from the board in the department's efforts to increase the competitiveness of the industry and increase the production of value-added products by providing grants for feasibility studies and product research and development. The grants under this subsection shall:

(a) Be of general benefit to the industry rather than intended to benefit a specific firm;

(b) Be for such activities as identifying options, assessing markets, evaluating business and financial risks, addressing production issues, and assessing new technologies; and

(c) Be less than thirty-five thousand dollars unless seventy-five percent of the agency timber task force authorizes up to fifty thousand dollars.

(4) Work with state agencies, wood products firms, wood products industry associations, and institutions of higher education in this state to assure close coordination of all efforts to improve the competitiveness of the wood products industry in this state.

(5) Report periodically to the governor, the legislature, the wood products industry, and the general public on the competitive position of the wood products industry in this state, and make such recommendations as the department determines appropriate for public or private actions needed to improve the competitiveness of the wood products industry in this state.

In pursuing efforts to stimulate the growth of timber enterprises and to strengthen the timber economy, the state should identify opportunities to learn from and/or work with other states and provinces. A regional working session on value-added timber products, jointly sponsored by the Pacific Northwest economic region and the Northwest policy center, shall be held in 1991. Washington state and its appropriate agencies are encouraged to participate in this working session.

NEW SECTION. Sec. 11. (1) The department shall develop an implementation plan for a forest products development center to be located in Forks, Washington, as a model public/private manufacturing partnership. The center plan shall determine methods to:

(a) Improve the technology in the timber industry by improving production methods and equipment to become more competitive;

(b) Work with private industry to improve the infrastructure to finance the capital expenditures necessary for public facilities such as roads and utilities;

(c) Train new production workers to be more sophisticated production workers by offering training opportunities allowing workers to adapt to a changing workplace;

(d) Provide updated knowledge of the consumer and industry trends around the world to identify markets; and

(e) Serve as a model to demonstrate environmental compliance techniques allowing efficient, profitable production to be sustained at all times.

(2) This plan shall be submitted to the legislature by July 1, 1992.

NEW SECTION. Sec. 12. The department, in consultation with the board, shall conduct long-range policy planning surveys to determine the best options and alternative economic programs for long-term development in the timber-impacted counties of the state of Washington. These surveys are to include:

(1) A survey of the feasibility of developing telecommuting businesses;

(2) A growers' marketing cooperative for alternative forest products;

(3) Strengthening the business assistance center concept in the timber-impacted areas to insure expanding and new businesses will be able to have all inquiries answered at one governmental agency;

(4) A survey and recommendation by the department to develop small business relocation grants to encourage the influx of new business to the timber-impacted counties;

(5) Expansion of the Washington market place program including: The development of a wood products manufacturers network to encourage cooperative product marketing and expanded export assistance;

(6) The department and the board shall conduct a survey to determine the actual future employment needs and jobs skills in the timber-impacted areas.

The Washington state air transportation commission shall conduct a study of the possibility of locating an airport facility designed to relieve air traffic overflow from Seattle-Tacoma international airport in Grays Harbor county.

The commission shall consider airport facilities currently in use in Grays Harbor county, the property set aside at the uncompleted Satsop nuclear site, the distance from

operating port facilities, the desires of the community, and linkage with the Interstate 5 corridor by rapid transit rail service.

NEW SECTION. Sec. 13. (1) Through an interagency agreement with the department, the employment security department shall provide enhanced retraining, support services, and job search assistance, including an out-of-area job search and relocation component, if needed, for dislocated workers in the timber-impacted areas. For the purpose of this section "dislocated workers" means workers in the timber-impacted areas who (a) have been terminated or laid off, or received a notice of termination or layoff from employment and are eligible for or have exhausted their entitlement to benefits under Title 50 RCW; (b) have been terminated as a result of any permanent plant closure; (c) are long-term unemployed and are unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for their skills in that occupation or industry; or (d) are farmers or other self-employed individuals who have been displaced due to economic conditions or natural disasters. Training and retraining assistance shall be designed to contribute to the diversification of the economy of the timber-impacted areas or to relieve economic dislocation and distress in the timber-impacted areas resulting from the sudden and severe loss of local sources of employment.

(2) The employment security department shall consult with and may subcontract with local educational institutions, local businesses, local labor organizations, local associate development organizations, local private industry councils, local social service organizations, and local governments in carrying out this program of training and services for dislocated workers in the timber-impacted areas.

(3) Training and retraining assistance provided under sections 1 through 13 of this act should include but need not be limited to the following areas: Entrepreneurial development and training; short-term job creation; training in the incubation of new business enterprises and training at incubator facilities; agriculture, agricultural processing, and agricultural services; the industrial applications of advanced technology; recreational and tourism development; and training through the self-employment and enterprise development (SEED) program. The department of social and health services shall help families and workers make the transition through economic difficulties and provide workers with marketable skills. Funding shall be coordinated through the board which will establish a fund to provide child care assistance, mortgage assistance, and counseling which cannot be met through current programs.

(4) Such services shall be either direct or referral services to the unemployed, and should include, but need not be limited to: Credit counseling; social services including marital counseling; psychotherapy or psychological counseling; mortgage foreclosures and utilities problems counseling; drug and alcohol abuse services; medical services; and residential heating and food acquisition.

(5) The employment security department shall coordinate the services provided in this section with all other services provided by the department and with the other economic recovery efforts undertaken by state and local government agencies on behalf of the timber-impacted areas.

(6) Subcontractors shall conduct outreach efforts to encourage the unemployed to seek assistance.

(7) The department shall make every effort to procure additional federal and other moneys for the efforts enumerated in this section.

NEW SECTION. Sec. 14. A new section is added to chapter 43.20A RCW to read as follows:

The department of social and health services shall employ a social services subcoordinator appointed by the governor under section 3 of this act. The social services subcoordinator shall facilitate the department's activities within timber-impacted regions and coordinate social programs with the employment security

department, the state board for vocational education, the state board for community college education, and the department of social and health services.

NEW SECTION. Sec. 15. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 16 through 20 of this act:

(1) "Department" means the employment security department.

(2) "Dislocated workers" means workers in the timber-impacted areas who (a) have been terminated or laid off, or received a notice of termination or layoff from employment and are eligible for or have exhausted their entitlement to benefits under Title 50 RCW; (b) have been terminated as a result of any permanent plant closure; (c) are long-term unemployed and are unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for their skills in that occupation or industry; or (d) are farmers or other self-employed individuals who have been displaced due to economic conditions or natural disasters.

(3) "Timber impact area" means a county or city or town located within a county meeting two of the following three criteria for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct lumber and wood products job loss of one hundred positions or more; or (c) an annual unemployment rate twenty percent above the state average.

(4) "Program" or "counter-cyclical program" means the program for dislocated workers administered by the employment security department in conjunction with the department of natural resources.

(5) "Enrollee" means any person enrolled in the counter-cyclical program.

NEW SECTION. Sec. 16. (1) The counter-cyclical program for dislocated workers is established in the department. The program shall provide forest-related employment and job retraining assistance to unemployed dislocated workers residing in timber impact areas. The department shall notify dislocated workers receiving unemployment benefits, or who have exhausted unemployment benefits of their eligibility for the program.

(2) The department of natural resources shall employ candidates for the counter-cyclical program from a pool of eligible dislocated workers developed by the department.

NEW SECTION. Sec. 17. The department shall contract with the department of natural resources to provide employment opportunities for not less than two hundred eligible enrollees. Employment opportunities under the counter-cyclical program shall consist of activities that improve the value of state lands and waters managed by the department of natural resources. These activities may include, but are not limited to, thinning and precommercial thinning, pruning, slash removal, reforestation, fire suppression, trail maintenance, maintenance of recreational facilities, dike repair, development and maintenance of tourist facilities, stream enhancement.

NEW SECTION. Sec. 18. Enrollees in the counter-cyclical program shall receive medical and dental benefits as provided under chapter 41.05 RCW, but are exempt from the provisions of chapter 41.06 RCW. Compensation for the counter-cyclical program shall be at least nine dollars per hour of employment. Employees shall not work more than thirty-two hours each week in this program and must agree to participate in the career orientation program established in this chapter, under the department. Participation in the counter-cyclical program is limited to six months. Employment under the program shall not result in the displacement or partial displacement of currently employed workers. This includes, but is not limited to, state employees or currently or normally contracted service employees.

NEW SECTION. Sec. 19. The department shall develop a career orientation program for enrollees in the counter-cyclical program. The department shall provide at least eight hours of career counseling each week for enrollees in this program. The career orientation program shall include, but is not limited to, counseling on

employment options and assistance in accessing retraining programs, and assistance in accessing social service programs.

NEW SECTION. Sec. 20. The department of natural resources shall provide compensation for enrollees in this program as provided under section 18 of this act.

NEW SECTION. Sec. 21. A new section is added to chapter 50.22 RCW to read as follows:

A program to provide training and extended benefits for unemployed forest products workers is established. The program shall begin on the third Sunday after the effective date of this section. The program shall provide that:

(1) To be eligible for the program, a person must:

(a) Be a worker who resides or works in a timber-impacted area defined in section 2 of this act or a forest products worker defined in section 2 of this act residing or working anywhere in the state who (i) has been terminated or laid off, or received a notice of termination or layoff from employment and is eligible for or has exhausted his or her entitlement to benefits under Title 50 RCW; (ii) has been terminated as a result of any permanent plant closure; (iii) is long-term unemployed and is unlikely to return to employment in his or her principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (iv) is a farmer or other self-employed individual who has been displaced due to economic conditions or natural disasters; and

(b) Have six hundred eighty hours of employment in four of the last five completed calendar quarters prior to his or her application for unemployment compensation benefits.

(2) The department shall notify potentially eligible persons who apply for unemployment compensation benefits of the provisions of this section.

(3) Eligible persons shall develop individual training plans and submit the plans to the commissioner for approval.

(4) If a training plan is approved by the commissioner within the first twenty-four weeks of a person's unemployment compensation claim or within twenty-four weeks of the effective date of this section, whichever is later, the person shall be eligible for extended benefits under subsection (5) of this section and for tuition waivers under section 22 of this act.

(5) Persons eligible under subsections (1) and (4) of this section who are either enrolled in a training course that has been approved by the commissioner or have applied to and are waiting for admission into an approved training course are eligible for extended benefits for an additional twenty-six weeks. Total unemployment compensation benefits may not exceed fifty-two times the eligible person's weekly benefit amount reduced by other state or federal unemployment benefits available for the same weeks of unemployment.

(6) Benefits paid pursuant to this section shall be paid under the same terms and conditions as extended benefits and shall not be charged to the experience rating accounts of individual employers.

(7) The commissioner shall adopt rules as necessary to implement this section.

NEW SECTION. Sec. 22. A new section is added to chapter 28B.15 RCW to read as follows:

Unemployed dislocated forest workers eligible for benefits under section 21 of this act who comply with all requirements for admittance shall be admitted to and may attend any public four-year institution of higher education, community college, or vocational-technical institution that has space available without paying tuition and service and activity fees for courses approved by the commissioner of employment security under section 21 of this act. A tuition waiver is limited to a maximum of six academic quarters, four semesters, or the equivalent of two academic years of full-time study.

This section shall expire on June 30, 1996.

Sec. 23. RCW 28B.15.740 and 1989 c 340 s 2 are each amended to read as follows:

(1) The boards of trustees or regents of each of the state's regional universities, The Evergreen State College, or state universities, and the various community colleges, consistent with regulations and procedures established by the state board for community college education, may waive, in whole or in part, tuition and services and activities fees subject to the limitations set forth in subsections (2) and (3) of this section.

(2) Except as provided in subsection (3) of this section, the total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, shall not exceed four percent, and for the community colleges considered as a whole, such amount shall not exceed three percent of an amount determined by estimating the total collections from tuition and services and activities fees had no such waivers been made and deducting the portion of that total amount which is attributable to the difference between resident and nonresident fees: PROVIDED, That at least three-fourths of the dollars waived shall be for needy students who are eligible for resident tuition and fee rates pursuant to RCW 28B.15.012 through 28B.15.015: PROVIDED FURTHER, That the remainder of the dollars waived, not to exceed one-fourth of the total, may be applied to other students at the discretion of the board of trustees or regents, except on the basis of participation in intercollegiate athletic programs: PROVIDED FURTHER, That the waivers for undergraduate and graduate students of foreign nations under RCW 28B.15.556 and the waivers under section 22 of this act for unemployed forest products workers or workers who reside in timber-impacted areas defined in section 2 of this act are not subject to the limitation under this section.

(3) In addition to the tuition and fee waivers provided in subsection (2) of this section and subject to the provisions of RCW 28B.15.455 and 28B.15.460, a total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, not to exceed one percent, as calculated in subsection (2) of this section, may be used for the purpose of achieving or maintaining gender equity in intercollegiate athletic programs. At any institution that has an underrepresented gender class in intercollegiate athletics, any such waivers shall be awarded:

(a) First, to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; and

(b) Second, (i) to nonmembers of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for members of the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; or (ii) to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers do not result in any saved or displaced money that can be used for athletic programs for members of the underrepresented gender class.

Sec. 24. RCW 70.47.010 and 1987 1st ex.s. c 5 s 3 are each amended to read as follows:

(1) The legislature finds that:

(a) A significant percentage of the population of this state does not have reasonably available insurance or other coverage of the costs of necessary basic health care services;

(b) This lack of basic health care coverage is detrimental to the health of the individuals lacking coverage and to the public welfare, and results in substantial expenditures for emergency and remedial health care, often at the expense of health

care providers, health care facilities, and all purchasers of health care, including the state; and

(c) The use of managed health care systems has significant potential to reduce the growth of health care costs incurred by the people of this state generally, and by low-income pregnant women who are an especially vulnerable population, along with their children, and who need greater access to managed health care.

(2) The purpose of this chapter is to provide necessary basic health care services in an appropriate setting to working persons and others who lack coverage, at a cost to these persons that does not create barriers to the utilization of necessary health care services. To that end, this chapter establishes a program to be made available to those residents under sixty-five years of age not otherwise eligible for medicare with gross family income at or below two hundred percent of the federal poverty guidelines or a dislocated worker as defined in RCW 70.47.020 who share in the cost of receiving basic health care services from a managed health care system.

(3) It is not the intent of this chapter to provide health care services for those persons who are presently covered through private employer-based health plans, nor to replace employer-based health plans. Further, it is the intent of the legislature to expand, wherever possible, the availability of private health care coverage and to discourage the decline of employer-based coverage.

(4) The program authorized under this chapter is strictly limited in respect to the total number of individuals who may be allowed to participate and the specific areas within the state where it may be established. All such restrictions or limitations shall remain in full force and effect until quantifiable evidence based upon the actual operation of the program, including detailed cost benefit analysis, has been presented to the legislature and the legislature, by specific act at that time, may then modify such limitations.

Sec. 25. RCW 70.47.020 and 1987 1st ex.s. c 5 s 4 are each amended to read as follows:

As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator.

(3) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system.

(4) "Enrollee" means an individual, or an individual plus the individual's spouse and/or dependent children, all under the age of sixty-five and not otherwise eligible for medicare, who resides in an area of the state served by a managed health care system participating in the plan, whose gross family income at the time of enrollment does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services, or a dislocated worker as defined in this section who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan.

(5) "Subsidy" means the difference between the amount of periodic payment the administrator makes, from funds appropriated from the basic health plan trust account, to a managed health care system on behalf of an enrollee and the amount determined to be the enrollee's responsibility under RCW 70.47.060(2).

(6) "Premium" means a periodic payment, based upon gross family income and determined under RCW 70.47.060(2), which an enrollee makes to the plan as consideration for enrollment in the plan.

(7) "Rate" means the per capita amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of enrollees in the plan and in that system.

(8) "Dislocated workers" means workers in timber-impacted areas who (a) have been terminated or laid off, or received a notice of termination or layoff from employment and are eligible for or have exhausted their entitlement to benefits under Title 50 RCW; (b) have been terminated as a result of any permanent plant closure; (c) are long-term unemployed and are unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for their skills in that occupation or industry; or (d) are farmers or other self-employed individuals who have been displaced due to economic conditions or natural disasters.

Sec. 26. RCW 70.47.060 and 1991 c 3 s 339 are each amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, and other services that may be necessary for basic health care, which enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care, shall include all services necessary for prenatal, postnatal, and well-child care, and shall include a separate schedule of basic health care services for children, eighteen years of age and younger, for those enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the administrator deems appropriate.

(2) To design and implement a structure of periodic premiums due the administrator from enrollees that is based upon gross family income, giving appropriate consideration to family size as well as the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan.

(3) To design and implement a structure of nominal copayments due a managed health care system from enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(4) To design and implement, in concert with a sufficient number of potential providers in a discrete area, an enrollee financial participation structure, separate from that otherwise established under this chapter, that has the following characteristics:

(a) Nominal premiums that are based upon ability to pay, but not set at a level that would discourage enrollment;

(b) A modified fee-for-services payment schedule for providers;

(c) Coinsurance rates that are established based on specific service and procedure costs and the enrollee's ability to pay for the care. However, coinsurance rates for families with incomes below one hundred twenty percent of the federal poverty level shall be nominal. No coinsurance shall be required for specific proven prevention programs, such as prenatal care. The coinsurance rate levels shall not have a measurable negative effect upon the enrollee's health status; and

(d) A case management system that fosters a provider-enrollee relationship whereby, in an effort to control cost, maintain or improve the health status of the enrollee, and maximize patient involvement in her or his health care decision-making

process, every effort is made by the provider to inform the enrollee of the cost of the specific services and procedures and related health benefits.

The potential financial liability of the plan to any such providers shall not exceed in the aggregate an amount greater than that which might otherwise have been incurred by the plan on the basis of the number of enrollees multiplied by the average of the prepaid capitated rates negotiated with participating managed health care systems under RCW 70.47.100 and reduced by any sums charged enrollees on the basis of the coinsurance rates that are established under this subsection.

(5) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists.

(6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080.

In the selection of any area of the state for the initial operation of the plan, the administrator shall take into account the levels and rates of unemployment in different areas of the state, the need to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks such coverage, and the need for geographic, demographic, and economic diversity.

Before July 1, 1988, the administrator shall endeavor to secure participation contracts with managed health care systems in discrete geographic areas within at least five congressional districts.

(7) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state.

(8) To receive periodic premiums from enrollees and employers, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(9) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least annually thereafter, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums or status as a dislocated worker. An enrollee who remains current in payment of the sliding-scale premium, as determined under subsection (2) of this section, and whose gross family income has risen above twice the federal poverty level or whose status as a dislocated worker has changed, may continue enrollment unless and until the enrollee's gross family income has remained above twice the poverty level for six consecutive months, by making payment at the unsubsidized rate required for the managed health care system in which he or she may be enrolled. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level, who is a dislocated worker, or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or

requirements that are applicable to such individuals before they will be allowed to re-enroll in the plan.

(10) To require that prospective enrollees who may be eligible for categorically needy medical coverage under RCW 74.09.510 or whose income does not exceed the medically needy income level under RCW 74.09.700 apply for such coverage, but the administrator shall enroll the individuals in the plan pending the determination of eligibility under chapter 74.09 RCW.

(11) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

(12) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the administrator. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

(13) To monitor the access that state residents have to adequate and necessary health care services, determine the extent of any unmet needs for such services or lack of access that may exist from time to time, and make such reports and recommendations to the legislature as the administrator deems appropriate.

(14) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(15) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(16) To provide, consistent with available resources, technical assistance for rural health activities that endeavor to develop needed health care services in rural parts of the state.

Sec. 27. RCW 70.47.080 and 1987 1st ex.s. c 5 s 10 are each amended to read as follows:

On and after July 1, 1988, the administrator shall accept for enrollment applicants eligible to receive covered basic health care services from the respective managed health care systems which are then participating in the plan. The administrator shall not allow the total enrollment of those eligible for subsidies to exceed thirty thousand.

Thereafter, total enrollment shall not exceed the number established by the legislature in any act appropriating funds to the plan.

Before July 1, 1988, the administrator shall endeavor to secure participation contracts from managed health care systems in discrete geographic areas within at least five congressional districts of the state and in such manner as to allow residents of both urban and rural areas access to enrollment in the plan. The administrator shall make a special effort to secure agreements with health care providers in one such area that meets the requirements set forth in RCW 70.47.060(4).

The administrator shall at all times closely monitor growth patterns of enrollment so as not to exceed that consistent with the orderly development of the plan as a whole, in any area of the state or in any participating managed health care system.

This section shall not apply to those areas where there are enrollees designated as dislocated workers.

NEW SECTION. Sec. 28. (1) The Pacific Northwest export assistance project is hereby created for the following purposes:

(a) To assist small to medium-sized manufacturers relatively new to exporting with gross annual revenues less than twenty-five million dollars with comprehensive services for designing and managing introductory export strategies and in securing financing and credit guarantees for export transactions;

(b) To provide, in cooperation with the export promotion services offered by the department of trade and economic development and the Washington state department of agriculture, information and assistance to businesses with gross annual revenues less than twenty-five million dollars about the methods and procedures of structuring company specific export financing and credit guarantee alternatives; or

(c) To provide information to their clients about opportunities in organizing cooperative export networks, foreign sales corporations, or export trading companies under the United States export trading company act of 1982, for the purpose of increasing their comparative sales volume and ability to export their products to foreign markets.

(2) The Pacific Northwest export assistance project is a separate branch of the small business export finance assistance center for accounting and auditing purposes.

(3) The Pacific Northwest export assistance project is subject to the authority of the small business export finance assistance center, under RCW 43.210.020, and shall be governed and managed by the board of directors, under RCW 43.210.030.

NEW SECTION. Sec. 29. (1) The small business export finance assistance center has the following powers and duties when exercising its authority under section 28(3) of this act:

(a) Solicit and accept grants, contributions, and any other financial assistance from the federal government, federal agencies, and any other public or private sources to carry out its purposes;

(b) Offer comprehensive export assistance and counseling to manufacturers relatively new to exporting with gross annual revenues less than twenty-five million dollars. As close to ninety percent as possible of each year's new cadre of clients must have gross annual revenues of less than five million dollars at the time of their initial contract. Counseling may include, but not be limited to, helping clients obtain debt or equity financing, in constructing competent proposals, and assessing federal guarantee and/or insurance programs that underwrite exporting risk; assisting clients in evaluating their international marketplace by developing marketing materials, assessing and selecting targeted markets; assisting firms in finding foreign customers by conducting foreign market research, evaluating distribution systems, selecting and assisting in identification of and/or negotiations with foreign agents, distributors, retailers, and by promoting products through attending trade shows abroad; advising companies on their products, guarantees, and after sales service requirements necessary to compete effectively in a foreign market; designing a competitive strategy for a firm's products in targeted markets and methods of minimizing their commercial and political risks; securing for clients specific assistance as needed, outside the center's field of expertise, by referrals to other public or private organizations. The Pacific Northwest export assistance project shall focus its efforts on facilitating export transactions for its clients, and in doing so, provide such technical services as are appropriate to accomplish its mission either with staff or outside consultants;

(c) Sign three-year counseling agreements with its clients that provide for termination if adequate funding for the Pacific Northwest export assistance project is

not provided in future appropriations. Counseling agreements shall not be renewed unless there are compelling reasons to do so, and under no circumstances shall they be renewed for more than two additional years. A counseling agreement may not be renewed more than once. The counseling agreements shall have mutual performance clauses, that if not met, will be grounds for releasing each party, without penalty, from the provisions of the agreement. Clients shall be immediately released from a counseling agreement with the Pacific Northwest export assistance project, without penalty, if a client wishes to switch to a private export management service and produces a valid contract signed with a private export management service, or if the president of the small business export finance assistance center determines there are compelling reasons to release a client from the provisions of the counseling agreement;

(d) May contract with private or public international trade education services to provide Pacific Northwest export assistance project clients with training in international business. The president and board of directors shall decide the amount of funding allocated for educational services based on the availability of resources in the operating budget of the budget of the Pacific Northwest export assistance project;

(e) May contract with the Washington state international trade fair to provide services for Pacific Northwest export assistance project clients to participate in one trade show annually. The president and board of directors shall decide the amount of funding allocated for trade fair assistance based on the availability of resources in the operating budget of the Pacific Northwest export assistance project;

(f) Provide biennial assessments of its performance. The Pacific Northwest export assistance project is an innovative program for the promotion of international trade. As such, the project personnel shall work with the department of revenue and employment security department to confidentially track the performance of the project's clients in increasing tax revenues to the state, increasing gross sales revenues and volume of products destined to foreign clients, and in creating new jobs for Washington citizens. A biennial report shall be prepared for the governor and legislature to assess the costs and benefits to the state from creating the project. The president of the small business export finance assistance center shall design an appropriate methodology for biennial assessments in consultation with the director of the department of trade and economic development and the director of the Washington state department of agriculture. The department of revenue and the employment security department shall provide data necessary to complete this biennial evaluation, if the data being requested is available from existing data bases. Client-specific information generated from the files of the department of revenue and the employment security department for the purposes of this evaluation shall be kept strictly confidential by each department and the small business export finance assistance center;

(g) Take whatever action may be necessary to accomplish the purposes set forth in sections 28 through 31 of this act; and

(h) Limit its assistance to promoting the exportation of value-added manufactured goods. The project shall not provide counseling or assistance, under any circumstances, for the importation of foreign made goods into the United States.

(2) The Pacific Northwest export assistance project shall not, under any circumstances, assume ownership or take title to the goods of its clients.

(3) The Pacific Northwest export assistance project may not use any Washington state funds which come from the public treasury of the state of Washington to make loans or to make any payment under a loan guarantee agreement. Under no circumstances may the center use any funds received under RCW 43.210.050 to make or assist in making any loan or to pay or assist in paying any amount under a loan guarantee agreement. Debts of the center shall be center debts only and may be satisfied only from the resources of the center. The state of Washington shall not in any way be liable for such debts.

(4) The Pacific Northwest export assistance project shall make every effort to seek nonstate funds to supplement its operations.

(5) The Pacific Northwest export assistance project shall take whatever steps are necessary to provide its services, if requested, to the states of Oregon, Idaho, Montana, Alaska, and the Canadian provinces of British Columbia and Alberta. Interstate services shall not be provided by the Pacific Northwest export assistance project during its first biennium of operation. The provision of services may be temporary and subject to the payment of fees, or each state may request permanent services contingent upon a level of permanent funding adequate for services provided. Temporary services and fees may be negotiated by the small business export finance assistance center's president subject to approval of the board of directors. The president of the small business export finance assistance center may enter into negotiations with neighboring states to contract for delivery of the project's services. Final contracts for providing the project's counseling and services outside of the state of Washington on a permanent basis shall be subject to approval of the governor, appropriate legislative oversight committees, and the small business export finance assistance center's board of directors.

(6) The small business export finance assistance center may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the Pacific Northwest export assistance project and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

(7) The president of the small business export finance assistance center, in consultation with the board of directors, may use the following formula in determining the number of clients that can be reasonably served by the Pacific Northwest export assistance project relative to its appropriation. Divide the amount appropriated for administration of the Pacific Northwest export assistance project by the marginal cost of adding each additional Pacific Northwest export assistance project client. For the purposes of this calculation, and only for the first biennium of operation, the biennial marginal cost of adding each additional Pacific Northwest export assistance project client shall be fifty-seven thousand ninety-five dollars. The biennial marginal cost of adding each additional client after the first biennium of operation shall be established from the actual operating experience of the Pacific Northwest export assistance project.

(8) All receipts from the Pacific Northwest export assistance project shall be deposited into the general fund.

NEW SECTION. Sec. 30. The department of trade and economic development shall adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of sections 28 through 31 of this act.

NEW SECTION. Sec. 31. The small business export finance assistance center fund is created in the custody of the state treasurer. Expenditures from the fund may be used only for the purposes of funding the services of the small business export finance assistance center and its projects under this chapter. Only the director of the department of trade and economic development or the director's designee may authorize expenditures from the fund. The director of the department of trade and economic development shall not withhold funds appropriated for the administration of the small business export finance assistance center and its projects, if the small business export finance assistance center complies with the provisions of its contract under RCW 43.210.050 and section 28 of this act. Funding appropriated by the state of Washington shall not be used to provide services to other states or provinces. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

Sec. 32. RCW 43.210.030 and 1985 c 231 s 3 are each amended to read as follows:

The small business export finance assistance center and its branches shall be governed and managed by a board of ~~((seventeen))~~ nineteen directors appointed by the governor and confirmed by the senate. The directors shall serve terms of six years except that two of the original directors shall serve for two years and two of the original directors shall serve for four years. The directors may provide for the payment of their expenses. The directors shall include a representative of a not-for-profit corporation formed for the purpose of facilitating economic development, at least two representatives of state financial institutions engaged in the financing of export transactions, a representative of a port district, and a representative of organized labor. Of the remaining board members, there shall be ~~((a representative of the governor,))~~ one representative of business from the area west of Puget Sound, one representative of business from the area east of Puget Sound and west of the Cascade range, one representative of business from the area east of the Cascade range and west of the Columbia river, ~~((and))~~ one representative of business from the area east of the Columbia river, the director of the department of trade and economic development, and the director of the department of agriculture. One of the directors shall be a representative of the public selected from the area in the state west of the Cascade mountain range and one director shall be a representative of the public selected from that area of the state east of the Cascade mountain range. One director shall be a representative of the public at large. The directors shall be broadly representative of geographic areas of the state, and the representatives of businesses shall represent at least four different industries in different sized businesses as follows: (a) One representative of a company employing fewer than one hundred persons; (b) one representative of a company employing between one hundred and five hundred persons; ~~((and))~~ (c) ~~((two))~~ one representative~~((s))~~ of ~~((companies))~~ a company employing more than five hundred persons; (d) one representative from an export management company; and (e) one representative from an agricultural or food processing company. Any vacancies on the board due to the expiration of a term or for any other reason shall be filled by appointment by the governor for the unexpired term.

Sec. 33. RCW 43.210.050 and 1985 c 466 s 64 and 1985 c 231 s 5 are each reenacted and amended to read as follows:

The small business export finance assistance center formed under RCW 43.210.020 and 43.210.030 ~~((is eligible to receive consideration for))~~ shall enter into a contract under this chapter ((from the)) with the department of trade and economic development or its statutory successor. The contract shall require the center to provide export assistance services, ((may not have a duration of longer than two years,)) consistent with sections 28 through 31 of this act, shall have a duration of two years, and shall require the center to aggressively seek to fund its continued operation from nonstate funds. The contract shall also require the center to report ((at least twice)) annually to the department on its success in obtaining nonstate funding. Upon expiration of the contract, any provisions within the contract applicable to the Pacific Northwest export assistance project shall be automatically renewed without change provided the legislature appropriates funds for administration of the small business export assistance center and the Pacific Northwest export assistance project. The provisions of the contract related to the Pacific Northwest export assistance project may be changed at any time if the director of the department of trade and economic development or the president of the small business export finance assistance center present compelling reasons supporting the need for a contract change to the board of directors and a majority of the board of directors agrees to the changes. The department of agriculture shall be included in the contracting negotiations with the department of trade and economic development and the small business export finance assistance center when the Pacific Northwest export assistance project provides export services to industrial sectors within the administrative domain of the Washington state department of agriculture. The department of trade and economic development, the

small business export finance assistance center, and, if appropriate, the department of agriculture, shall report annually, as one group, to the appropriate legislative oversight committees on the progress of the Pacific Northwest export assistance project.

NEW SECTION. Sec. 34. The following acts or parts of acts are each repealed:

- (1) RCW 43.131.325 and 1985 c 231 s 10; and
- (2) RCW 43.131.326 and 1985 c 231 s 11.

NEW SECTION. Sec. 35. A new section is added to chapter 43.131 RCW to read as follows:

The Pacific Northwest export assistance project shall be terminated on June 30, 1996, as provided in section 36 of this act.

NEW SECTION. Sec. 36. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1997:

- (1) RCW 43.210.--- and 1991 c -- s 28 (section 28 of this act);
- (2) RCW 43.210.--- and 1991 c -- s 29 (section 29 of this act);
- (3) RCW 43.210.--- and 1991 c -- s 30 (section 30 of this act); and
- (4) RCW 43.210.--- and 1991 c -- s 31 (section 31 of this act).

Sec. 37. RCW 82.60.020 and 1988 c 42 s 16 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Applicant" means a person applying for a tax deferral under this chapter.
- (2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; or (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent. Applications under this subsection (3)(b) shall be filed by April 30, 1989. However, counties eligible under section 2 of this act may file an application by July 1, 1993.

(4)(a) "Eligible investment project" means that portion of an investment project which"

(i) Is directly utilized to create at least one new full-time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested; and

(ii) Either initiates a new operation, or expands or diversifies a current operation by expanding or renovating an existing building with costs in excess of twenty-five percent of the true and fair value of the plant complex prior to improvement; or

(iii) Acquires machinery and equipment to be used for either manufacturing or research and development if the machinery and equipment is housed in a new leased structure: PROVIDED, That the lessor/owner of the structure is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person.

(b) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5) or investment projects which have already received deferrals under this chapter.

(5) "Investment project" means an investment in qualified buildings and qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means new structures used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(10) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(11) "Recipient" means a person receiving a tax deferral under this chapter.

(12) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

Sec. 38. RCW 82.62.010 and 1988 c 42 s 17 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; or (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent. Applications under this subsection (3)(b) shall be filed by April 30, 1989. However, counties eligible under section 2 of this act may file an application by July 1, 1993.

(4)(a) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility: PROVIDED, That the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which the credit is being sought than the applicant's average full-time qualified employment positions at the same facility in the immediately preceding year.

(b) "Eligible business project" does not include any portion of a business project undertaken by a light and power business as defined in RCW 82.16.010(5) or that portion of a business project creating qualified full-time employment positions outside an eligible area or those recipients of a sales tax deferral under chapter 82.61 RCW.

(5) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(6) "Person" has the meaning given in RCW 82.04.030.

(7) "Qualified employment position" means a permanent full-time employee employed in the eligible business project during the entire tax year.

(8) "Tax year" means the calendar year in which taxes are due.

(9) "Recipient" means a person receiving tax credits under this chapter.

(10) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

Sec. 39. RCW 43.168.020 and 1988 c 42 s 18 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Committee" means the Washington state development loan fund committee.

(2) "Department" means the department of community development.

(3) "Director" means the director of the department of community development.

(4) "Distressed area" means: (a) A county which has an unemployment rate which is twenty percent above the state average for the immediately previous three years; (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent. Applications under this subsection (4)(b) shall be filed by April 30, 1989; ((or)) (c) an area within a county, which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate; or (d) a county designated as a timber impact area under section 2 of this act if an application is filed by July 1, 1993. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(5) "Fund" means the Washington state development loan fund.

(6) "Local development organization" means a nonprofit organization which is organized to operate within an area, demonstrates a commitment to a long-standing effort for an economic development program, and makes a demonstrable effort to assist in the employment of unemployed or underemployed residents in an area.

(7) "Project" means the establishment of a new or expanded business in an area which when completed will provide employment opportunities. "Project" also means

the retention of an existing business in an area which when completed will provide employment opportunities.

NEW SECTION. Sec. 40. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 40 through 46 of this act.

(1) "Timber impact area" means a county or city or town located within a county meeting two of the following three criteria for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct lumber and wood products job loss of one hundred positions or more; or (c) an annual unemployment rate twenty percent above the state average.

(2) "Permanent residence" means the residence in which an individual resides on a full-time basis, as of the effective date of this section, including but not limited to: Detached, semidetached, or townhouse units; modular homes; condominium units; or manufactured housing units.

(3) "Program" means the emergency mortgage and rental assistance program.

NEW SECTION. Sec. 41. The department shall establish and administer the emergency mortgage and rental assistance program. The department shall select at least five eligible organizations for the purposes of implementing the program in their local communities. "Eligible organizations" are those organizations eligible to receive assistance through the Washington housing trust fund. When appropriate, the department shall coordinate with the local timber task force in the selection of an organization to implement the program. Selected organizations shall work with the local timber task forces in the implementation of the program.

NEW SECTION. Sec. 42. The goals of the program are to:

(1) Provide temporary emergency mortgage or rental assistance to households that, because of their loss of employment in the timber industry, are unable to make current mortgage or rental payments on their permanent residences and are subject to immediate eviction for nonpayment of mortgage installments or nonpayment of rent;

(2) Prevent the dislocation of individuals and families from their permanent residences and their communities; and

(3) Maintain the economic and social stability of timber-dependent communities.

NEW SECTION. Sec. 43. Emergency mortgage assistance shall be provided under the following guidelines:

(1) Loans provided under the program shall not exceed an amount equal to twenty-four months of mortgage payments.

(2) The maximum loan amount allowed under the program shall not exceed twenty thousand dollars.

(3) Loans shall be made to applicants who meet specific income guidelines established by the department.

(4) Loan payments shall be made directly to the mortgage lender.

(5) Loans shall be granted on a first-come, first-served basis.

(6) Repayment of loans provided under the program must not take more than twenty years.

(7) The department may provide for emergency short-term loans.

NEW SECTION. Sec. 44. Emergency rental assistance shall be provided under the following guidelines:

(1) Rental assistance provided under this program may be in the form of loans or grants and shall not exceed an amount equal to twenty-four months of rental payments.

(2) Rental assistance shall be made to applicants who meet specific income guidelines established by the department.

(3) Rental payments shall be made directly to the landlord.

(4) Rental assistance shall be provided on a first-come, first-served basis.

NEW SECTION. Sec. 45. To be eligible for assistance under the program, an applicant must:

- (1) Be unable to keep mortgage or rental payments current, due to a temporary loss of employment in the timber industry and shall be at significant risk of eviction;
- (2) Have his or her permanent residence located in a timber-dependent community;
- (3) When requesting emergency mortgage assistance, be the owner of an equitable interest in the permanent residence and intend to reside in the home being financed;
- (4) Be actively seeking new employment or be enrolled in a training program approved by the director; and
- (5) Submit an application for assistance by June 30, 1996.

NEW SECTION. Sec. 46. The department shall carry out the following duties:

- (1) Administer the program;
- (2) Identify local organizations to implement the program;
- (3) Develop and adopt the necessary rules for implementation of the program;
- (4) Establish the interest rate for repayment of loans at two percent below the market rate;
- (5) Work with lending institutions and social service providers in timber-dependent communities to assure that all eligible households are informed about the program;
- (6) Utilize federal and state programs that complement or facilitate carrying out the program;
- (7) Evaluate the program's effectiveness;
- (8) Submit a report to the senate commerce and labor committee and the house of representatives housing committee by January 31, 1992.

NEW SECTION. Sec. 47. Sections 48 through 56 of this act may be known and cited as the affordable housing act.

NEW SECTION. Sec. 48. (1) The legislature finds and declares that the cutbacks in allowable sales of old growth timber has resulted in severe losses of personal income and has made even greater the need for affordable housing. The legislature also finds and declares that there is a tremendous unmet need for new housing to shelter Washington's population. The unmet housing needs will be further aggravated by the severe cutbacks in federal housing programs.

(2) The legislature finds and declares that our existing housing resources are vastly underutilized due in large part to the changes in social patterns. The improved utilization of this state's existing housing resources offers an innovative and cost-effective solution to this housing crisis.

(3) The legislature finds and declares that the state has a role in increasing the utilization of our housing resources and in reducing the barriers to the provision of affordable housing.

(4) The legislature finds and declares that there are many benefits associated with the creation of second-family residential units on existing single-family lots, which include:

- (a) Providing a cost-effective means of serving development through the use of existing infrastructures, as contrasted to requiring the construction of new costly infrastructures to serve development in undeveloped areas; and
- (b) Providing relatively affordable housing for low and moderate-income households without public subsidy.

NEW SECTION. Sec. 49. A new section is added to chapter 35.63 RCW to read as follows:

Each city may issue a zoning variance, special use permit, or conditional use permit for a dwelling unit to be constructed, or which is attached to or detached from, a primary residence on a parcel zoned for a single-family residence.

NEW SECTION. Sec. 50. A new section is added to chapter 35A.63 RCW to read as follows:

Each code city may issue a zoning variance, special use permit, or conditional use permit for a dwelling unit to be constructed, or which is attached to or detached from, a primary residence on a parcel zoned for a single-family residence.

NEW SECTION. Sec. 51. A new section is added to chapter 36.70 RCW to read as follows:

Each county may issue a zoning variance, special use permit, or conditional use permit for a dwelling unit to be constructed, or which is attached to or detached from, a primary residence on a parcel zoned for a single-family residence.

NEW SECTION. Sec. 52. A new section is added to chapter 36.70A RCW to read as follows:

Each city and county may issue a zoning variance, special use permit, or conditional use permit for a dwelling unit to be constructed, or which is attached to or detached from, a primary residence on a parcel zoned for a single-family residence.

NEW SECTION. Sec. 53. A new section is added to chapter 35.63 RCW to read as follows:

(1) Each city and county may, by ordinance, provide for the creation of second units in single-family and multifamily residential zones consistent with all of the following provisions:

(a) Areas may be designated within the jurisdiction of each city where second units may be permitted;

(b) The designation of areas may be based on criteria, which may include, but are not limited to, the adequacy of water and sewer services and the impact of second units on traffic flow;

(c) Each city may find that second units do not exceed the allowable density for the lot upon which the second unit is located, and that second units are a residential use that is consistent with the existing general plan and zoning designation for the lot;

(d) The second units created shall not be considered in the application of any local ordinance, policy, or program to limit residential growth; and

(e) Each city may establish a process for the issuance of a conditional use permit for second units.

(2) When a city which has not adopted an ordinance governing second units in accordance with subsection (1) of this section receives its first application on or after July 1, 1992, for a conditional use permit pursuant to this subsection, it shall accept the application and approve or disapprove the application pursuant to this subsection unless it adopts an ordinance in accordance with subsection (1) of this section within one hundred twenty days after receiving the application. Each city shall grant a special use or a conditional use permit for the creation of a second unit if the second unit complies with all of the following:

(a) The unit is not intended for sale and may be rented;

(b) The lot is zoned for single-family or multifamily use;

(c) The lot contains an existing single-family dwelling;

(d) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling;

(e) Any increase in the floor area of an attached second unit shall not exceed thirty percent of the existing living area;

(f) The total area of floor space for a detached second unit shall not exceed one thousand two hundred square feet;

(g) Any construction shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located;

(h) Local building code requirements which apply to detached dwellings, as appropriate; and

(i) Approval by the local health officer where a private sewage disposal system is being used, if required.

(3)(a) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under subsection (2) of this section.

(b) Subsection (2) of this section establishes the maximum standards that local agencies shall use to evaluate proposed second units on lots zoned for residential use which contain an existing single-family dwelling. No additional standards, other than those provided in subsection (1) or (2) of this section, shall be utilized or imposed, except that a city may require an applicant for a permit issued pursuant to subsection (2) of this section to be an owner-occupant.

(c) This subsection does not limit the authority of local agencies to adopt less restrictive requirements for the creation of second units.

(d) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subsection. Any local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of second units if these provisions are consistent with the limitations of this subsection.

(e) A second unit which conforms to the requirements of this subsection shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. The second units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(f) A city shall not adopt an ordinance which totally precludes second units within single-family and multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance.

NEW SECTION. Sec. 54. A new section is added to chapter 35A.63 RCW to read as follows:

(1) Each code city may, by ordinance, provide for the creation of second units in single-family and multifamily residential zones consistent with all of the following provisions:

(a) Areas may be designated within the jurisdiction of each code city where second units may be permitted;

(b) The designation of areas may be based on criteria, which may include, but are not limited to, the adequacy of water and sewer services and the impact of second units on traffic flow;

(c) Each code city may find that second units do not exceed the allowable density for the lot upon which the second unit is located, and that second units are a residential use that is consistent with the existing general plan and zoning designation for the lot;

(d) The second units created shall not be considered in the application of any local ordinance, policy, or program to limit residential growth; and

(e) Each code city may establish a process for the issuance of a conditional use permit for second units.

(2) When a code city which has not adopted an ordinance governing second units in accordance with subsection (1) of this section receives its first application on

or after July 1, 1992, for a conditional use permit pursuant to this subsection, it shall accept the application and approve or disapprove the application pursuant to this subsection unless it adopts an ordinance in accordance with subsection (1) of this section within one hundred twenty days after receiving the application. Each code city shall grant a special use or a conditional use permit for the creation of a second unit if the second unit complies with all of the following:

- (a) The unit is not intended for sale and may be rented;
- (b) The lot is zoned for single-family or multifamily use;
- (c) The lot contains an existing single-family dwelling;
- (d) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling;
- (e) Any increase in the floor area of an attached second unit shall not exceed thirty percent of the existing living area;
- (f) The total area of floor space for a detached second unit shall not exceed one thousand two hundred square feet;
- (g) Any construction shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located;
- (h) Local building code requirements which apply to detached dwellings, as appropriate; and
- (i) Approval by the local health officer where a private sewage disposal system is being used, if required.

(3)(a) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under subsection (2) of this section.

(b) Subsection (2) of this section establishes the maximum standards that local agencies shall use to evaluate proposed second units on lots zoned for residential use which contain an existing single-family dwelling. No additional standards, other than those provided in subsection (1) or (2) of this section, shall be utilized or imposed, except that a code city may require an applicant for a permit issued pursuant to subsection (2) of this section to be an owner-occupant.

(c) This subsection does not limit the authority of local agencies to adopt less restrictive requirements for the creation of second units.

(d) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subsection. Any local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of second units if these provisions are consistent with the limitations of this subsection.

(e) A second unit which conforms to the requirements of this subsection shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. The second units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(f) A code city shall not adopt an ordinance which totally precludes second units within single-family and multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance.

NEW SECTION. Sec. 55. A new section is added to chapter 36.70 RCW to read as follows:

(1) Each county may, by ordinance, provide for the creation of second units in single-family and multifamily residential zones consistent with all of the following provisions:

(a) Areas may be designated within the jurisdiction of each county where second units may be permitted;

(b) The designation of areas may be based on criteria, which may include, but are not limited to, the adequacy of water and sewer services and the impact of second units on traffic flow;

(c) Each county may find that second units do not exceed the allowable density for the lot upon which the second unit is located, and that second units are a residential use that is consistent with the existing general plan and zoning designation for the lot;

(d) The second units created shall not be considered in the application of any local ordinance, policy, or program to limit residential growth; and

(e) Each county may establish a process for the issuance of a conditional use permit for second units.

(2) When a county which has not adopted an ordinance governing second units in accordance with subsection (1) of this section receives its first application on or after July 1, 1992, for a conditional use permit pursuant to this subsection, it shall accept the application and approve or disapprove the application pursuant to this subsection unless it adopts an ordinance in accordance with subsection (1) of this section within one hundred twenty days after receiving the application. Each county shall grant a special use or a conditional use permit for the creation of a second unit if the second unit complies with all of the following:

(a) The unit is not intended for sale and may be rented;

(b) The lot is zoned for single-family or multifamily use;

(c) The lot contains an existing single-family dwelling;

(d) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling;

(e) Any increase in the floor area of an attached second unit shall not exceed thirty percent of the existing living area;

(f) The total area of floor space for a detached second unit shall not exceed one thousand two hundred square feet;

(g) Any construction shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located;

(h) Local building code requirements which apply to detached dwellings, as appropriate; and

(i) Approval by the local health officer where a private sewage disposal system is being used, if required.

(3)(a) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under subsection (2) of this section.

(b) Subsection (2) of this section establishes the maximum standards that local agencies shall use to evaluate proposed second units on lots zoned for residential use which contain an existing single-family dwelling. No additional standards, other than those provided in subsection (1) or (2) of this section, shall be utilized or imposed, except that a county may require an applicant for a permit issued pursuant to subsection (2) of this section to be an owner-occupant.

(c) This subsection does not limit the authority of local agencies to adopt less restrictive requirements for the creation of second units.

(d) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subsection. Any local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or

other provisions applicable to the creation of second units if these provisions are consistent with the limitations of this subsection.

(e) A second unit which conforms to the requirements of this subsection shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. The second units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(f) A county shall not adopt an ordinance which totally precludes second units within single-family and multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance.

NEW SECTION. Sec. 56. A new section is added to chapter 36.70A RCW to read as follows:

(1) Each city and county may, by ordinance, provide for the creation of second units in single-family and multifamily residential zones consistent with all of the following provisions:

(a) Areas may be designated within the jurisdiction of each city and county where second units may be permitted;

(b) The designation of areas may be based on criteria, which may include, but are not limited to, the adequacy of water and sewer services and the impact of second units on traffic flow;

(c) Each city and county may find that second units do not exceed the allowable density for the lot upon which the second unit is located, and that second units are a residential use that is consistent with the existing general plan and zoning designation for the lot;

(d) The second units created shall not be considered in the application of any local ordinance, policy, or program to limit residential growth; and

(e) Each city and county may establish a process for the issuance of a conditional use permit for second units.

(2) When a city or county which has not adopted an ordinance governing second units in accordance with subsection (1) of this section receives its first application on or after July 1, 1992, for a conditional use permit pursuant to this subsection, it shall accept the application and approve or disapprove the application pursuant to this subsection unless it adopts an ordinance in accordance with subsection (1) of this section within one hundred twenty days after receiving the application. Each city or county shall grant a special use or a conditional use permit for the creation of a second unit if the second unit complies with all of the following:

(a) The unit is not intended for sale and may be rented;

(b) The lot is zoned for single-family or multifamily use;

(c) The lot contains an existing single-family dwelling;

(d) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling;

(e) Any increase in the floor area of an attached second unit shall not exceed thirty percent of the existing living area;

(f) The total area of floor space for a detached second unit shall not exceed one thousand two hundred square feet;

(g) Any construction shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located;

(h) Local building code requirements which apply to detached dwellings, as appropriate; and

(i) Approval by the local health officer where a private sewage disposal system is being used, if required.

(3)(a) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under subsection (2) of this section.

(b) Subsection (2) of this section establishes the maximum standards that local agencies shall use to evaluate proposed second units on lots zoned for residential use which contain an existing single-family dwelling. No additional standards, other than those provided in subsection (1) or (2) of this section, shall be utilized or imposed, except that a city and county may require an applicant for a permit issued pursuant to subsection (2) of this section to be an owner-occupant.

(c) This subsection does not limit the authority of local agencies to adopt less restrictive requirements for the creation of second units.

(d) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subsection. Any local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of second units if these provisions are consistent with the limitations of this subsection.

(e) A second unit which conforms to the requirements of this subsection shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. The second units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(f) A city or county shall not adopt an ordinance which totally precludes second units within single-family and multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance.

(4) The designation of areas by a city or county where second units may be permitted shall constitute evidence that a city or county is making progress in meeting its fair share affordable housing goals. For purposes of this section, "fair share affordable housing goals" means a goal established pursuant to a regional policy plan process for each city and county that is required or chooses to plan under RCW 36.70A.040.

Sec. 57. RCW 43.160.010 and 1989 c 431 s 61 are each amended to read as follows:

(1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs additionally advances the state's purpose to improve economic vitality. Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

(a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;

(b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;

(c) Encouraging wider access to financial resources for both large and small industrial development projects;

(d) Encouraging new economic development or expansions to maximize employment;

(e) Encouraging the retention of viable existing firms and employment; and

(f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways in the vicinity of new industries considering locating in this state or existing industries that are considering significant expansion.

(a) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

(b) It is the intent of the legislature to create an economic development account within the motor vehicle fund from which expenditures can be made by the department of transportation for state highway improvements necessitated by planned economic development. All such improvements must first be approved by the state transportation commission and the community economic revitalization board in accordance with the procedures established by RCW 43.160.074 and 47.01.280. It is further the intent of the legislature that such improvements not jeopardize any other planned highway construction projects. The improvements are intended to be of limited size and cost, and to include such items as additional turn lanes, signalization, illumination, and safety improvements.

(3) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials are eligible for consideration from the board.

(4) The legislature finds that sharing economic growth state-wide is important to the welfare of the state. Distressed areas and timber-dependent counties do not share in the economic vitality of the Puget Sound region. Infrastructure is one of several ingredients that are critical for economic development. Distressed areas and timber-dependent counties generally lack the infrastructure necessary to diversify and revitalize their economies. It is, therefore, the intent of the legislature to increase the availability of funds to help provide infrastructure to distressed areas and timber-dependent counties.

Sec. 58. RCW 43.160.020 and 1985 c 466 s 58 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) "Department" means the department of trade and economic development or its successor with respect to the powers granted by this chapter.

(4) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

(5) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

(6) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

(7) "Local government" means any port district, county, city, or town.

(8) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

(9) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

(10) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

(11) "Timber impact area" means a county or a city or town located within a county meeting two of the following three criteria for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average, (b) a direct lumber and wood products job loss of one hundred positions or more, or (c) an annual unemployment rate twenty percent above the state average.

NEW SECTION. Sec. 59. A new section is added to chapter 43.160 RCW to read as follows:

(1) The economic development account is created within the public facilities construction loan revolving fund under RCW 43.160.080. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of RCW 43.160.010(4) and this section. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) Applications under this section for assistance from the economic development account are subject to all of the applicable criteria set forth under this chapter, as well as procedures and criteria established by the board, except as otherwise provided.

(3) Eligible applicants under this section are limited to political subdivisions of the state in timber impact areas that demonstrate, to the satisfaction of the board, the local economy's dependence on the forest products industry.

(4) Applicants must demonstrate that their request is part of an economic development plan consistent with applicable state planning requirements. Applicants must demonstrate that small scale tourism projects have been approved by the local government and are part of a regional tourism plan approved by the local and regional tourism organizations. Industrial projects must be approved by the local government and the associate development organization.

(5) Publicly owned projects may be financed under this section upon proof by the applicant that the public project is a necessary component of, or constitutes in whole, a small scale tourism project.

(6) Applications must demonstrate local match and participation. Such match may include: Land donation, other public or private funds or both, or other means of local commitment to the project.

(7) Board financing for feasibility studies shall not exceed twenty-five thousand dollars per study. Board funds for feasibility studies may be provided as a grant and require a dollar for dollar match with up to one-half in-kind match allowed.

(8) Board financing for small scale tourism projects shall not exceed two hundred fifty thousand dollars. Other public facility projects under this section shall not exceed five hundred thousand dollars. Loans with flexible terms and conditions to meet the needs of the applicants shall be provided. Grants may also be authorized, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

(9) The board shall develop guidelines for allowable local match and feasibility studies.

(10) Applications under this section need not demonstrate evidence that specific private development or expansion is ready to occur or will occur if funds are provided.

NEW SECTION. Sec. 60. A new section is added to chapter 43.160 RCW to read as follows:

The board shall establish guidelines for making grants and loans to ensure that the requirements of this chapter are complied with. The guidelines shall include:

(1) A process to equitably compare and evaluate applications from competing communities.

(2) Criteria to ensure that approved projects will have a high probability of success and are likely to provide long-term economic benefits to the community. The criteria shall include: (a) A minimum amount of local participation, determined by the board per application, to verify community support for the project; (b) an analysis that establishes the project is feasible using standard economic principles; and (c) an explanation from the applicant regarding how the project is consistent with the communities', economic strategy and goals.

(3) A method of evaluating the impact of the loans or grants on the economy of the community and whether the loans or grants achieved their purpose.

Sec. 61. RCW 43.160.076 and 1985 c 446 s 6 are each amended to read as follows:

(1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for loans and grants, the board shall spend at least ~~((twenty))~~ fifty percent for grants and loans for projects in distressed counties or timber impact areas. For purposes of this section, the term "distressed counties" includes any county, in which the average level of unemployment for the three years before the year in which an application for a loan or grant is filed, exceeds the average state employment for those years by twenty percent or timber impact areas.

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in distressed counties or timber impact areas are clearly insufficient to use up the ~~((twenty))~~ fifty percent allocation, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for loans and grants for projects not located in distressed counties or timber impact areas.

NEW SECTION. Sec. 62. (1) For the period beginning July 1, 1991, and ending June 30, 1993, in those areas designated by the department of community development as timber impact areas under section 2 of this act, the public works board may award low-interest or interest-free loans to local governments for construction of new public works facilities that stimulate economic growth or diversification.

(2) For the purposes of this section and section 63 of this act, "public facilities" means bridge, road and street, domestic water, sanitary sewer, and storm sewer systems.

(3) The loans may have a deferred payment of up to five years but shall be repaid within twenty years. The community economic revitalization board may require other terms and conditions and may charge such rates of interest on its loans as it

deems appropriate to carry out the purposes of this section. Repayments shall be made to the public works assistance account.

(4) The board may make such loans irrespective of the annual loan cycle and reporting required in RCW 43.155.070.

NEW SECTION. Sec. 63. (1) As authorized by section 62 of this act, the board shall establish criteria for awarding loans to local governments including, but not limited to, the following:

(a) If a county or city, the local government must be imposing the tax authorized by chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have in place a capital improvement plan meeting standards established by the board and an economic development plan meeting standards established by the department;

(c) The local economy must have experienced or be about to experience employment losses due to the timber economy;

(d) The proposed project must provide an opportunity to create or retain jobs within the local economy. Priority may be given to those projects that provide an opportunity to retain or create jobs for the pool of local workers affected by the timber economy;

(e) The local government must provide reasonable assurances of its ability to repay the debt; and

(f) The local government must meet any additional guidelines and criteria established by the board for awarding loan funds.

(2) Existing debt or other financial obligations of the local government shall not be refinanced under this section and section 62 of this act.

(3) The board shall award loans only to those projects that meet the criteria and will fulfill the purpose of this section and section 62 of this act. Any funds not obligated at the close of the biennium shall be returned to the public works assistance account.

NEW SECTION. Sec. 64. The board shall provide to the office of financial management and the legislative fiscal committees a report by January 15, 1994, on the loans awarded through the biennium ending June 30, 1993.

NEW SECTION. Sec. 65. To the extent that funds are specifically appropriated therefor, the state board for community college education shall provide training and retraining in timber-dependent communities as follows:

(1) Disbursement of funds to individual community colleges for supplemental slots in cases where enrollment demand exceeds allocation;

(2) Pilot projects for innovative approaches to literacy and employment training;

(3) Personnel and equipment for cranberry industry research, coordinated by the Washington state university coastal research unit, Long Beach;

(4) Grays Harbor Community College shall establish a program to train displaced timber workers to fill positions as safety training and vessel inspectors. They shall contract with those organizations deemed appropriate to carry out this program;

(5) Skagit Valley Community College shall establish a program to train displaced timber workers in natural resources technical programs in stream enhancement, including waters upstream or downstream as well as adjacent to state lands; water quality enhancement; irrigation repair; and the building of shellfish beds;

(6) Agricultural development, diversification, marketing, and processing programs in timber-impacted areas under sections 1 through 13 of this act. The department of trade and economic development shall contract with local organizations, institutions, or agencies to:

(a) Seek to increase the utilization of existing federal, state, and local programs for agricultural development, diversification, marketing, and processing in the timber-impacted regions;

(b) Seek to increase the coordination and effectiveness of existing federal, state, and local programs for agricultural development, diversification, marketing, and processing in the timber-impacted areas; and

(c) Undertake efforts to promote and further the existing strengths of the timber-impacted areas in the value-added program. To accomplish this the department shall provide a targeted industry strategy to increase the amount of value added to each board foot of timber harvested. The department shall provide technical assistance, plant-specific feasibility studies, additional industrial extension and outreach efforts, plus market development.

No contract may be entered into under this section until the department has consulted with the board.

For the purpose of this section, enrollment restrictions shall not apply in the community colleges in timber-impacted communities.

NEW SECTION. **Sec. 66.** To the extent that funds are specifically appropriated therefor, the department of community development shall develop a community assistance program to enable communities to build local capacity for sustainable economic development efforts. The focus of this effort is to provide resources and technical assistance to local community leaders to carry out locally determined economic development projects.

NEW SECTION. **Sec. 67.** To the extent that funds are specifically appropriated therefor, the employment security department shall establish and maintain a job service message center for displaced workers without phone service. The voice-mail service shall allow twenty-four hour access to phone messages from employers for job prospects and from case managers who provide essential employment and support services.

NEW SECTION. **Sec. 68.** To the extent that funds are specifically appropriated therefor, the department of community development shall enhance the two reemployment centers in timber-dependent communities in order to continue providing referral services, counseling, and support.

NEW SECTION. **Sec. 69.** To the extent that funds are specifically appropriated therefor, the University of Washington shall establish a research center for natural resources on the Olympic Peninsula. The center shall conduct research for forest resources and marine resources and shall coordinate research in marine resources with Grays Harbor and Peninsula Community Colleges.

NEW SECTION. **Sec. 70.** It is the intent of the legislature by enacting section 71 through 75 of this act to provide:

- (1) Training and retraining opportunities for timber workers;
- (2) Additional opportunities for dislocated workers and residents of timber impact areas to attend local community colleges;
- (3) Educational opportunities to dislocated workers who reside in areas where access to a four-year institution of higher education is not available;
- (4) Educational opportunities in those communities that are most severely impacted by job losses in the timber industry; and
- (5) A means for dislocated workers to remain gainfully employed within their communities.

NEW SECTION. **Sec. 71.** A new section is added to chapter 28B.50 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 72 through 75 of this act.

- (1) "Board" means the state board for community college education.
- (2) "Dislocated workers" means workers in the timber-impacted areas who (a) have been terminated or laid off, or received a notice of termination or layoff from employment and are eligible for or have exhausted their entitlement to benefits under Title 50 RCW; (b) have been terminated as a result of any permanent plant closure;

(c) are long-term unemployed and are unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for their skills in that occupation or industry; or (d) are farmers or other self-employed individuals who have been displaced due to economic conditions or natural disasters.

(3) "Timber impact area" means a county or city or town located within a county meeting two of the following three criteria for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct lumber and wood products job loss of one hundred positions or more; or (c) an annual unemployment rate twenty percent above the state average.

NEW SECTION. Sec. 72. A new section is added to chapter 28B.50 RCW to read as follows:

The state board for community college education shall administer a program designed to provide higher education opportunities to dislocated workers or their spouses. In administering the program, the board shall have the following powers and duties:

- (1) Appoint an advisory committee to assist the board in program design and funding distribution;
- (2) Allocate funding to community colleges attended by eligible dislocated workers;
- (3) Monitor the program and report on students' progress and outcome; and
- (4) Report to the legislature by December 1, 1993, on the status of the program.

NEW SECTION. Sec. 73. A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board shall administer a program designed to provide upper division higher education opportunities to dislocated workers, their spouses, and others in timber impact areas. In administering the program, the board shall have the following powers and duties:

- (1) Distribute funding for an institution of higher education to service Clallam county;
- (2) Appoint an advisory committee to assist the board in program design and future project selection;
- (3) Monitor the program and report on student progress and outcome; and
- (4) Report to the legislature by December 1, 1993, on the status of the program.

NEW SECTION. Sec. 74. A new section is added to chapter 28B.80 RCW to read as follows:

In consultation with Peninsula College, the higher education coordinating board shall contract with an institution of higher education to provide upper division classes to serve fifty full-time equivalent students per year in Clallam county. The institution shall utilize telecommunication technology, if available, to carry out the purposes of this section. The institution providing the service shall waive the tuition, service, and activities fees for dislocated workers or their spouses enrolled as one of the full-time equivalent students allocated to the college under this section, provided the dislocated worker provides verification of the following conditions:

(1) The dislocated worker, within the five years before enrolling as a student, was employed in the timber industry on a full-time basis for at least six months of each year; and

(2) The unemployment of the dislocated worker is due to reduction in work force and not misconduct of the timber worker;

The dislocated worker or his or her spouse is eligible to receive waivers for a total of four semesters or six quarters within a two-year time period and must be enrolled for a minimum of ten credits per semester or quarter.

NEW SECTION. Sec. 75. A new section is added to chapter 28B.80 RCW to read as follows:

Dislocated workers and their spouses shall receive priority for attendance in upper division courses allocated under section 74 of this act, offered in Clallam county. Remaining allocations may be distributed to others in the timber impact area.

Sec. 76. RCW 43.17.065 and 1990 1st ex.s. c 17 s 77 are each amended to read as follows:

(1) Where power is vested in a department to issue permits, licenses, certifications, contracts, grants, or otherwise authorize action on the part of individuals, businesses, local governments, or public or private organizations, such power shall be exercised in an expeditious manner. All departments with such power shall cooperate with officials of the business assistance center of the department of trade and economic development, and any other state officials, when such officials request timely action on the part of the issuing department.

(2)(a) The legislature finds that timber-dependent communities and distressed counties, as defined in RCW 43.160.020, are located predominately in areas characterized by little or no growth. These areas impact the environment less than areas of high growth. These timber-dependent communities and distressed counties need sites for industrial and economic development with infrastructure in place as soon as possible to help revitalize their local economies.

(b) Any state agency in which subsection (1) of this section applies shall adopt, by August 1, 1991, an expedited process for the fast and efficient processing of any permits or other actions that are necessary for economic development in timber-dependent communities and distressed counties.

Sec. 77. RCW 53.36.030 and 1990 c 254 s 1 are each amended to read as follows:

~~(A)~~ (1)(a) Except as provided in (b) of this subsection, a port district may at any time contract indebtedness or borrow money for district purposes and may issue general obligation bonds therefor not exceeding an amount, together with any existing indebtedness of the district not authorized by the voters, of one-fourth of one percent of the value of the taxable property in the district(~~(; and,)~~).

(b) Port districts having both a comprehensive scheme of harbor improvements and industrial developments or amendments thereto and a long-term finance plan that have been filed with the department of community development and having less than eight hundred million dollars in value of taxable property may at anytime contract indebtedness or borrow money for district purposes, and may issue general obligation bonds therefor not exceeding an amount, combined with existing indebtedness of the district not authorized by the voters, of three-eighths of one percent of the value of the taxable property in the district.

(2) With the assent of three-fifths of the voters voting thereon at a general or special port election called for that purpose, a port district may contract indebtedness or borrow money for district purposes and may issue general obligation bonds therefor provided the total indebtedness of the district at any such time shall not exceed three-fourths of one percent of the value of the taxable property in the district(~~(; PROVIDED FURTHER, That)~~).

(3) In addition to the indebtedness authorized under subsections (1) and (2) of this section, port districts having less than two hundred million dollars in value of taxable property and operating a municipal airport may at any time contract indebtedness or borrow money for airport capital improvement purposes and may issue general obligation bonds therefor not exceeding an additional one-eighth of one percent of the value of the taxable property in the district without authorization by the voters; and, with the assent of three-fifths of the voters voting thereon at a general or special port election called for that purpose, may contract indebtedness or borrow money for airport capital improvement purposes and may issue general obligation bonds therefor

for an additional three-eighths of one percent provided the total indebtedness of the district for all port purposes at any such time shall not exceed one and one-fourth percent of the value of the taxable property in the district.

(4) Any port district may issue general district bonds evidencing any indebtedness, payable at any time not exceeding fifty years from the date of the bonds. Such bonds shall be issued and sold in accordance with chapter 39.46 RCW.

(5) Elections required under this section shall be held as provided in RCW 39.36.050.

(6) For the purpose of this section, "indebtedness of the district" shall not include any debt of a county-wide district with a population less than twenty-five hundred people when the debt is secured by a mortgage on property leased to the federal government; and the term "value of the taxable property" shall have the meaning set forth in RCW 39.36.015.

~~((Such bonds shall be issued and sold in accordance with chapter 39.46 RCW.))~~

NEW SECTION. Sec. 78. If specific funding for the purposes of sections 3 through 5 of this act, referencing sections 3 through 5 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 3 through 5 of this act shall be null and void.

NEW SECTION. Sec. 79. If specific funding for the purposes of sections 6 through 13 of this act, referencing sections 6 through 13 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 6 through 13 of this act shall be null and void.

NEW SECTION. Sec. 80. If specific funding for the purposes of section 14 of this act, referencing section 14 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 14 of this act shall be null and void.

NEW SECTION. Sec. 81. If specific funding for the purposes of sections 15 through 20 of this act, referencing sections 15 through 20 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 15 through 20 of this act shall be null and void.

NEW SECTION. Sec. 82. If specific funding for the purposes of section 21 of this act, referencing section 21 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 21 of this act shall be null and void.

NEW SECTION. Sec. 83. If specific funding for the purposes of sections 24 through 27 of this act, referencing sections 24 through 27 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 24 through 27 of this act shall be null and void.

NEW SECTION. Sec. 84. If specific funding for the purposes of sections 28 through 36 of this act, referencing sections 28 through 36 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 28 through 36 of this act shall be null and void.

NEW SECTION. Sec. 85. If specific funding for the purposes of sections 40 through 46 of this act, referencing sections 40 through 46 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 40 through 46 of this act shall be null and void.

NEW SECTION. Sec. 86. If specific funding for the purposes of sections 57 through 61 of this act, referencing sections 57 through 61 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 57 through 61 of this act shall be null and void.

NEW SECTION. Sec. 87. If specific funding for the purposes of sections 62 through 64 of this act, referencing sections 62 through 64 of this act by bill and

section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 62 through 64 of this act shall be null and void.

NEW SECTION. Sec. 88. If specific funding for the purposes of sections 70 through 75 of this act, referencing sections 70 through 75 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 70 through 75 of this act shall be null and void.

NEW SECTION. Sec. 89. (1) Sections 1 through 13 of this act are each added to chapter 43.31 RCW.

(2) Sections 15 through 20 of this act shall constitute a new chapter in Title 50 RCW.

(3) Sections 28 through 31 of this act are each added to chapter 43.210 RCW.

(4) Sections 40 through 46 of this act are each added to chapter 43.63A RCW.

NEW SECTION. Sec. 90. (1) Sections 62 through 64 of this act expire on June 30, 1994.

(2) Sections 70 through 75 of this act expire on July 1, 1995.

NEW SECTION. Sec. 91. Sections 22, 23, 37 through 39, and 65 through 67 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Owen, Snyder, Conner, Amondson, McDonald, Matson and McMullen to Engrossed Substitute House Bill No. 1341.

The motion by Senator Owen carried and the striking amendment to Engrossed Substitute House Bill No. 1341 was adopted.

MOTIONS

On motion of Senator Snyder, the following title amendment was adopted:

On page 1, line 1 of the title, after "development;" strike the remainder of the title and insert "amending RCW 28B.15.740, 70.47.010, 70.47.020, 70.47.060, 70.47.080, 43.210.030, 82.60.020, 82.62.010, 43.168.020, 43.160.010, 43.160.020, 43.160.076, 43.17.065, and 53.36.030; reenacting and amending RCW 43.210.050; adding new sections to chapter 43.31 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 50.22 RCW; adding a new section to chapter 28B.15 RCW; adding new sections to chapter 43.210 RCW; adding new sections to chapter 43.131 RCW; adding new sections to chapter 43.63A RCW; adding new sections to chapter 35.63 RCW; adding new sections to chapter 35A.63 RCW; adding new sections to chapter 36.70 RCW; adding new sections to chapter 36.70A RCW; adding new sections to chapter 43.160 RCW; adding new sections to chapter 28B.50 RCW; adding new sections to chapter 28B.80 RCW; adding a new chapter to Title 50 RCW; creating new sections; repealing RCW 43.131.325 and 43.131.326; providing expiration dates; and declaring an emergency."

On motion of Senator Matson, the rules were suspended, Engrossed Substitute House Bill No. 1341, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1341, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1341, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senator Anderson - 1.

Excused: Senators Rasmussen, Sellar - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1390, by House Committee on Human Services (originally sponsored by Representatives Hine, Leonard, Winsley, Belcher, Holland, Prentice, Jones, Sprenkle, Fraser, Brekke, H. Myers, Anderson, Riley, Heavey, Inslee, R. Meyers, Dorn, Cooper, G. Fisher, Basich, Pruitt, Bray, Franklin, Phillips, Valle, Roland, Rasmussen, Scott, Dellwo, Sheldon, O'Brien, Jacobsen, Wang and Rayburn)

Creating a community mobilization program for teens.

The bill was read the second time.

MOTIONS

Senator Roach moved that the following Committee on Children and Family Services amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that the population of teens in Washington state will be increasing through the mid-1990's, and that, in light of this increasing population, our state has a growing need for highly skilled and motivated workers that are members of healthy families. Therefore, Washington state cannot afford to lose any teens to substance abuse, teen pregnancy, juvenile crime, or dropping out of school. The legislature further finds that teens who drop out of school are two to three times more likely to live in poverty as adults. Teen mothers are less likely to finish high school, more likely to be separated or divorced, and more likely to live in poverty. Their children are more likely to exhibit lower academic achievement and to show a tendency to repeat their mother's pattern of early childbearing. Teens who

abuse drugs and alcohol are more likely to be school drop outs and engage in criminal behavior.

(2) The legislature further finds that the most effective strategy to comprehensively meet the diverse needs of teens is through collaborative efforts of government agencies, youth service organizations, businesses, schools, parents, and teens to plan and provide services to teens.

(3) The legislature further finds that local communities are best able to determine the most appropriate design and location of programs to comprehensively and cooperatively support teens in their community.

(4) The purpose of this chapter is to equip teens with the resources, skills, knowledge, and motivation necessary to maintain a healthy lifestyle and successfully enter the job market or pursue higher education, through the establishment of community mobilization projects for teens in six pilot sites geographically distributed throughout the state.

NEW SECTION. Sec. 2. Definitions.

(1) "Department" means the department of social and health services.

(2) "Secretary" means the secretary of the department of social and health services.

(3) "Community" means an individual political subdivision of the state, a group of such political subdivisions, or a geographic area within a political subdivision.

NEW SECTION. Sec. 3. (1) There is established in the department a community mobilization program for teens, which may fund and coordinate up to six community-based projects to develop targeted and coordinated strategies to meet the needs of teens.

(2) Applications for project funding under this chapter shall:

(a) Define the community requesting funding;

(b) Contain evidence of the active participation of public and private entities in the community, including the various communities of color, that are now providing, or might appropriately provide, services to teens, including, at a minimum, schools, law enforcement, local government, libraries, youth services agencies and organizations, job training organizations, mental health, and health care providers;

(c) Demonstrate establishment of a project advisory board composed of teens, parents, and representatives of a broad cross-section of other community members who have an interest in meeting the needs of teens, and assure that the advisory board has been consulted in development of the application;

(d) Designate a lead agency or organization for the project, and provide evidence of written interagency agreements with existing youth service organizations to carry out project activities. The agency or organization designated as lead agency shall have demonstrated sensitivity and responsiveness to the plurality of community values and the cultural and ethnic heritage of community members;

(e) Identify a project site that is accessible to teens during evenings and weekends, from which services and activities can be provided or referrals made;

(f) Describe the services and activities that will be undertaken by the project, including identification of specific services and activities for which funding is requested. Core services provided at each project site shall include, at a minimum: Health screening and referrals; employment search and job training; mental health counseling; substance abuse treatment; and family counseling. Health screening and referrals shall not include the dispensing of contraceptives. Referrals of pregnant teens for health care services shall be to persons, agencies, or organizations with maternity care services practices that primarily emphasize healthy birth outcomes. Projects may address other local service needs such as drop-out prevention, substance abuse prevention, inpatient substance abuse treatment, additional support services for teen parents, literacy programs, and recreational activities, by offering those services at the project site or through referrals to community organizations;

(g) Describe the coordinated system for meeting the needs of teens that the community will develop, including a description of how the proposed system will build upon existing services and existing community efforts to coordinate the delivery of services to teens;

(h) Identify community matching funds, as provided in section 4 of this act, that have been committed to the project; and

(i) Provide assurances that the project will cooperate, through the provision of requested data and information, with the evaluation provided for in section 6 of this act.

NEW SECTION. Sec. 4. (1) The secretary may issue grants for community mobilization projects for teens. Grants shall be made competitively based upon information provided in applications for funding. To the greatest extent practicable, grants shall be geographically distributed throughout the state.

(2) The department shall provide a staff person to administer and coordinate the program established under this chapter, and shall provide technical assistance to communities applying for or receiving funds under this chapter.

(3) Technical assistance provided by the department shall include the identification of means to creatively blend categorical funds, to the extent not prohibited by federal law, in a manner that allows teens' needs to determine the services they will receive.

(4) Twenty-five percent of the funding for projects under this chapter shall be community matching funds provided by private or public entities in the communities requesting funding. Contributions of materials, supplies, or physical facilities may be considered as all or part of the funding provided by the communities.

(5) Funds provided for this chapter shall not be expended for abortion services or referrals or contraceptive services or referrals.

NEW SECTION. Sec. 5. Community mobilization projects for teens shall have an initial duration of two years. To the extent funding is available, projects may be renewed for an additional two-year period by the department.

NEW SECTION. Sec. 6. The department shall contract with an independent entity to evaluate the effectiveness of the program established in this chapter. The evaluation shall develop standards for measuring the success of community mobilization projects, considering factors such as school completion, employment, and teen pregnancy rates. The department shall submit an evaluation report to appropriate committees of the legislature by December 1, 1994, and biennially thereafter.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 9. Sections 1 through 6 of this act shall constitute a new chapter in Title 74 RCW.

NEW SECTION. Sec. 10. If by June 30, 1991, the omnibus operating budget appropriations act for the 1991-93 biennium does not provide specific funding for this act, referencing this act by bill number, this act is null and void.

On motion of Senator Roach, the following amendment to the Committee on Children and Family Services striking amendment was adopted:

On page 3, line 11 of the amendment, after "made" insert ". No project site shall be located in a public school building that is currently in use as a public school."

MOTION

Senator Niemi moved that the following amendment by Senators Niemi, Rinehart, Skratek, Murray and Wojahn to the Committee on Children and Family Services striking amendment be adopted:

On page 4, line 24, strike all of subsection (5).

MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 1390 was deferred.

There being no objection, the Senate resumed consideration of the point of order by Senator Talmadge as to whether Substitute House Bill No. 1649 is properly before the Senate.

RULING BY THE PRESIDENT

President Pritchard: "In ruling on the point of order raised by Senator Talmadge, the President finds that Substitute House Bill 1649 is necessary to implement the biennial budget as passed by the Senate. The cutoff resolution exempts the bill from the committee deadline, so the bill is properly before the Senate."

Substitute House Bill No. 1649 was ruled to be properly before the Senate.

PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, a point of parliamentary inquiry. The point of order that I raised actually was the fact that the bill was reported out of committee on the seventeenth of April. The bill was reported out, I believe, after a proceeding in the conference room or conference rooms over in the Cherberg building. I am wondering under the cutoff resolution, at least the cutoff resolution that has passed both houses at this point, whether the fact that it was reported out of committee on the seventeenth of April--only a couple of days ago--was adequate to preserve it as something that was properly before the Senate. If it was necessary to implement the budget, I thought it had to emerge from the Ways and Means Committee or the appropriate originating committee at an earlier date."

REPLY BY THE PRESIDENT

President Pritchard: "I think the custom and the rulings in the past have been that if it is necessary for the implementation of the budget, then it is alive until the cutoff of the budget itself. The committee cutoff is not

applicable to those measures which are necessary to implement the budget--until 5 p.m. tonight."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1649, by House Committee on Environmental Affairs (originally sponsored by Representative Rust) (by request of Department of Ecology and Office of Financial Management)

Updating municipality water discharge fees.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 1649 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1649.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1649 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Hayner, Jesernig, Johnson, Madsen, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Saling, Stratton, Thorsness, West - 27.

Voting nay: Senators Gaspard, M. Kreidler, McMullen, Moore, Murray, Niemi, Patterson, Pelz, Rinehart, Roach, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Wojahn - 20.

Excused: Senators Rasmussen, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 1649, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1316, by House Committee on Local Government (originally sponsored by Representatives Fraser, Brumsickle, Haugen, Basich, Wang, Ferguson, Edmondson, Sheldon, Cooper, Bowman, Nealey, Riley, Wood, Zellinsky, Mitchell, H. Myers, Jones and Paris)

Changing provisions relating to county treasurers.

The bill was read the second time.

MOTION

Senator Madsen moved that the following amendments be considered simultaneously and be adopted:

On page 16, beginning on line 1, strike all of section 16

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

On page 18, line 19, after "shall" strike "either" and insert "~~((either))~~"

On page 18, beginning on line 20, after "same" strike all material through "~~((; and))~~" on line 24, and insert "~~((; or shall during the month of February publish once in a newspaper having general circulation in the county a listing of the levies made in the respective taxing districts and shall upon request furnish such a listing to any one requesting the same; and))~~"

On page 39, at the beginning of line 15, strike "Ad" and insert "On the order of the county treasurer, ad"

On page 43, after line 25, insert the following:

Sec. 38. RCW 84.56.290 and 1987 c 168 s 3 are each amended to read as follows:

Whenever any tax shall have been heretofore, or shall be hereafter, canceled, reduced or modified in any final judicial, county board of equalization, state board of tax appeals, or administrative proceeding; or whenever any tax shall have been heretofore, or shall be hereafter canceled by sale of property to any irrigation district under foreclosure proceedings for delinquent irrigation district assessments; or whenever any contracts or leases on public lands shall have been heretofore, or shall be hereafter, canceled and the tax thereon remains unpaid for a period of two years, the director of revenue shall, upon receipt from the county treasurer of a certified copy of the final judgment, order, or decree canceling, reducing, or modifying taxes, or of a certificate from the county treasurer of the cancellation by sale to an irrigation district, or of a certificate from the commissioner of public lands and the county treasurer of the cancellation of public land contracts or leases and nonpayment of taxes thereon, as the case may be, make corresponding entries and corrections on ~~((his))~~ the director's records of the state's portion of reduced or canceled tax.

Upon canceling taxes deemed uncollectible, the county commissioners shall notify the county treasurer of such action, whereupon the county treasurer shall deduct on ~~((his))~~ the treasurer's records the amount of such uncollectible taxes due the various state funds and shall immediately notify the department of revenue of ~~((his))~~ the treasurer's action and of the reason therefor; which uncollectible tax shall not then nor thereafter be due or owing the various state funds and the necessary corrections shall be made by the county treasurer upon the quarterly settlement next following.

When any assessment of property is made which does not appear on the assessment list certified by the county board of equalization to the ~~((state board))~~ department of ~~((equalization))~~ revenue the county assessor shall indicate to the county treasurer the assessments and the taxes due therefrom when the list is delivered to the county treasurer on December 15th. The county treasurer shall then notify the department of revenue of the taxes due the state from the assessments which did not appear on the assessment list certified by the county board of equalization to the ~~((state board))~~ department of ~~((equalization))~~ revenue. The county treasurer shall make proper accounting of all sums collected as either advance tax, compensating or additional tax, or supplemental or omitted tax and shall notify the department of revenue of the amounts due the various state funds according to the levy used in extending such tax, and those amounts shall immediately become due and owing to the various state funds, to be paid to the state treasurer in the same manner as taxes extended on the regular tax roll.

Sec. 39. RCW 84.69.070 and 1973 2nd ex.s. c 5 s 3 are each amended to read as follows:

Refunds ordered with respect to taxing districts shall be paid by checks drawn by the county treasurer upon such available funds, if any, as the taxing districts may have on deposit in the county treasury, or in the event such funds are insufficient, then out of funds subsequently accruing to such taxing district and on deposit in the county treasury. When such refunds are made as a result of taxes paid under levies or statutes adjudicated to be illegal or unconstitutional all administrative costs including interest paid on the refunds incurred by the county treasurer in making such refunds shall be a charge against the funds of such districts and/or the state on a pro rata basis until the county current expense fund is fully reimbursed for the administrative expenses incurred in making such refund: PROVIDED, That whenever orders for refunds of ad valorem taxes promulgated by (~~boards of county commissioners~~) the county treasurer or county legislative authority and unpaid checks shall expire and become void as provided in RCW 84.69.110, then any moneys remaining in a refund account established by the county treasurer for any taxing district may be transferred by the county treasurer from such refund account to the county current expense fund to reimburse the county for the administrative expense incurred in making refunds as prescribed herein. Any excess then remaining in the taxing district refund account may then be transferred by the county treasurer to the current expense fund of the taxing district for which the tax was originally levied and collected.

Sec. 40. RCW 84.69.110 and 1961 c 15 s 84.69.110 are each amended to read as follows:

Every order for refund of ad valorem taxes promulgated by the (~~board of county commissioners~~) county treasurer or county legislative authority under authority of this chapter as hereafter amended shall expire and be void three years from the date of the order and all unpaid checks shall become void.

Sec. 41. RCW 84.69.120 and 1989 c 378 s 33 are each amended to read as follows:

If the county (~~legislative authority~~) treasurer rejects a claim or fails to act within six months from the date of filing of a claim for refund in whole or in part, the person who paid the taxes, the person's guardian, executor, or administrator may within one year after the date of the filing of the claim commence an action in the superior court against the county to recover the taxes which the county (~~legislative authority~~) treasurer has refused to refund.

NEW SECTION. Sec. 42. The following sections are decodified:

- (1) RCW 84.28.005;
- (2) RCW 84.28.006;
- (3) RCW 84.28.010;
- (4) RCW 84.28.020;
- (5) RCW 84.28.050;
- (6) RCW 84.28.060;
- (7) RCW 84.28.063;
- (8) RCW 84.28.065;
- (9) RCW 84.28.080;
- (10) RCW 84.28.090;
- (11) RCW 84.28.095;
- (12) RCW 84.28.100;
- (13) RCW 84.28.110;
- (14) RCW 84.28.140;
- (15) RCW 84.28.150;
- (16) RCW 84.28.160;
- (17) RCW 84.28.170;

- (18) RCW 84.28.200;
- (19) RCW 84.28.205;
- (20) RCW 84.28.210; and
- (21) RCW 84.28.215.

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

On page 44, after line 14, insert the following:

NEW SECTION. **Sec. 39.** The following acts or parts of acts are each repealed:

- (1) RCW 84.04.043 and 1979 c 107 s 26;
- (2) RCW 84.08.110 and 1975 1st ex.s. c 278 s 154 & 1961 c 15 s 84.08.110;
- (3) RCW 84.40.100 and 1961 c 15 s 84.40.100;
- (4) RCW 84.40.250 and 1961 c 15 s 84.40.250;
- (5) RCW 84.40.330 and 1975 1st ex.s. c 278 s 196 & 1961 c 15 s 84.40.330;
- (6) RCW 84.40A.020 and 1971 ex.s. c 43 s 2;
- (7) RCW 84.40A.030 and 1971 ex.s. c 43 s 3;
- (8) RCW 84.40A.040 and 1971 ex.s. c 43 s 4;
- (9) RCW 84.40A.050 and 1971 ex.s. c 43 s 5;
- (10) RCW 84.44.040 and 1961 c 15 s 84.44.040;
- (11) RCW 84.44.060 and 1961 c 15 s 84.44.060; and
- (12) RCW 84.44.070 and 1961 c 15 s 84.44.070.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Madson on pages 16, 18, 39, 43, and 44, to Substitute House Bill No. 1316.

The motion by Senator Madsen carried and the amendments were adopted.

MOTIONS

On motion of Senator McCaslin, the following title amendments were considered simultaneously and were adopted:

On page 1, line 4 of the title, after "82.45.180," strike "84.08.110,"

On page 1, line 7 of the title, after "85.05.280," strike "and" and after "85.05.360" insert ", 84.56.290, 84.69.070, 84.69.110, and 84.69.120"

On page 1, line 8 of the title, after "36.88 RCW;" insert "decodifying RCW 84.28.005, 84.28.006, 84.28.010, 84.28.020, 84.28.050, 84.28.060, 84.28.063, 84.28.065, 84.28.080, 84.28.090, 84.28.095, 84.28.100, 84.28.110, 84.28.140, 84.28.150, 84.28.160, 84.28.170, 84.28.200, 84.28.205, 84.28.210, and 84.28.215;"

On page 1, line 10 of the title, after "84.64.210," strike "and" and after "84.64.240" insert ", 84.04.043, 84.08.110, 84.40.100, 84.40.250, 84.40.330, 84.40A.020, 84.40A.030, 84.40A.040, 84.40A.050, 84.44.040, 84.44.060, and 84.44.070"

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1316, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1316, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1316, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senators A. Smith, L. Smith - 2.

Excused: Senators Rasmussen, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 1316, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER OF BUSINESS

The time arrived for the Special Order of Business, Engrossed Substitute House Bill No. 1027.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1027, by House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Horn, Phillips, Heavey, Anderson, Basich, Vance, Wineberry, Wilson, R. Johnson, Wang, Sprenkle, Spanel, Miller, Oden, Jones, Prentice, Leonard, Inslee, Fraser, R. King, Nelson, Pruitt, G. Fisher, Jacobsen, R. Fisher, Valle, Roland, Hine, Winsley, Rasmussen, Appelwick and Brekke) (by request of Governor Gardner)

Adopting oil and hazardous substance spoil prevention and response provisions.

The bill was read the second time.

MOTION

Senator Amondson moved that the following Committee on Ways and Means amendment not be adopted:

Strike everything after the enacting clause and insert the following:

**"PART I
GENERAL PROVISIONS"**

Sec. 101. 1990 c 116 s 1 (uncodified) is amended to read as follows:

(1) The legislature (~~((finds))~~) declares that the increasing reliance on water borne transportation as a source of supply for oil and hazardous substances poses special

concern for the state of Washington. Each year billions of gallons of crude oil and refined petroleum products are transported by vessel on the navigable waters of the state. These shipments are expected to increase in the coming years. Vessels transporting oil into Washington travel on some of the most unique and special marine environments in the United States. These marine environments are a source of natural beauty, recreation, and economic livelihood for many residents of this state. As a result, the state has an obligation to assure the citizens of the state that the waters of the state ~~((used for water borne transportation))~~ will be protected from oil spills. ~~((The legislature declares that this act is the first step in developing a comprehensive approach to protecting this important and unique resource by developing a set of procedures to respond to spills of oil and hazardous substances into the state's waters.))~~

(2) The legislature ((also)) finds that prevention is the best method to protect the unique and special marine environments in this state. The technology for containing and cleaning up a spill of oil or hazardous substances is in the early stages of development. Preventing spills is more protective of the environment and more cost-effective when all the costs associated with responding to a spill are considered. ((The legislature declares that it will continue to develop this first step in a comprehensive approach to protecting our unique and special marine environment by adopting measures in future sessions of the legislature to reduce the likelihood that a spill of oil or hazardous substances will occur.))

(3) The legislature also finds that:

(a) Recent accidents in Washington, Alaska, southern California, Texas, and other parts of the nation have shown that the transportation, transfer, and storage of oil have caused significant damage to the marine environment;

(b) Even with the best efforts, it is nearly impossible to remove all oil that is spilled into the water;

(c) Washington's navigable waters are treasured environmental and economic resources that the state cannot afford to place at undue risk from an oil spill; and

(d) The state has a fundamental responsibility, as the trustee of the state's natural resources and the protector of public health and the environment to prevent the spill of oil.

(4) In order to establish a comprehensive prevention and response program to protect Washington's waters and natural resources from spills of oil, it is the purpose of this chapter:

(a) To establish state agency expertise in marine safety and to centralize state activities in spill prevention and response activities;

(b) To prevent spills of oil and to promote programs that reduce the risk of both catastrophic and small chronic spills;

(c) To ensure that responsible parties are liable, and have the resources and ability, to respond to spills and provide compensation for all costs and damages;

(d) To provide for state spill response and wildlife rescue planning and implementation;

(e) To support and complement the federal oil pollution act of 1990 and other federal law, especially those provisions relating to the national contingency plan for cleanup of oil spills and discharges, including provisions relating to the responsibilities of state agencies designated as natural resource trustees. The legislature intends this chapter to be interpreted and implemented in a manner consistent with federal law;

(f) To provide broad powers of regulation to the department of ecology relating to spill prevention and response;

(g) To provide for an independent oversight board to review the adequacy of spill prevention and response activities in this state; and

(h) To provide an adequate funding source for state response and prevention programs.

Sec. 102. RCW 90.48.315 and 1990 c 116 s 2 are each amended to read as follows:

For purposes of (~~RCW 90.48.315 through 90.48.410, 78.52.020, 78.52.125, 82.36.330, 90.48.903, 90.48.906, and 90.48.907~~) this chapter, the following definitions shall apply unless the context indicates otherwise:

(1) "Administrator" means the administrator of the office of marine safety created in section 402 of this 1991 act.

(2) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering (a) the additional protection provided by the measures; (b) the technological achievability of the measures; and (c) the cost of the measures.

(3) "Best achievable technology" means the technology that provides the greatest degree of protection taking into consideration (a) processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development, and (b) processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(4) "Board" ((shall)) means the pollution control hearings board.

~~((2))~~ (5) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, ((of)) greater than three hundred or more gross tons or ((more)) five hundred or more international gross tons, including but not limited to, commercial fish processing vessels and freighters.

~~((3))~~ (6) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(7) "Committee" ((shall)) means the preassessment screening committee established under RCW 90.48.368.

~~((4))~~ (8) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

~~((5))~~ (9) "Department" ((shall)) means the department of ecology.

~~((6))~~ (10) "Director" ((shall)) means the director of the department of ecology.

~~((7))~~ (11) "Discharge" ((shall)) means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

~~((8))~~ (12)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that receives oil in bulk from a tank vessel, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk((, and is capable of storing ten thousand or more gallons of oil)).

(b) A facility does not include any: (i) Railroad car, motor vehicle, or other rolling stock ((used to transport)) while transporting oil over the highways or rail lines of this state; (ii) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; (iii) a motor vehicle motor fuel outlet; (iv) a facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or (v) a marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

~~((9))~~ (13) "Fund" ((shall)) means the state coastal protection fund as provided in RCW 90.48.390 and 90.48.400.

~~((10))~~ (14) "Having control over oil" shall include but not be limited to any person using, storing, or transporting oil immediately prior to entry of such oil into the waters of the state, and shall specifically include carriers and bailees of such oil.

~~((41)) "Maximum probable spill" means the maximum probable spill for a vessel operating in state waters considering the history of spills of vessels of the same class operating on the west coast of the United States, Alaska, and British Columbia.~~

~~((42)) (15) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.~~

~~((43)) (16) "Necessary expenses" means the expenses incurred by the department and assisting state agencies for (a) investigating the source of the discharge; (b) investigating the extent of the environmental damage caused by the discharge; (c) conducting actions necessary to clean up the discharge; (d) conducting predamage and damage assessment studies; and (e) enforcing the provisions of this chapter and collecting for damages caused by a discharge.~~

~~((44)) (17) "Oil" or "oils" (~~shall~~) means ((oil)) naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including ((gasoline)), but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, ((lubricating oil,)) oil sludge, oil refuse, ((liquid natural gas, propane, butane, oils distilled from coal, and other liquid hydrocarbons regardless of specific gravity, or any other petroleum related product)) and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.~~

~~((45)) (18) "Offshore facility" means any facility, as defined in subsection (12) of this section, located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.~~

~~(19) "Onshore facility" means any facility, as defined in subsection (12) of this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.~~

~~(20)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.~~

~~(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.~~

~~(21) "Passenger vessel" means a ship of greater than three hundred or more gross tons or five hundred or more international gross tons carrying passengers for compensation.~~

~~((46)) (22) "Person" (~~shall~~) means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever ((and any owner, operator, master, officer, or employee of a ship)).~~

~~((47)) (23) "Ship" (~~shall~~) means any boat, ship, vessel, barge, or other floating craft of any kind.~~

~~((48)) (24) "Spill" means ((a)) an unauthorized discharge of oil or hazardous substances into the waters of the state.~~

~~((49)) (25) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:~~

~~(a) Operates on the waters of the state; or~~

~~(b) Transfers oil in a port or place subject to the jurisdiction of this state.~~

~~((20))~~ (26) "Technical feasibility" or "technically feasible" shall mean that given available technology, a restoration or enhancement project can be successfully completed at a cost that is not disproportionate to the value of the resource prior to the injury.

~~((21))~~ (27) "Waters of the state" (~~shall~~) includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

~~((22))~~ (28) "Worst case spill" means: (a) In the case of a vessel, a spill of the entire cargo and fuel of ~~((a-tank))~~ the vessel complicated by adverse weather conditions; and (b) in the case of an onshore or offshore facility, the largest foreseeable spill in adverse weather conditions.

NEW SECTION. Sec. 103. DIRECTOR RESPONSIBLE FOR SPILL RESPONSE. Except as otherwise specifically provided in this chapter or other law, the director has the primary authority, in conformance with the state-wide master oil spill prevention and contingency plan adopted pursuant to RCW 90.48.378 as recodified by this act and any applicable contingency plans prepared pursuant to this chapter and chapter 88.--RCW (sections 414 through 432 of this act), to oversee prevention, abatement, response, containment, and cleanup efforts with regard to any oil spill in the navigable waters of the state. The director is the head of the state incident command system in response to a spill of oil and shall coordinate the response efforts of all state agencies and local emergency response personnel. If a discharge of oil is subject to the national contingency plan, in responding to the discharge, the director shall to the greatest extent practicable act in accordance with the national contingency plan and cooperate with the federal on-scene coordinator or other federal agency or official exercising authority under the national contingency plan.

Sec. 104. RCW 90.48.370 and 1971 ex.s. c 180 s 2 are each amended to read as follows:

The powers, duties, and functions conferred by ~~((RCW 78.52.020, 78.52.125, 82.36.330, 90.48.315, 90.48.370 through 90.48.410, 90.48.903, 90.48.906 and 90.48.907))~~ this chapter shall be exercised by the department of ecology and shall be deemed an essential government function in the exercise of the police power of the state. Such powers, duties, and functions of the department ~~((and those conferred by RCW 90.48.315 through 90.48.365))~~ shall extend to all waters ~~((within the boundaries))~~ under the jurisdiction of the state.

Sec. 105. RCW 90.48.365 and 1987 c 109 s 153 are each amended to read as follows:

~~((RCW 90.48.315 through 90.48.365 shall))~~ This chapter grants authority to the department which is supplemental to and in no way reduces or otherwise modifies the powers ~~((heretofore))~~ granted to the department ~~((, except as it may directly conflict therewith))~~ by other statutes.

Sec. 106. RCW 90.48.380 and 1971 ex.s. c 180 s 3 are each amended to read as follows:

The department may adopt rules ~~((and regulations))~~ including but not limited to the following matters:

(1) Procedures and methods of reporting discharges and other occurrences prohibited by ~~((RCW 90.48.315 through 90.48.365 and RCW 78.52.020, 78.52.125, 82.36.330, 90.48.315, 90.48.370 through 90.48.410, 90.48.903, 90.48.906 and 90.48.907))~~ this chapter;

(2) Procedures, methods, means, and equipment to be used by persons subject to regulation by ~~((RCW 90.48.315 through 90.48.365 and RCW 78.52.020, 78.52.125, 82.36.330, 90.48.315, 90.48.370 through 90.48.410, 90.48.903, 90.48.906 and 90.48.907))~~ this chapter and such rules ~~((and regulations))~~ may prescribe the times, places, and methods of transfer of oil;

(3) Coordination of procedures, methods, means, and equipment to be used in the removal of oil (~~(pollutants)~~);

(4) Development and implementation of criteria and plans to meet oil (~~(pollution occurrences)~~) spills of various kinds and degrees;

(5) ~~((The establishment from time to time of control districts comprising sections of the state coast and the establishment of rules and regulations to meet the particular requirements of each such district;~~

~~(6)) When and under what circumstances, if any, chemical agents, such as coagulants, dispersants, and bioremediation, may be used in response to an oil spill;~~

~~(6) The disposal of oil recovered from a spill; and~~

~~(7) Such other rules and regulations as the exigencies of any condition may require or such as may be reasonably necessary to carry out the intent of ((RCW 90.48.315 through 90.48.365 and RCW 78.52.020, 78.52.125, 82.36.330, 90.48.315, 90.48.370 through 90.48.410, 90.48.903, 90.48.906 and 90.48.907)) this chapter.~~

Sec. 107. RCW 90.48.378 and 1990 c 116 s 10 are each amended to read as follows:

(1) ~~((Not later than July 1, 1991,))~~ The department shall prepare and ((thereafter)) annually update a state-wide master oil and hazardous substance spill prevention and contingency plan. In preparing the plan, the department shall consult with an advisory committee representing diverse interests concerned with oil and hazardous substance spills, including the office of marine safety, the United States coast guard, the federal environmental protection agency, state agencies, local governments, port districts, private facilities, environmental organizations, oil companies, shipping companies, containment and cleanup contractors, tow companies, and hazardous substance manufacturers.

(2) The state master plan prepared under this section shall at a minimum:

(a) Take into consideration the elements of oil spill prevention and contingency plans approved or submitted for approval pursuant to ~~((RCW 90.48.371))~~ this chapter and chapter 88.-- RCW (sections 414 through 432 of this 1991 act) and oil and hazardous substance spill contingency plans prepared pursuant to other state or federal law or prepared by federal agencies and regional entities;

(b) State the respective responsibilities as established by relevant statutes and rules of each of the following in the prevention of and the assessment, containment, and cleanup of a ~~((catastrophic oil))~~ worst case spill ((or of a significant spill)) of ~~((a))~~ oil or hazardous substances into the environment of the state: (i) State agencies; (ii) local governments; (iii) appropriate federal agencies; (iv) facility operators; (v) property owners whose land or other property may be affected by the oil or hazardous substance spill; and (vi) other parties identified by the department as having an interest in or the resources to assist in the containment and cleanup of an oil or hazardous substance spill;

(c) State the respective responsibilities of the parties identified in (b) of this subsection in an emergency response;

(d) Identify actions necessary to reduce the likelihood of ~~((catastrophic oil))~~ spills ((and significant spills)) of oil and hazardous substances; ~~((and))~~

(e) Identify and obtain mapping of environmentally sensitive areas at particular risk to oil and hazardous substance spills; and

(f) Establish an incident command system for responding to oil spills.

(3) In preparing and updating the state master plan, the department shall:

(a) Consult with federal, provincial, municipal, and community officials, other state agencies, the state of Oregon, and with representatives of affected regional organizations;

(b) Submit the draft plan to the public for review and comment;

(c) Submit to the appropriate standing committees of the legislature for review, not later than November 1 of each year, the plan and any annual revision of the plan; and

(d) Require or schedule unannounced oil spill drills as required by RCW 90.48.374 as recodified by this 1991 act to test the sufficiency of oil spill contingency plans approved under RCW 90.48.371 as recodified by this 1991 act.

NEW SECTION. Sec. 108. COORDINATION WITH FEDERAL LAW. In carrying out the purposes of this chapter, including the adoption of rules for contingency plans, the department shall to the greatest extent practicable implement this chapter in a manner consistent with federal law.

NEW SECTION. Sec. 109. SMALL SPILL PREVENTION EDUCATION PROGRAM. (1) The Washington sea grant program, in consultation with the department, shall develop and conduct a voluntary spill prevention education program that targets small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas. Washington sea grant shall coordinate the spill prevention education program with recreational boater education performed by the state parks and recreation commission.

(2) The spill prevention education program shall illustrate ways to reduce oil contamination of bilge water, accidental spills of hydraulic fluid during routine maintenance, and reduce spillage during refueling. The program shall illustrate proper disposal of oil and promote strategies to meet shoreside oil handling, and disposal needs of the targeted groups. The program shall include a series of training workshops and the development of educational materials.

"PART II FACILITY PLANS"

NEW SECTION. Sec. 201. PREVENTION PLANS. (1) The owner or operator for each onshore and offshore facility shall prepare and submit to the department an oil spill prevention plan in conformance with the requirements of this chapter. The plans shall be submitted to the department in the time and manner directed by the department, but not later than January 1, 1993. The spill prevention plan may be consolidated with a spill contingency plan submitted pursuant to RCW 90.48.371 as recodified by this act. The department may accept plans prepared to comply with other state or federal law as spill prevention plans to the extent those plans comply with the requirements of this chapter. The department, by rule, shall establish standards for spill prevention plans. The rules shall be adopted not later than July 1, 1992.

(2) The spill prevention plan for an onshore or offshore facility shall:

(a) Establish compliance with the federal oil pollution act of 1990, if applicable, and financial responsibility requirements under federal and state law;

(b) Certify that supervisory and other key personnel in charge of transfer, storage, and handling of oil have received certification pursuant to section 203 of this act;

(c) Certify that the facility has an operations manual required by section 204 of this act;

(d) Certify the implementation of alcohol and drug use awareness programs;

(e) Describe the facility's maintenance and inspection program and contain a current maintenance and inspection record of the storage and transfer facilities and related equipment;

(f) Describe the facility's alcohol and drug treatment programs;

(g) Describe spill prevention technology that has been installed, including overflow alarms, automatic overflow cut-off switches, secondary containment facilities, and storm water retention, treatment, and discharge systems;

(h) Describe any discharges of oil to the land or the water of more than twenty-five barrels in the prior five years and the measures taken to prevent a reoccurrence;

(i) Describe the procedures followed by the facility to contain and recover any oil that spills during the transfer of oil to or from the facility;

(j) Provide for the incorporation into the facility during the period covered by the plan of those measures that will provide the best achievable protection for the public health and the environment; and

(k) Include any other information reasonably necessary to carry out the purposes of this chapter required by rules adopted by the department.

(3) The department shall only approve a prevention plan if it provides the best achievable protection from damages caused by the discharge of oil into the waters of the state and if it determines that the plan meets the requirements of this section and rules adopted by the department.

(4) Upon approval of a prevention plan, the department shall provide to the person submitting the plan a statement indicating that the plan has been approved, the facilities covered by the plan, and other information the department determines should be included.

(5) The approval of a prevention plan shall be valid for five years. An owner or operator of a facility shall notify the department in writing immediately of any significant change of which it is aware affecting its prevention plan, including changes in any factor set forth in this section or in rules adopted by the department. The department may require the owner or operator to update a prevention plan as a result of these changes.

(6) The department by rule shall require prevention plans to be reviewed, updated, if necessary, and resubmitted to the department at least once every five years.

(7) Approval of a prevention plan by the department does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under this chapter or other state law.

(8) This section does not authorize the department to modify the terms of a collective bargaining agreement.

Sec. 202. RCW 90.48.371 and 1990 c 116 s 3 are each amended to read as follows:

(1) Each onshore and offshore facility (~~and covered vessel~~) shall have a contingency plan for the containment and cleanup of oil spills from the facility (~~or covered vessel~~) into the waters of the state and for the protection of fisheries and wildlife, natural resources, and public and private property from such spills. The department shall by rule adopt and periodically revise standards for the preparation of contingency plans. (~~The rules for facilities and, except as otherwise provided in this subsection, for covered vessels shall be adopted not later than July 1, 1991. The department shall exclude from the rules to be adopted by July 1, 1991, standards for tank vessels of less than twenty thousand deadweight tons, cargo vessels, and passenger vessels operating on the portion of the Columbia river for which the department determines that Washington and Oregon should cooperate in the adoption of standards for contingency plans. The department, after consultation with the appropriate state agencies in Oregon, shall adopt the rules for standards for contingency plans for this portion of the Columbia river at the earliest possible time, but not later than July 1, 1992.~~) The department shall require contingency plans, at a minimum, to meet the following standards:

(a) Include full details of the method of response to spills of various sizes from any (~~vessel, ship, or~~) facility which is covered by the plan;

(b) Be designed to be capable in terms of personnel, materials, and equipment, of promptly and properly, to the maximum extent practicable, as defined by the department(:

~~(i) Removing oil and minimizing any damage to the environment resulting from a maximum probable spill; and~~

~~((ii)) removing oil and minimizing any damage to the environment resulting from a worst case spill;~~

(c) Provide a clear, precise, and detailed description of how the plan relates to and is integrated into relevant contingency plans which have been prepared by cooperatives, ports, regional entities, the state, and the federal government;

(d) Provide procedures for early detection of oil spills and timely notification of such spills to appropriate federal, state, and local authorities under applicable state and federal law;

(e) State the number, training preparedness, and fitness of all dedicated, prepositioned personnel assigned to direct and implement the plan;

(f) Incorporate periodic training and drill programs to evaluate whether personnel and equipment provided under the plan are in a state of operational readiness at all times;

(g) Describe important features of the surrounding environment, including fish and wildlife habitat, environmentally sensitive areas, and public facilities. The departments of ecology, fisheries, wildlife, and natural resources, upon request, shall provide information that they have available to assist in preparing this description;

(h) State the means of protecting and mitigating effects on the environment, including fish, marine mammals, and other wildlife, and ensure that implementation of the plan does not pose unacceptable risks to the public or the environment;

~~((h) Provide a detailed description of equipment and procedures to be used by the crew of a vessel to minimize vessel damage, stop or reduce any spilling from the vessel, and, only when appropriate and the vessel/safety is assured, contain and clean up the spilled oil;))~~

(i) Provide arrangements for the prepositioning of oil spill containment and cleanup equipment and trained personnel at strategic locations from which they can be deployed to the spill site to promptly and properly remove the spilled oil;

(j) Provide arrangements for enlisting the use of qualified and trained cleanup personnel to implement the plan;

(k) Provide for disposal of recovered spilled oil in accordance with local, state, and federal laws;

(l) Until a spill prevention plan has been submitted pursuant to section 201 of this 1991 act, state the measures that have been taken to reduce the likelihood that a spill will occur, including but not limited to, design and operation of a ((vessel or)) facility, training of personnel, number of personnel, and backup systems designed to prevent a spill;

(m) State the amount and type of equipment available to respond to a spill, where the equipment is located, and the extent to which other contingency plans rely on the same equipment; and

(n) If the department has adopted rules permitting the use of dispersants, the circumstances, if any, and the manner for the application of the dispersants in conformance with the department's rules.

(2)(a) ((Contingency plans for facilities capable of storing one million gallons or more of oil and for tank vessels of twenty thousand deadweight tons or more shall be submitted to the department)) The following shall submit contingency plans to the department within six months after the department adopts rules establishing standards for contingency plans under subsection (1) of this section:

(i) Onshore facilities capable of storing one million gallons or more of oil; and

(ii) Offshore facilities.

(b) (~~(Except as otherwise provided in (c) of this subsection,)~~ Contingency plans for all other onshore and offshore facilities (~~(and covered vessels)~~) shall be submitted to the department within eighteen months after the department has adopted rules under subsection (1) of this section. The department may adopt a schedule for submission of plans within the eighteen-month period.

~~((c) Contingency plans for covered vessels which are not required to submit plans within the six month period prescribed in (a) of this subsection and which operate on the portion of the Columbia river for which the department must adopt rules not later than July 1, 1992, shall be submitted to the department not later than January 1, 1993.))~~

(3)(a) The owner or operator of a facility shall submit the contingency plan for the facility.

~~(b) ((The owner or operator of a tank vessel or of the facilities at which the vessel will be unloading its cargo shall submit the contingency plan for the tank vessel. Subject to conditions imposed by the department, the owner or operator of a facility may submit a single contingency plan for tank vessels of a particular class that will be unloading cargo at the facility.~~

~~(c) The contingency plan for a cargo vessel or passenger vessel may be submitted by the owner or operator of the cargo vessel or passenger vessel or by the agent for the vessel resident in this state. Subject to conditions imposed by the department, the owner, operator, or agent may submit a single contingency plan for cargo vessels or passenger vessels of a particular class.~~

~~(d)) A person who has contracted with a facility ((or covered vessel)) to provide containment and cleanup services and who meets the standards established pursuant to RCW 90.48.372 as recodified by this 1991 act, may submit the plan for any facility ((or covered vessel)) for which the person is contractually obligated to provide services. Subject to conditions imposed by the department, the person may submit a single plan for more than one facility ((or covered vessel)).~~

(4) A contingency plan prepared for an agency of the federal government or another state that satisfies the requirements of this section and rules adopted by the department may be accepted by the department as a contingency plan under this section. The department shall assure that to the greatest extent possible, requirements for contingency plans under this section are consistent with the requirements for contingency plans under federal law.

(5) In reviewing the contingency plans required by this section, the department shall consider at least the following factors:

(a) The adequacy of containment and cleanup equipment, personnel, communications equipment, notification procedures and call down lists, response time, and logistical arrangements for coordination and implementation of response efforts to remove oil (~~(and hazardous substance)~~) spills promptly and properly and to protect the environment;

(b) The nature and amount of vessel traffic within the area covered by the plan;

(c) The volume and type of oil (~~(or hazardous substances)~~) being transported within the area covered by the plan;

(d) The existence of navigational hazards within the area covered by the plan;

(e) The history and circumstances surrounding prior spills of oil (~~(and hazardous substances)~~) within the area covered by the plan;

(f) The sensitivity of fisheries and wildlife and other natural resources within the area covered by the plan;

(g) Relevant information on previous spills contained in on-scene coordinator reports prepared by the department; and

(h) The extent to which reasonable, cost-effective measures to prevent a likelihood that a spill will occur have been incorporated into the plan.

(6) The department shall approve a contingency plan only if it determines that the plan meets the requirements of this section and that, if implemented, the plan is capable, in terms of personnel, materials, and equipment, of removing oil (~~or hazardous substances~~) promptly and properly and minimizing any damage to the environment.

(7) The approval of the contingency plan shall be valid for five years. Upon approval of a contingency plan, the department shall provide to the person submitting the plan a statement indicating that the plan has been approved, the facilities or vessels covered by the plan, and other information the department determines should be included.

(8) An owner or operator of a (~~vessel, ship, or~~) facility shall notify the department in writing immediately of any significant change of which it is aware affecting its contingency plan, including changes in any factor set forth in this section or in rules adopted by the department. The department may require the owner or operator to update a contingency plan as a result of these changes.

(9) The department by rule shall require contingency plans to be reviewed, updated, if necessary, and resubmitted to the department at least once every five years.

(10) Approval of a contingency plan by the department does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under this chapter or other state law.

NEW SECTION. Sec. 203. FACILITY OPERATION STANDARDS. (1) The department by rule shall adopt standards for onshore and offshore facilities regarding the equipment and operation of the facilities with respect to the transfer, storage, and handling of oil to ensure that the best achievable protection of the public health and the environment is employed at all times. The department shall implement a program to provide for the inspection of all onshore and offshore facilities on a regular schedule to ensure that each facility is in compliance with the standards.

(2) The department shall adopt rules for certification of supervisory and other key personnel in charge of the transfer, storage, and handling of oil at onshore and offshore facilities. The rules shall include, but are not limited to:

(a) Minimum training requirements for all facility workers involved in the transfer, storage, and handling of oil at a facility;

(b) Provisions for periodic renewal of certificates for supervisory and other key personnel involved in the transfer, storage, and handling of oil at the facility; and

(c) Continuing education requirements.

(3) The rules adopted by the department shall not conflict with or modify standards imposed pursuant to federal or state laws regulating worker safety.

NEW SECTION. Sec. 204. OPERATIONS MANUALS.

(1) Each owner or operator of an onshore or offshore facility shall prepare an operations manual describing equipment and procedures involving the transfer, storage, and handling of oil that the operator employs or will employ for best achievable protection for the public health and the environment and to prevent oil spills in the navigable waters. The operations manual shall also describe equipment and procedures required for all vessels to or from which oil is transferred through use of the facility. The operations manual shall be submitted to the department for approval.

(2) Every existing onshore and offshore facility shall prepare and submit to the department its operations manual within eighteen months after the department has adopted rules governing the content of the manual.

(3) The department shall approve an operations manual for an onshore or offshore facility if the manual complies with the rules adopted by the department. If the department determines a manual does not comply with the rules, it shall provide written reasons for the decision. The owner or operator shall resubmit the manual within ninety days of notification of the reasons for noncompliance, responding to the reasons and incorporating any suggested modifications.

(4) The approval of an operations manual shall be valid for five years. The owner or operator of the facility shall notify the department in writing immediately of any significant change in its operations affecting its operations manual. The department may require the owner or operator to modify its operations manual as a result of these changes.

(5) All equipment and operations of an operator's onshore or offshore facility shall be maintained and carried out in accordance with the facility's operations manual. The owner or operator of the facility shall ensure that all covered vessels docked at an onshore or offshore facility comply with the terms of the operations manual for the facility.

Sec. 205. RCW 90.48.373 and 1990 c 116 s 5 are each amended to read as follows:

The department shall annually publish an index of available, up-to-date descriptions of prevention plans and contingency plans for oil spills submitted and approved pursuant to section 201 of this 1991 act, RCW 90.48.371 as recodified by this 1991 act, and sections 417 and 419 of this 1991 act and an inventory of equipment available for responding to such spills.

Sec. 206. RCW 90.48.375 and 1990 c 116 s 7 are each amended to read as follows:

(1) The provisions of contingency plans approved by the department under RCW 90.48.371 as recodified by this 1991 act and prevention plans approved by the department pursuant to section 201 of this 1991 act shall be legally binding on those persons submitting them to the department and on their successors, assigns, agents, and employees. The superior court shall have jurisdiction to restrain a violation of, compel specific performance of, or otherwise to enforce such plans upon application by the department. The department may issue an order pursuant to chapter 34.05 RCW requiring compliance with a contingency plan or a prevention plan and may impose administrative penalties under RCW 43.21B.300 for failure to comply with a plan. An order under this section is not subject to review by the pollution control hearings board as provided in RCW 43.21B.110.

(2)(a) Any person responsible or potentially responsible for a discharge, all of the agents and employees of that person, the operators of all vessels docked at an onshore or offshore facility that is a source of a discharge, and all state and local agencies shall carry out response and cleanup operations in accordance with applicable contingency plans, unless directed otherwise by the director or the coast guard. Except as provided in (b) of this subsection, the responsible party, potentially responsible parties, their agents and employees, the operators of all vessels docked at an onshore or offshore facility that is the source of the discharge, and all state and local agencies shall carry out whatever direction is given by the director in connection with the response, containment, and cleanup of the spill, if the directions are not in direct conflict with the directions of the coast guard.

(b) If a responsible party or potentially responsible party reasonably, and in good faith, believes that the directions or orders given by the director pursuant to (a) of this subsection will substantially endanger the public safety or the environment, the party may refuse to act in compliance with the orders or directions of the director. The responsible party or potentially responsible party shall state, at the time of the refusal, the reasons why the party refuses to follow the orders or directions of the director. The responsible party or potentially responsible party shall give the director written notice of the reasons for the refusal within forty-eight hours of refusing to follow the orders or directions of the director. In any civil or criminal proceeding commenced pursuant to this section, the burden of proof shall be on the responsible party or potentially responsible party to demonstrate, by clear and convincing evidence, why the refusal to follow the orders or directions of the director was justified under the circumstances.

**"PART III
ENFORCEMENT"**

Sec. 301. RCW 90.48.376 and 1990 c 116 s 8 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, it shall be unlawful for ~~((any person))~~ the owner or operator to knowingly and intentionally operate in this state or on the waters of this state ~~((a))~~ an onshore or offshore facility ~~((or covered vessel))~~ without an approved contingency plan or an approved prevention plan as required by ~~((RCW 90.48.371))~~ this chapter, or financial responsibility in compliance with chapter 88.40 RCW and the federal oil pollution act of 1990. The first conviction under this section shall be a gross misdemeanor under chapter 9A.20 RCW. A second or subsequent conviction shall be a class C felony under chapter 9A.20 RCW.

(2) It shall not be unlawful for ~~((a person))~~ the owner or operator to operate ~~((a))~~ an onshore or offshore facility ~~((or covered vessel))~~ if:

(a) The facility ~~((or covered vessel))~~ is not required to have a contingency plan, spill prevention plan, or financial responsibility; or

(b) ~~((A))~~ All required plans ~~((has))~~ have been submitted to the department as required by RCW 90.48.371 as recodified by this 1991 act and rules adopted by the department and the department is reviewing the plan and has not denied approval ~~((or~~

~~((The covered vessel has entered state waters after the United States coast guard has determined that the vessel is in distress)).~~

(3) A ~~((facility))~~ person may rely on a copy of the statement issued by the department pursuant to RCW 90.48.371(7) as recodified by this 1991 act as evidence that ~~((the vessel))~~ a facility has an approved contingency plan and the statement issued pursuant to section 201(5) of this 1991 act that a facility has an approved prevention plan.

Sec. 302. RCW 90.48.377 and 1990 c 116 s 9 are each amended to read as follows:

~~((1))~~ ~~((Except as provided in subsection (4) of this section, it shall be unlawful for a covered vessel to enter the waters of the state without an approved contingency plan as provided in RCW 90.48.371. The department may deny entry onto the waters of the state to any covered vessel that does not have a contingency plan and is so required.~~

~~((2))~~ Except as provided in subsection ~~((4))~~ (3) of this section, it shall be unlawful:

(a) For ~~((a))~~ the owner or operator to operate an onshore or offshore facility ~~((to operate))~~ without an approved contingency plan as required under RCW 90.48.371 as recodified by this 1991 act, a spill prevention plan required by section 201 of this 1991 act, or financial responsibility in compliance with chapter 88.40 RCW and the federal oil pollution act of 1990; or

(b) For ~~((a))~~ the owner or operator of an onshore or offshore facility ~~((or any other person))~~ to accept cargo or passengers from a covered vessel that does not have an approved contingency plan or an approved prevention plan required under ~~((RCW 90.48.371))~~ chapter 88.-- RCW (sections 414 through 432 of this 1991 act) or financial responsibility in compliance with chapter 88.40 RCW and the federal oil pollution act of 1990.

~~((3))~~ (2) The department may notify the ~~((department of licensing))~~ secretary of state to suspend the business license of any onshore or offshore facility or other person that is in violation of this section. The department may assess a civil penalty under RCW 43.21B.300 of up to one hundred thousand dollars against any person who is in violation of this section. Each day that a facility ~~((,))~~ or person ~~((or covered vessel))~~ is in violation of this section shall be considered a separate violation.

~~((4)) (3) It shall not be unlawful for a ((covered vessel to operate on the waters of the state or a) facility or other person to operate or accept cargo or passengers from a covered vessel if:~~

~~(a) A contingency plan, a prevention plan, or financial responsibility is not required for the facility ((or covered vessel)); or~~

~~(b) A contingency and prevention plan has been submitted to the department as required by ((RCW 90.48.371)) this chapter and rules adopted by the department and the department is reviewing the plan and has not denied approval(; or~~

~~(c) The covered vessel has entered state waters after the United States coast guard has determined that the vessel is in distress).~~

~~((5)) (4) Any person may rely on a copy of the statement issued by the department pursuant to RCW 90.48.371(7) as recodified by this 1991 act as evidence that the ((vessel) facility has an approved contingency plan and the statement issued pursuant to section 201(5) of this 1991 act as evidence that the facility has an approved spill prevention plan. Any person may rely on a copy of the statement issued by the office to section 419 of this 1991 act as evidence that the vessel has an approved contingency plan and the statement issued pursuant to section 417 of this 1991 act as evidence that the vessel has an approved prevention plan.~~

Sec. 303. RCW 90.48.325 and 1970 ex.s. c 88 s 3 are each amended to read as follows:

It shall be the obligation of any person owning or having control over oil entering waters of the state in violation of RCW 90.48.320 as recodified by this 1991 act to immediately collect and remove the same. If it is not feasible to collect and remove, said person shall take all practicable actions to contain, treat and disperse the same. The director shall prohibit or restrict the use of any chemicals or other dispersant or treatment materials proposed for use under this section whenever it appears to ~~((him))~~ the director that use thereof would be detrimental to the public interest.

NEW SECTION. Sec. 304. (1)(a) Notwithstanding any other provision of law, a person is not liable for removal costs or damages that result from actions taken or omitted to be taken in the course of rendering care, assistance, or advice consistent with the national contingency plan or as otherwise directed by the federal on-scene coordinator or by the official within the department with responsibility for oil spill response. This subsection (1)(a) does not apply:

(i) To a responsible party;

(ii) With respect to personal injury or wrongful death; or

(iii) If the person is grossly negligent or engages in willful misconduct.

(b) A responsible party is liable for any removal costs and damages that another person is relieved of under (a) of this subsection.

(c) Nothing in this section affects the liability of a responsible party for oil spill response under state law.

(2) For the purposes of this section:

(a) "Damages" means damages of any kind for which liability may exist under the laws of this state resulting from, arising out of, or related to the discharge or threatened discharge of oil.

(b) "Discharge" means any emission other than natural seepage, intentional or unintentional, and includes, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(c) "Federal on-scene coordinator" means the federal official predesignated by the United States environmental protection agency or the United States coast guard to coordinate and direct federal responses under subpart D, or the official designated by the lead agency to coordinate and direct removal under subpart E, of the national contingency plan.

(d) "National contingency plan" means the national contingency plan prepared and published under section 311(d) of the federal water pollution control act (33 U.S.C. Sec. 1321(d)), as amended by the oil pollution act of 1990 (P.L. 101-380, 104 Stat. 484 (1990)).

(e) "Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

(f) "Person" means an individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, or any interstate body.

(g) "Removal costs" means the costs of removal that are incurred after a discharge of oil has occurred or, in any case in which there is a substantial threat of a discharge of oil, the costs to prevent, minimize, or mitigate oil pollution from such an incident.

(h) "Responsible party" means a person liable under RCW 90.48.336 as recodified by this act.

Sec. 305. RCW 90.48.340 and 1987 c 109 s 148 are each amended to read as follows:

The department shall investigate each activity or project conducted under RCW 90.48.330 as recodified by this 1991 act to determine, if possible, the circumstances surrounding the entry of oil into waters of the state and the person or persons allowing said entry or responsible for the act or acts which result in said entry. Whenever it appears to the department, after investigation, that a specific person or persons are responsible for the necessary expenses incurred by the state pertaining to a project or activity as specified in RCW 90.48.335 as recodified by this 1991 act, the department shall notify said person or persons by appropriate order (~~:(--PROVIDED, That no order may be issued).~~ The department may not issue an order pertaining to a project or activity which was completed more than five years prior to the date of the proposed issuance of the order. ~~((Said))~~ The order shall state the findings of the department, the amount of necessary expenses incurred ((by the department)) in conducting the project or activity, and a notice that said amount is due and payable immediately upon receipt of said order. The department may, upon application from the recipient of an order received within thirty days from the receipt of the order, reduce or set aside in its entirety the amount due and payable, when it appears from the application, and from any further investigation the department may desire to undertake, that a reduction or setting aside is just and fair under all the circumstances. If the amount specified in the order issued by the department notifying said person or persons is not paid within thirty days after receipt of notice imposing the same, or if an application has been made within thirty days as herein provided and the amount provided in the order issued by the department subsequent to such application is not paid within fifteen days after receipt thereof, the attorney general, upon request of the department, shall bring an action on behalf of the state in the superior court of Thurston county or any county in which the person to which the order is directed does business, or in any other court of competent jurisdiction, to recover the amount specified in the final order of the department. No order issued under this section shall be construed as an order within the meaning of RCW 43.21B.310 and shall not be appealable to the hearings board. In any action to recover necessary expenses as herein provided said person shall be relieved from liability for necessary expenses if ((he)) the person can prove that the oil to which the necessary expenses relate entered the waters of the state by causes set forth in RCW ((90.48.320(3))) 90.48.320(2) as recodified by this 1991 act.

Sec. 306. RCW 90.48.350 and 1990 c 116 s 20 are each amended to read as follows:

(1) Except as otherwise provided in RCW 90.48.383, any person who negligently discharges oil, or causes or permits the entry of the same, shall incur, in addition to any other penalty as provided by law, a penalty in an amount of up to

twenty thousand dollars for every such violation, and for each day the spill poses risks to the environment as determined by the director. This subsection shall not apply to an employee of the owner or operator of an offshore or onshore facility or covered vessel who is not in a supervisory capacity.

(2) Any person who intentionally or recklessly discharges or causes or permits the entry of oil into the waters of the state shall incur, in addition to any other penalty authorized by law, a penalty of up to one hundred thousand dollars for every such violation and for each day the spill poses risks to the environment as determined by the director.

(3) The amount of the penalty shall be determined by the director after taking into consideration the gravity of the violation, the previous record of the violator in complying, or failing to comply, with the provisions of chapter 90.48 RCW, the speed and thoroughness of the collection and removal of the oil, and such other considerations as the director deems appropriate. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for. The penalty herein provided for shall be imposed pursuant to RCW 43.21B.300.

"PART IV OFFICE OF MARINE SAFETY"

NEW SECTION. Sec. 401. The legislature declares that Washington's waters have irreplaceable value for the citizens of the state. These waters are vital habitat for numerous and diverse marine life and wildlife and the source of recreation, aesthetic pleasure, and pride for Washington's citizens. These waters are also vital for much of Washington's economic vitality.

The legislature finds that the transportation of oil on these waters creates a great potential hazard to these important natural resources. The legislature also finds that there is no state agency responsible for maritime safety to ensure this state's interest in preserving these resources.

The legislature therefore finds that in order to protect these waters it is necessary to establish an office of marine safety which will have the responsibility to promote the safety of marine transportation in Washington.

NEW SECTION. Sec. 402. (1) There is hereby created an agency of state government to be known as the office of marine safety. The office shall be vested with all powers and duties transferred to it and such other powers and duties as may be authorized by law. The main administrative office of the office shall be located in the city of Olympia. The administrator may establish administrative facilities in other locations, if deemed necessary for the efficient operation of the office, and if consistent with the principles set forth in subsection (2) of this section.

(2) The office of marine safety shall be organized consistent with the goals of providing state government with a focus in marine transportation and serving the people of this state. The legislature recognizes that the administrator needs sufficient organizational flexibility to carry out the office's various duties. To the extent practical, the administrator shall consider the following organizational principles:

(a) Clear lines of authority which avoid functional duplication within and between subelements of the office;

(b) A clear and simplified organizational design promoting accessibility, responsiveness, and accountability to the legislature, the consumer, and the general public; and

(c) Maximum span of control without jeopardizing adequate supervision.

(3) The office shall provide leadership and coordination in identifying and resolving threats to the safety of marine transportation and the impact of marine transportation on the environment:

- (a) Working with other state agencies and local governments to strengthen the state and local governmental partnership in providing public protection;
- (b) Providing expert advice to the executive and legislative branches of state government;
- (c) Providing active and fair enforcement of rules;
- (d) Working with other federal, state, and local agencies and facilitating their involvement in planning and implementing marine safety measures;
- (e) Providing information to the public; and
- (f) Carrying out such other related actions as may be appropriate to this purpose.

(4) In accordance with the administrative procedure act, chapter 34.05 RCW, the office shall ensure an opportunity for consultation, review, and comment before the adoption of standards, guidelines, and rules.

(5) Consistent with the principles set forth in subsection (2) of this section, the administrator may create such administrative divisions, offices, bureaus, and programs within the office as the administrator deems necessary. The administrator shall have complete charge of and supervisory powers over the office, except where the administrator's authority is specifically limited by law.

(6) The administrator shall appoint such personnel as are necessary to carry out the duties of the office in accordance with chapter 41.06 RCW.

NEW SECTION. **Sec. 403.** The executive head and appointing authority of the office shall be the administrator of marine safety. The administrator shall be appointed by, and serve at the pleasure of, the governor in accordance with RCW 43.17.020. The administrator shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040.

Sec. 404. RCW 42.17.2401 and 1991 c 3 s 293 are each amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the office of marine safety, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community colleges, the director of community development, the secretary of corrections, the director of ecology, the commissioner of employment security, the chairman of the energy facility site evaluation council, the director of the energy office, the secretary of the state finance committee, the director of financial management, the director of fisheries, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the director of the higher education personnel board, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the director of trade and economic development, the secretary of

transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the director of wildlife, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community college education, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, higher education coordinating board, higher education facilities authority, higher education personnel board, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, liquor control board, lottery commission, oil and gas conservation committee, Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, personnel board, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, state employees' benefits board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and wildlife commission.

NEW SECTION. Sec. 405. In addition to any other powers granted the administrator, the administrator may:

(1) Adopt, in accordance with chapter 34.05 RCW, rules necessary to carry out the provisions of this chapter and chapter 88.-- RCW (sections 414 through 432 of this act);

(2) Appoint such advisory committees as may be necessary to carry out the provisions of this chapter and chapter 88.-- RCW (sections 414 through 432 of this act). Members of such advisory committees are authorized to receive travel expenses in accordance with RCW 43.03.050 and 43.03.060. The administrator shall review each advisory committee within the jurisdiction of the office and each statutory advisory committee on a biennial basis to determine if such advisory committee is needed. The criteria specified in RCW 43.131.070 shall be used to determine whether or not each advisory committee shall be continued;

(3) Undertake studies, research, and analysis necessary to carry out the provisions of this chapter and chapter 88.-- RCW (sections 414 through 432 of this act);

(4) Delegate powers, duties, and functions of the department to employees of the department as the secretary deems necessary to carry out the provisions of this chapter and chapter 88.-- RCW (sections 414 through 432 of this act);

(5) Enter into contracts on behalf of the department to carry out the purposes of this chapter and chapter 88.-- RCW (sections 414 through 432 of this act);

(6) Act for the state in the initiation of, or the participation in, any intergovernmental program for the purposes of this chapter and chapter 88.-- RCW (sections 414 through 432 of this act); or

(7) Accept gifts, grants, or other funds.

NEW SECTION. Sec. 406. The powers and duties of the department of ecology and the director of ecology under chapter 90.48 RCW relating to adoption of rules and approval of contingency plans for vessels and adoption of model tow cable

standards for tug boats and barges are hereby transferred to the office of marine safety and the administrator of the office of marine safety.

NEW SECTION. Sec. 407. (1) The administrator shall have full authority to administer oaths and take testimony thereunder, to issue subpoenas requiring the attendance of witnesses before the administrator together with all books, memoranda, papers, and other documents, articles or instruments, and to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation.

(2) Subpoenas issued in adjudicative proceedings shall be governed by chapter 34.05 RCW.

(3) Subpoenas issued in the conduct of investigations required or authorized by other statutory provisions or necessary in the enforcement of other statutory provisions shall be governed by chapter 34.05 RCW.

NEW SECTION. Sec. 408. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of ecology pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the office of marine safety. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of ecology in carrying out the powers, functions, and duties transferred shall be made available to the office of marine safety. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the office of marine safety.

Any appropriations made to the department of ecology for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the office of marine safety.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 409. All employees of the department of ecology engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the office of marine safety. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the office of marine safety to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 410. All rules and all pending business before the department of ecology pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the office of marine safety. All existing contracts and obligations shall remain in full force and shall be performed by the office of marine safety.

NEW SECTION. Sec. 411. The transfer of the powers, duties, functions, and personnel of the department of ecology shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 412. If apportionments of budgeted funds are required because of the transfers directed by sections 408 through 411 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 413. Nothing contained in sections 406 and 408 through 412 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement

has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 414. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrator" means the administrator of the office of marine safety created in section 402 of this act.

(2) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The administrator's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering (a) the additional protection provided by the measures; (b) the technological achievability of the measures; and (c) the cost of the measures.

(3) "Best achievable technology" means the technology that provides the greatest degree of protection taking into consideration (a) processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development, and (b) processes that are currently in use. In determining what is best achievable technology, the administrator shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(4) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, of greater than three hundred or more gross tons or five hundred or more international gross tons, including but not limited to, commercial fish processing vessels and freighters.

(5) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(6) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(7) "Department" means the department of ecology.

(8) "Director" means the director of the department of ecology.

(9) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(10)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that receives oil in bulk from a tank vessel, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any: (i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; (ii) retail motor vehicle motor fuel outlet; (iii) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; (iv) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; or (v) a marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(11) "Marine facility" means any offshore or onshore facility engaged in the primary business of unloading, loading, or storage of oil or cargo, the moorage of vessels, handling vessels engaged in passenger transport, or the servicing of vessels.

(12) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(13) "Office" means the office of marine safety established by section 402 of this act.

(14) "Oil" or "oils" means any naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil,

petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

(15) "Offshore facility" means any facility, as defined in subsection (10) of this section, located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land. "Offshore facility" does not include a marine facility as defined in subsection (11) of this section.

(16) "Onshore facility" means any facility, as defined in subsection (10) of this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(17)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(18) "Passenger vessel" means a ship of greater than three hundred or more gross tons or five hundred or more international gross tons carrying passengers for compensation.

(19) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(20) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(21) "Spill" means an unauthorized discharge of oil into the waters of the state.

(22) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(23) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(24) "Worst case spill" means: (a) In the case of a vessel, a spill of the entire cargo and fuel of the vessel complicated by adverse weather conditions; and (b) in the case of an onshore or offshore facility, the largest foreseeable spill in adverse weather conditions.

NEW SECTION. Sec. 415. COORDINATION WITH FEDERAL LAW. In carrying out the purposes of this chapter, including the adoption of rules for contingency plans, the administrator shall to the greatest extent practicable implement this chapter in a manner consistent with federal law.

NEW SECTION. Sec. 416. TANK VESSEL INSPECTIONS. (1) All tank vessels entering the navigable waters of the state shall be subject to inspection to assure that they comply with all applicable federal and state standards.

(2) The office shall review the tank vessel inspection programs conducted by the United States coast guard and other federal agencies to determine if the programs as actually operated by those agencies provide the best achievable protection to the waters of the state. If the office determines that the tank vessel inspection programs

conducted by these agencies are not adequate to protect the state's waters, it shall adopt rules for a state tank vessel inspection program. The office shall adopt rules providing for a random review of individual tank vessel inspections conducted by federal agencies. The office may accept a tank vessel inspection report issued by another state if that state's tank vessel inspection program is determined by the office to be at least as protective of the public health and the environment as the program adopted by the office.

(3) The state tank vessel inspection program shall ensure that all tank vessels entering state waters are inspected at least annually. To the maximum extent feasible, the state program shall consist of the monitoring of existing tank vessel inspection programs conducted by the federal government. The office shall consult with the coast guard regarding the tank vessel inspection program. Any tank vessel inspection conducted pursuant to this section shall be performed during the vessel's scheduled stay in port.

(4) Any violation of coast guard or other federal regulations uncovered during a state tank vessel inspection shall be immediately reported to the appropriate agency.

NEW SECTION. Sec. 417. PREVENTION PLANS. (1) The owner or operator for each tank vessel shall prepare and submit to the office an oil spill prevention plan in conformance with the requirements of this chapter. The plans shall be submitted to the office in the time and manner directed by the office, but not later than January 1, 1993. The spill prevention plan may be consolidated with a spill contingency plan submitted pursuant to section 419 of this act. The office may accept plans prepared to comply with other state or federal law as spill prevention plans to the extent those plans comply with the requirements of this chapter. The office, by rule, shall establish standards for spill prevention plans. The rules shall be adopted not later than July 1, 1992.

(2) The spill prevention plan for a tank vessel or a fleet of tank vessels operated by the same operator shall:

(a) Establish compliance with the federal oil pollution act of 1990 and state and federal financial responsibility requirements, if applicable;

(b) State all discharges of oil of more than twenty-five barrels from the vessel within the prior five years and what measures have been taken to prevent a reoccurrence;

(c) Describe all accidents, collisions, groundings, and near miss incidents in which the vessel has been involved in the prior five years, analyze the causes, and state the measures that have been taken to prevent a reoccurrence;

(d) Describe the vessel operations with respect to staffing standards;

(e) Describe the vessel inspection program carried out by the owner or operator of the vessel;

(f) Describe the training given to vessel crews with respect to spill prevention;

(g) Establish compliance with federal drug and alcohol programs;

(h) Describe all spill prevention technology that has been incorporated into the vessel;

(i) Describe the procedures used by the vessel owner or operator to ensure English language proficiency of at least one bridge officer while on duty in waters of the state;

(j) Describe relevant prevention measures incorporated in any applicable regional marine spill safety plan that have not been adopted and the reasons for that decision; and

(k) Include any other information reasonably necessary to carry out the purposes of this chapter required by rules adopted by the office.

(3) The office shall only approve a prevention plan if it provides the best achievable protection from damages caused by the discharge of oil into the waters of

the state and if it determines that the plan meets the requirements of this section and rules adopted by the office.

(4) Upon approval of a prevention plan, the office shall provide to the person submitting the plan a statement indicating that the plan has been approved, the vessels covered by the plan, and other information the office determines should be included.

(5) The approval of a prevention plan shall be valid for five years. An owner or operator of a tank vessel shall notify the office in writing immediately of any significant change of which it is aware affecting its prevention plan, including changes in any factor set forth in this section or in rules adopted by the office. The office may require the owner or operator to update a prevention plan as a result of these changes.

(6) The office by rule shall require prevention plans to be reviewed, updated, if necessary, and resubmitted to the office at least once every five years.

(7) Approval of a prevention plan by the office does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under this chapter or other state law.

(8) This section does not authorize the office to modify the terms of a collective bargaining agreement.

NEW SECTION. Sec. 418. VESSEL SCREENING. (1) In order to ensure the safety of marine transportation within the navigable waters of the state and to protect the state's natural resources, the administrator shall adopt rules by July 1, 1992, for determining whether cargo vessels and passenger vessels entering the navigable waters of the state pose a substantial risk of harm to the public health and safety and the environment.

(2) The rules adopted by the administrator pursuant to this section may include, but are not limited to:

(a) Available information to examine for evidence that a cargo or passenger vessel may pose a substantial risk to safe marine transportation or the state's natural resources, including, vessel casualty lists, United States coast guard casualty reports, maritime insurance ratings, the index of contingency plans compiled by the department of ecology, other data gathered by the office or the maritime commission, or any other resources;

(b) A request to the United States coast guard to deny a cargo vessel or passenger vessel entry into the navigable waters of the state, if the vessel poses a substantial environmental risk;

(c) A notice to the state's spill response system that a cargo or passenger vessel entering the state's navigable waters poses a substantial environmental risk;

(d) A vessel inspection for vessels that may pose a substantial environmental risk, to determine whether a cargo vessel or passenger vessel complies with applicable state or federal laws. Any vessel inspection conducted pursuant to this section shall be performed during the vessel's scheduled stay in port; and

(e) Enforcement actions.

NEW SECTION. Sec. 419. CONTINGENCY PLANS. (1) Each covered vessel shall have a contingency plan for the containment and cleanup of oil spills from the covered vessel into the waters of the state and for the protection of fisheries and wildlife, natural resources, and public and private property from such spills. The office shall by rule adopt and periodically revise standards for the preparation of contingency plans. The office shall require contingency plans, at a minimum, to meet the following standards:

(a) Include full details of the method of response to spills of various sizes from any vessel which is covered by the plan;

(b) Be designed to be capable in terms of personnel, materials, and equipment, of promptly and properly, to the maximum extent practicable, as defined by the office

removing oil and minimizing any damage to the environment resulting from a worst case spill;

(c) Provide a clear, precise, and detailed description of how the plan relates to and is integrated into relevant contingency plans which have been prepared by cooperatives, ports, regional entities, the state, and the federal government;

(d) Provide procedures for early detection of spills and timely notification of such spills to appropriate federal, state, and local authorities under applicable state and federal law;

(e) State the number, training preparedness, and fitness of all dedicated, prepositioned personnel assigned to direct and implement the plan;

(f) Incorporate periodic training and drill programs to evaluate whether personnel and equipment provided under the plan are in a state of operational readiness at all times;

(g) Describe important features of the surrounding environment, including fish and wildlife habitat, environmentally sensitive areas, and public facilities. The departments of ecology, fisheries, wildlife, and natural resources, upon request, shall provide information that they have available to assist in preparing this description;

(h) State the means of protecting and mitigating effects on the environment, including fish, marine mammals, and other wildlife, and ensure that implementation of the plan does not pose unacceptable risks to the public or the environment;

(i) Establish guidelines for the use of equipment by the crew of a vessel to minimize vessel damage, stop or reduce any spilling from the vessel, and, only when appropriate and only when vessel safety is assured, contain and clean up the spilled oil;

(j) Provide arrangements for the prepositioning of spill containment and cleanup equipment and trained personnel at strategic locations from which they can be deployed to the spill site to promptly and properly remove the spilled oil;

(k) Provide arrangements for enlisting the use of qualified and trained cleanup personnel to implement the plan;

(l) Provide for disposal of recovered spilled oil in accordance with local, state, and federal laws;

(m) Until a spill prevention plan has been submitted pursuant to section 417 of this act, state the measures that have been taken to reduce the likelihood that a spill will occur, including but not limited to, design and operation of a vessel, training of personnel, number of personnel, and backup systems designed to prevent a spill;

(n) State the amount and type of equipment available to respond to a spill, where the equipment is located, and the extent to which other contingency plans rely on the same equipment; and

(o) If the department of ecology has adopted rules permitting the use of dispersants, the circumstances, if any, and the manner for the application of the dispersants in conformance with the department's rules.

(2)(a) The owner or operator of a tank vessel of three thousand gross tons or more shall submit a contingency plan to the office within six months after the office adopts rules establishing standards for contingency plans under subsection (1) of this section.

(b) Contingency plans for all other covered vessels shall be submitted to the office within eighteen months after the office has adopted rules under subsection (1) of this section. The office may adopt a schedule for submission of plans within the eighteen-month period.

(3)(a) The owner or operator of a tank vessel or of the facilities at which the vessel will be unloading its cargo shall submit the contingency plan for the tank vessel. Subject to conditions imposed by the office, the owner or operator of a facility may submit a single contingency plan for tank vessels of a particular class that will be unloading cargo at the facility.

(b) The contingency plan for a cargo vessel or passenger vessel may be submitted by the owner or operator of the cargo vessel or passenger vessel, by the agent for the vessel resident in this state, or by the Washington state maritime commission pursuant to RCW 88.44.020. Subject to conditions imposed by the office, the owner, operator, or agent may submit a single contingency plan for cargo vessels or passenger vessels of a particular class.

(c) A person who has contracted with a covered vessel to provide containment and cleanup services and who meets the standards established pursuant to RCW 90.48.372 as recodified by this act, may submit the plan for any covered vessel for which the person is contractually obligated to provide services. Subject to conditions imposed by the office, the person may submit a single plan for more than one covered vessel.

(4) A contingency plan prepared for an agency of the federal government or another state that satisfies the requirements of this section and rules adopted by the office may be accepted by the office as a contingency plan under this section. The office shall assure that to the greatest extent possible, requirements for contingency plans under this section are consistent with the requirements for contingency plans under federal law.

(5) In reviewing the contingency plans required by this section, the office shall consider at least the following factors:

(a) The adequacy of containment and cleanup equipment, personnel, communications equipment, notification procedures and call down lists, response time, and logistical arrangements for coordination and implementation of response efforts to remove oil spills promptly and properly and to protect the environment;

(b) The nature and amount of vessel traffic within the area covered by the plan;

(c) The volume and type of oil being transported within the area covered by the plan;

(d) The existence of navigational hazards within the area covered by the plan;

(e) The history and circumstances surrounding prior spills of oil within the area covered by the plan;

(f) The sensitivity of fisheries and wildlife and other natural resources within the area covered by the plan;

(g) Relevant information on previous spills contained in on-scene coordinator reports prepared by the director; and

(h) The extent to which reasonable, cost-effective measures to prevent a likelihood that a spill will occur have been incorporated into the plan.

(6) The office shall approve a contingency plan only if it determines that the plan meets the requirements of this section and that, if implemented, the plan is capable, in terms of personnel, materials, and equipment, of removing oil promptly and properly and minimizing any damage to the environment.

(7) The approval of the contingency plan shall be valid for five years. Upon approval of a contingency plan, the office shall provide to the person submitting the plan a statement indicating that the plan has been approved, the vessels covered by the plan, and other information the office determines should be included.

(8) An owner or operator of a covered vessel shall notify the office in writing immediately of any significant change of which it is aware affecting its contingency plan, including changes in any factor set forth in this section or in rules adopted by the office. The office may require the owner or operator to update a contingency plan as a result of these changes.

(9) The office by rule shall require contingency plans to be reviewed, updated, if necessary, and resubmitted to the office at least once every five years.

(10) Approval of a contingency plan by the office does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under this chapter or other state law.

NEW SECTION. Sec. 420. The provisions of prevention plans and contingency plans approved by the office pursuant to this chapter shall be legally binding on those persons submitting them to the office and on their successors, assigns, agents, and employees. The superior court shall have jurisdiction to restrain a violation of, compel specific performance of, or otherwise to enforce such plans upon application by the office. The office may issue an order pursuant to chapter 34.05 RCW requiring compliance with a contingency plan or a prevention plan and may impose administrative penalties for failure to comply with a plan.

NEW SECTION. Sec. 421. (1) Except as provided in subsection (2) of this section, it shall be unlawful for the owner or operator to knowingly and intentionally operate in this state or on the waters of this state a covered vessel without an approved contingency plan or an approved prevention plan as required by this chapter, or financial responsibility in compliance with chapter 88.40 RCW and the federal oil pollution act of 1990. The first conviction under this section shall be a gross misdemeanor under chapter 9A.20 RCW. A second or subsequent conviction shall be a class C felony under chapter 9A.20 RCW.

(2) It shall not be unlawful for the owner or operator to operate a covered vessel if:

(a) The covered vessel is not required to have a contingency plan, spill prevention plan, or financial responsibility;

(b) All required plans have been submitted to the office as required by this chapter and rules adopted by the office and the office is reviewing the plan and has not denied approval; or

(c) The covered vessel has entered state waters after the United States coast guard has determined that the vessel is in distress.

(3) A person may rely on a copy of the statement issued by the office pursuant to section 419 of this act as evidence that a vessel has an approved contingency plan and the statement issued pursuant to section 417 of this act that a vessel has an approved prevention plan.

NEW SECTION. Sec. 422. (1) Except as provided in subsection (4) of this section, it shall be unlawful for a covered vessel to enter the waters of the state without an approved contingency plan required by section 419 of this act, a spill prevention plan required by section 417 of this act, or financial responsibility in compliance with chapter 88.40 RCW and the federal oil pollution act of 1990. The office may deny entry onto the waters of the state to any covered vessel that does not have a required contingency or spill prevention plan or financial responsibility.

(2) Except as provided in subsection (4) of this section, it shall be unlawful for a covered vessel to transfer oil to an onshore or offshore facility that does not have an approved contingency plan required under RCW 90.48.371 as recodified by this act, a spill prevention plan required by section 201 of this act, or financial responsibility in compliance with chapter 88.40 RCW and the federal oil pollution act of 1990.

(3) The administrator may assess a civil penalty of up to one hundred thousand dollars against the owner or operator of a vessel who is in violation of this section. Each day that the owner or operator of a covered vessel is in violation of this section shall be considered a separate violation.

(4) It shall not be unlawful for a covered vessel to operate on the waters of the state if:

(a) A contingency plan, a prevention plan, or financial responsibility is not required for the covered vessel;

(b) A contingency plan and prevention plan has been submitted to the office as required by this chapter and rules adopted by the office and the office is reviewing the plan and has not denied approval; or

(c) The covered vessel has entered state waters after the United States coast guard has determined that the vessel is in distress.

(5) Any person may rely on a copy of the statement issued by the office to section 419 of this act as evidence that the vessel has an approved contingency plan and the statement issued pursuant to section 417 of this act as evidence that the vessel has an approved spill prevention plan.

NEW SECTION. Sec. 423. NOTIFICATION OF ACCIDENTS AND NEAR MISS INCIDENTS.

(1) In order to assist the state in identifying areas of the navigable waters of the state needing special attention, the owner or operator of a covered vessel shall notify the coast guard within one hour:

(a) Of the disability of the covered vessel if the disabled vessel is within twelve miles of the shore of the state; and

(b) Of a collision or a near miss incident within twelve miles of the shore of the state.

(2) The division of emergency management of the department of community development and the office shall request the coast guard to notify the division of emergency management as soon as possible after the coast guard receives notice of a disabled covered vessel or of a collision or near miss incident within twelve miles of the shore of the state. The office shall negotiate an agreement with the coast guard governing procedures for coast guard notification to the state regarding disabled covered vessels and collisions and near miss incidents.

(3) The office shall prepare a summary of the information collected under this section and provide the summary to the regional marine safety committees, the coast guard, and others in order to identify problems with the marine transportation system.

(4) For the purposes of this section:

(a) A tank vessel or cargo vessel is considered disabled if any of the following occur:

(i) Any accidental or intentional grounding;

(ii) The total or partial failure of the main propulsion or primary steering or any component or control system that causes a reduction in the maneuvering capabilities of the vessel;

(iii) An occurrence materially and adversely affecting the vessel's seaworthiness or fitness for service, including but not limited to, fire, flooding, or collision with another vessel;

(iv) Any other occurrence that creates the serious possibility of an oil spill or an occurrence that may result in such a spill.

(b) A barge is considered disabled if any of the following occur:

(i) The towing mechanism becomes disabled;

(ii) The towboat towing the barge becomes disabled through occurrences defined in (a) of this subsection.

(c) A near miss incident is an incident that requires the pilot or master of a covered vessel to take evasive actions or make significant course corrections in order to avoid a collision with another ship or to avoid a grounding as required by the international rules of the road.

(5) Failure of any person to make a report under this section shall not be used as the basis for the imposition of any fine or penalty.

NEW SECTION. Sec. 424. REGIONAL MARINE SAFETY COMMITTEES.

(1) The office shall establish regional marine safety committees at least for the Strait of Juan de Fuca/Northern Puget Sound, Southern Puget Sound, and Grays Harbor/Pacific coast. It is the intent of the legislature that the office also establish a regional marine safety committee jointly with the state of Oregon for the Columbia river. The office by rule shall establish the boundaries of the committees.

(2) The administrator shall appoint to each regional committee for a term of three years six persons representing a cross section of interests and the public with an interest in maritime transportation and environmental issues.

(3) The administrator or his or her designee shall chair each of the regional committees. Each member of the committee shall be reimbursed for actual and necessary expenses incurred in the performance of committee duties in accordance with RCW 43.03.250.

(4) Each regional committee shall be responsible for planning for the safe navigation and operation of tankers, barges, and other vessels within each region. Each committee shall prepare a regional marine safety plan, encompassing all vessel traffic within the region. The coast guard, the federal environmental protection agency, the army corps of engineers, and the navy shall be invited to attend the meetings of each marine regional safety committee.

(5) The administrator shall adopt rules and guidelines for regional marine safety plans in consultation with affected parties. The rules shall require the committees to establish subcommittees to involve all interested parties in the development of the plans and to require the committees to include a summary of public comments and any minority reports with recommendations submitted to the administrator. The rules shall also require the plans to consider all of the following:

(a) Requirements for tug escorts of tankers and other commercial vessels, and speed limits for tankers and other vessels in addition to the requirements imposed by statute;

(b) A review and evaluation of the adequacy of and any changes needed in:

(i) Anchorage designations and sounding checks;

(ii) Communications systems;

(iii) Commercial and recreational fishing, recreational boaters, and other small vessel congestion in shipping lanes; and

(iv) Placement and effectiveness of navigational aids, channel design plans, and the traffic and routings from port construction and dredging projects;

(c) Procedures for routing vessels during emergencies that impact navigation;

(d) Management requirements for control bridges;

(e) Special protection for environmentally sensitive areas;

(f) Suggested mechanisms to ensure that the provisions of the plan are fully and regularly enforced; and

(g) A recommendation as to whether establishing or expanding vessel traffic safety systems within the regions is desirable.

(6) Each regional marine safety plan shall be submitted to the office for approval within one year after the regional marine safety committee is established. The office shall review the plans for consistency with the rules and guidelines and shall approve the plans or give reasons for their disapproval. If a regional marine safety committee does not submit a regional marine safety plan to the office within one year after the committee is established, the office, after consulting with affected interests, may adopt a plan for the region that meets the requirements of subsection (5) of this section.

(7) Upon approval of a plan, the office shall implement those elements of the plan over which the state has authority. If federal authority or action is required, the office shall petition the appropriate agency or congress.

(8) Not later than July 1st of each even-numbered year each regional marine safety committee shall report its findings and recommendations to the marine oversight board established in section 501 of this act and the office concerning vessel traffic safety in its region and any recommendations for improving tanker, barge, and other vessel safety in the region by amending the regional marine safety plan. The regional committees shall also provide technical assistance to the marine oversight board.

(9) The regional safety committees shall recommend to the office the need for, and the structure and design of, an emergency response system for the Strait of Juan de Fuca and the Pacific coast.

NEW SECTION. **Sec. 425. TANK VESSEL RESPONSE EQUIPMENT STANDARDS.** The office may adopt rules including but not limited to standards for spill response equipment to be maintained on tank vessels. The standards adopted under this section shall be consistent with spill response equipment standards adopted by the United States coast guard.

NEW SECTION. **Sec. 426. EMERGENCY RESPONSE SYSTEM.** An emergency response system for the Strait of Juan de Fuca shall be established by July 1, 1992. In establishing the emergency response system, the administrator shall consider the recommendations of the regional marine safety committees. The administrator shall also consult with the province of British Columbia regarding its participation in the emergency response system.

NEW SECTION. **Sec. 427. CAPTIONS NOT LAW.** Section headings as used in this chapter do not constitute any part of the law.

NEW SECTION. **Sec. 428. MARINE FACILITY SPILL PREVENTION PLANS.** The owner or operator for each marine facility shall prepare and submit to the office an oil spill prevention plan. The office shall adopt rules requiring the elements of the plan and standards for approval which shall be consistent with section 201 of this act and rules adopted pursuant to section 201 of this act.

NEW SECTION. **Sec. 429. MARINE FACILITY SPILL CONTINGENCY PLANS.** The owner or operator for each marine facility shall prepare and submit to the office an oil spill contingency plan. The office shall adopt rules requiring the elements of the plan and standards for approval which shall be consistent with section 202 of this act and rules adopted pursuant to section 202 of this act.

NEW SECTION. **Sec. 430. MARINE FACILITY OPERATIONS STANDARDS AND OPERATIONS MANUALS.** The office shall adopt rules establishing marine facility operations standards and requiring operations manuals for the purpose of prevention and cleanup of oil spills. The rules shall be consistent with sections 203 and 204 of this act and rules adopted pursuant to sections 203 and 204 of this act.

NEW SECTION. **Sec. 431. UNIFIED AND CONSISTENT PLANNING.** The office and the department shall adopt an interagency agreement in accordance with chapter 39.34 RCW ensuring that only a single prevention plan and a single contingency plan are required for any onshore or offshore facility that includes a marine facility as part of the facility. The agreement shall divide responsibilities for regulation of marine facilities to ensure that no duplication of regulatory responsibilities occurs. The agreement shall also provide for the assumption by the office of responsibilities relating to the review and approval of spill contingency plans by marine terminals exercised by the department before the effective date of this section.

NEW SECTION. **Sec. 432.** The enforcement provisions of RCW 90.48.376, 90.48.377, 90.48.325, each as recodified by this act, section 304 of this act, and RCW 90.48.340 as recodified by this act shall apply to violations of sections 428 through 430 of this act.

Sec. 433. RCW 90.48.385 and 1990 c 116 s 16 are each amended to read as follows:

~~((The department of ecology shall study standards for the manner in which, and the equipment with which, tow boats may tow barges carrying oil or hazardous substances as cargo or cargo residue.))~~ The regional marine safety committees established pursuant to section 424 of this 1991 act shall study federal requirements for tow equipment for barges carrying oil in bulk. The committees shall review standards ((shall address but are not limited to)) for: Wire rope specifications, catenary, the design of related on-board equipment, number of cables, ((and)) back-up or barge retrieval systems in case of cable break, and the operation, maintenance, and inspection of cables and other tow equipment.

~~((The department shall seek voluntary compliance with such standards.~~

~~Finally, the department shall study state jurisdiction over and liability of mandatory compliance with such standards. The department shall report to the appropriate standing committees of the legislature by July 1, 1991, recommendations regarding mandatory compliance with such standards.)~~

The committees shall submit their report to the office within one year after the committees are established. The report shall include a recommendation on whether the office should adopt standards for tow equipment and its maintenance, operation, and inspection. If there is a recommendation that the office adopt standards, the recommended standards shall also be included in the report.

Sec. 434. RCW 90.48.510 and 1987 c 479 s 2 are each amended to read as follows:

~~((After June 30, 1988,))~~ Any person or facility conducting ship refueling and bunkering operations, or the lightering of petroleum products, and any person or facility transferring oil between an onshore or offshore facility and a tank vessel shall have containment and recovery equipment readily available for deployment in the event of the discharge of oil into the waters of the state and shall deploy the containment and recovery equipment in accordance with standards adopted by the office. All persons conducting refueling, bunkering, or lightering operations, or oil transfer operations shall be trained in the use and deployment of oil spill containment and recovery equipment. ((After examining existing equipment locations, the methods and conditions of deployment, and accessibility of any federal or other publicly or privately owned and operated containment and recovery equipment or systems, and reviewing federal, state, or local laws, rules, or regulations and ordinances governing refueling, bunkering, or lightering of petroleum products,)) The ((department of ecology may)) office shall adopt rules as necessary to carry out the provisions of this section. The rules shall include standards for the circumstances under which containment equipment should be deployed. An onshore or offshore facility shall include the procedures used to contain and recover discharges in the facility's contingency plan. It is the responsibility of the person providing bunkering, refueling, or lightering services to provide any containment or recovery equipment required under this section. This section does not apply to a person operating a ship for personal pleasure or for recreational purposes.

"PART V MARINE OVERSIGHT BOARD"

NEW SECTION. Sec. 501. MARINE OVERSIGHT BOARD. (1) The oil marine oversight board is established to provide independent oversight of the actions of the federal government, industry, the department, the office, and other state agencies with respect to oil spill prevention and response.

(2)(a) The board may, at its own discretion, study any aspect of oil spill prevention and response in the state. The board shall report to the governor and make recommendations to the department and the office on activities of the federal government and industry with respect to oil spill prevention and response, including recommendations for the state's response to those actions. The board shall specifically review the need for, and the structure and design of an emergency response system for the Strait of Juan de Fuca and the Pacific coast. The board shall also make recommendations to the legislature and other state agencies on any provision of this chapter, other state laws, and rules, policies, and guidelines adopted by the department, the office, or, other state agencies relating to the prevention and cleanup of oil spills into the waters of the state.

(b) To minimize duplication of effort, reviews conducted by the board shall be coordinated with related activities of the federal government, the department, the office, and other appropriate state and international entities.

(c) The board shall evaluate and report at least annually to the governor and the appropriate standing committees of the legislature on oil spill prevention, response, and preparedness programs within the state.

(3) There shall be five members of the board appointed by the governor for terms of five years. Members' terms shall be staggered. The members of the board shall be representative of the public and shall have demonstrable knowledge of environmental protection and the study of marine ecosystems, or have familiarity with marine transportation systems. No member of the board may be in the business of, or be employed by, or under contract with, any person or entity that is in the business of transporting, storing, or handling oil or be employed by a recognized environmental organization.

(4) A chair shall be selected by majority vote of the board. The board shall meet as often as required, but at least four times per year. Members shall be reimbursed for travel and expenses for attending meetings as provided in RCW 43.03.050 and 43.03.060.

(5) The chair may hire staff as necessary for the board to fulfill its responsibilities.

"PART VI TANKER REQUIREMENTS"

Sec. 601. RCW 88.16.170 and 1975 1st ex.s. c 125 s 1 are each amended to read as follows:

Because of the danger of spills, the legislature finds that the transportation of crude oil and refined petroleum products by tankers on the Columbia river and on Puget Sound and adjacent waters creates a great potential hazard to important natural resources of the state and to jobs and incomes dependent on these resources.

The legislature recognizes that the Columbia river has many natural obstacles to navigation and shifting navigation channels that create the risk of an oil spill. The legislature also recognizes Puget Sound and adjacent waters are a relatively confined salt water environment with irregular shorelines and therefore there is a greater than usual likelihood of long-term damage from any large oil spill.

The legislature further recognizes that certain areas of the Columbia river and Puget Sound and adjacent waters have limited space for maneuvering a large oil tanker and that these waters contain many natural navigational obstacles as well as a high density of commercial and pleasure boat traffic.

For these reasons, it is important that large oil tankers be piloted by highly skilled persons who are familiar with local waters and that such tankers have sufficient capability for rapid maneuvering responses.

It is therefore the intent and purpose of RCW 88.16.180 and 88.16.190 to decrease the likelihood of oil spills on the Columbia river and on Puget Sound and its shorelines by requiring all oil tankers above a certain size to employ (~~Washington state~~) licensed pilots and(~~, if lacking certain safety and maneuvering capability requirements,~~) to be escorted by a tug or tugs while navigating on certain areas of Puget Sound and adjacent waters.

Sec. 602. RCW 88.16.180 and 1983 c 3 s 231 are each amended to read as follows:

Notwithstanding the provisions of RCW 88.16.070, any registered oil tanker(~~, whether enrolled or registered,~~) of (~~fifty~~) five thousand (~~deadweight~~) gross tons or greater, shall be required:

(1) To take a Washington state licensed pilot while navigating Puget Sound and adjacent waters and shall be liable for and pay pilotage rates pursuant to RCW 88.16.035; and

(2) To take a licensed pilot while navigating the Columbia river.

Sec. 603. RCW 88.16.200 and 1977 ex.s. c 337 s 16 are each amended to read as follows:

Any vessel designed for the purpose of carrying as its cargo liquefied natural or propane gas shall adhere to the provisions of RCW 88.16.190(2) as though it ~~was~~ were an oil tanker.

NEW SECTION. Sec. 604. OPERATION OF A VESSEL WHILE UNDER INFLUENCE OF LIQUOR OR DRUGS. (1) A person is guilty of operating a vessel while under the influence of intoxicating liquor or drugs if the person operates a covered vessel within this state while:

(a) The person has 0.06 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of the person's breath made under section 605 of this act; or

(b) The person has 0.06 percent or more by weight of alcohol in the person's blood as shown by analysis of the person's blood made under section 605 of this act; or

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

(d) The person is under the combined influence of or affected by intoxicating liquor or drugs.

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

(3) Operating a vessel while intoxicated is a class C felony under chapter 9A.20 RCW.

NEW SECTION. Sec. 605. BREATH OR BLOOD ANALYSIS. (1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by a person while operating a vessel while under the influence of intoxicating liquor or drugs, if the amount of alcohol in the person's blood or breath at the time alleged as shown by analysis of his blood or breath is less than 0.06 percent by weight of alcohol in his blood or 0.06 grams of alcohol per two hundred ten liters of the person's breath, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or drugs.

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

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

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

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

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

NEW SECTION. Sec. 606. LIMITED IMMUNITY FOR BLOOD WITHDRAWAL. No physician, registered nurse, qualified technician, or hospital, or duly licensed clinical laboratory employing or using services of the physician, registered nurse, or qualified technician, may incur any civil or criminal liability as a result of the act of withdrawing blood from any person when directed by a law enforcement officer to do so for the purpose of a blood test under section 605 of this act. This section shall not relieve any physician, registered nurse, qualified technician, or hospital or duly licensed clinical laboratory from civil liability arising from the use of improper procedures or failing to exercise the required standard of care.

"PART VII FINANCIAL RESPONSIBILITY"

Sec. 701. RCW 88.40.005 and 1990 c 116 s 29 are each amended to read as follows:

The legislature recognizes that oil and hazardous substance spills and other forms of incremental pollution present serious danger to the fragile marine environment of Washington state. It is the intent and purpose of this chapter to define and prescribe financial responsibility requirements for vessels that transport petroleum products as cargo or as fuel across the waters of the state of Washington and for facilities that store, handle, or transfer oil or hazardous substances in bulk on or near the navigable waters.

NEW SECTION. Sec. 702. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrator" means the administrator of the office of marine safety created in section 402 of this act.

(2) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, of greater than three hundred gross tons or more or five hundred or more international gross tons, including but not limited to, commercial fish processing vessels and freighters.

(3) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(4) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(5) "Department" means the department of ecology.

(6) "Director" means the director of the department of ecology.

(7)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that receives oil in bulk from a tank vessel that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any: (i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; (ii) retail motor vehicle motor fuel outlet; (iii) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; (iv) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; or (v) a marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(8) "Inland barge" means any barge operating on the waters of the state and certified by the coast guard as an inland barge.

(9) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are

presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(10) "Office" means the office of marine safety established by section 402 of this act.

(11) "Oil" or "oils" means any naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

(12) "Offshore facility" means any facility, as defined in subsection (7) of this section, located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

(13) "Onshore facility" means any facility, as defined in subsection (7) of this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(14)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(15) "Passenger vessel" means a ship of greater than three hundred or more gross tons or five hundred or more international gross tons carrying passengers for compensation.

(16) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(17) "Spill" means an unauthorized discharge of oil into the waters of the state.

(18) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(19) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

Sec. 703. RCW 88.40.020 and 1990 c 116 s 31 are each amended to read as follows:

~~(1) Any ((vessel over three hundred gross tons, that transports petroleum products as cargo, and any)) inland barge that transports ((oil or)) hazardous substances in bulk as cargo, using any port or place in the state of Washington or the navigable waters of the state shall establish((, under rules prescribed by the director of the department of ecology,)) evidence of financial responsibility in the amount of the greater of one million dollars, or one hundred fifty dollars per gross ton of such vessel((, to meet the liability to the state of Washington for the following: (1) The actual costs for removal of spills of petroleum products or hazardous substances; (2) civil penalties and fines; and (3) natural resource damages)).~~

(2)(a) Except as provided in (c) of this subsection, a tank vessel that carries oil as cargo in bulk shall demonstrate financial responsibility to pay at least five hundred million dollars.

(b) The administrator by rule may establish a lesser standard of financial responsibility for barges of three hundred gross tons or less. The standard shall set the level of financial responsibility based on the quantity of cargo the barge is capable of carrying. The administrator shall not set the standard for barges of three thousand gross tons or less below that required under federal law.

(c) The owner or operator of a tank vessel who is a member of an international protection and indemnity mutual organization and is covered for oil pollution risks up to the amounts required under this section is not required to demonstrate financial responsibility under this chapter.

(3) A cargo vessel or passenger vessel that carries oil as fuel shall demonstrate financial responsibility to pay the greater of at least six hundred dollars per gross ton or five hundred thousand dollars.

(4) The documentation of financial responsibility shall demonstrate the ability of the document holder to meet state and federal financial liability requirements for the actual costs for removal of oil spills, for natural resource damages, and necessary expenses.

(5) The office may by rule set a lesser amount of financial responsibility for a tank vessel that meets standards for construction, propulsion, equipment, and personnel established by the office. The office shall require as a minimum level of financial responsibility under this subsection the same level of financial responsibility required under federal law.

(6) This section shall not apply to a covered vessel owned or operated by the federal government or by a state or local government.

NEW SECTION. Sec. 704. An onshore or offshore facility shall demonstrate financial responsibility in an amount determined by the department as necessary to compensate the state and affected counties and cities for damages that might occur during a reasonable worst case spill of oil from that facility into the navigable waters of the state. The department shall consider such matters as the amount of oil that could be spilled into the navigable waters from the facility, the cost of cleaning up the spilled oil, the frequency of operations at the facility, the damages that could result from the spill and the commercial availability and affordability of financial responsibility. This section shall not apply to an onshore or offshore facility owned or operated by the federal government or by the state or local government. The office shall administer the requirements of this section for those facilities that are marine facilities as defined in section 414 of this act.

Sec. 705. RCW 88.40.030 and 1990 c 116 s 32 are each amended to read as follows:

Financial responsibility required by this chapter may be established by any one of, or a combination of, the following methods acceptable to the ((director of)) office of marine safety or the department of ecology: (1) Evidence of insurance; (2) surety bonds; (3) qualification as a self-insurer; or (4) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States. Documentation of such financial responsibility shall be kept on any ((barge or tank)) covered vessel ((transporting petroleum products or hazardous substances as cargo)) and filed with the ((department. The owner or operator of any other vessel shall maintain on the vessel a certificate issued by the United States coast guard evidencing compliance with the requirements of section 311 of the federal clean water act, 33 U.S.C. Sec. 1251 et seq)) office at least twenty-four hours before entry of the vessel into the navigable waters of the state. A covered vessel is not required to file documentation of financial responsibility twenty-four hours before entry of the vessel into the navigable waters of the state, if the vessel has filed

documentation of financial responsibility with the federal government and if the level of financial responsibility required by the federal government is the same as state requirements. The owner or operator of the vessel may file with the office a certificate evidencing compliance with the requirements of another state's or federal financial responsibility requirements if the state or federal government requires a level of financial responsibility at least as high as that required under this chapter.

Sec. 706. RCW 88.40.040 and 1989 1st ex.s. c 2 s 5 are each amended to read as follows:

(1) The office shall deny entry to the waters of the state to any vessel that does not meet the financial responsibility requirements of this chapter. Any vessel owner or operator that does not meet the financial responsibility requirements of this chapter and any rules prescribed thereunder or the federal oil pollution act of 1990 shall be reported by the office to the ((secretary of transportation who shall suspend the privilege of operating said vessel until financial responsibility is demonstrated)) United States coast guard.

(2) The office shall enforce section 1016 of the federal oil pollution act of 1990 as authorized by section 1019 of the federal act.

(3) Any onshore or offshore facility owner or operator who does not meet the financial responsibility requirements of section 704 of this 1991 act and any rules adopted by the department or office shall be reported to the secretary of state. The secretary of state shall suspend the facility's privilege of operating in this state until financial responsibility is demonstrated.

"PART VIII FUNDS"

NEW SECTION. Sec. 801. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Barrel" means a unit of measurement of volume equal to forty-two United States gallons of crude oil or petroleum product.

(2) "Crude oil" means any naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline.

(3) "Department" means the department of revenue.

(4) "Marine terminal" means a facility of any kind, other than a waterborne vessel, that is used for transferring crude oil or petroleum products to or from a waterborne vessel or barge.

(5) "Navigable waters" means those waters of the state and their adjoining shorelines that are subject to the ebb and flow of the tide, including the Columbia and Snake rivers.

(6) "Person" has the meaning provided in RCW 82.04.030.

(7) "Petroleum product" means any liquid hydrocarbons at atmospheric temperature and pressure that are the product of the fractionation, distillation, or other refining or processing of crude oil, and that are used as, useable as, or may be refined as a fuel or fuel blendstock, including but not limited to, gasoline, diesel fuel, aviation fuel, bunker fuel, and fuels containing a blend of alcohol and petroleum.

(8) "Taxpayer" means the person owning crude oil or petroleum products immediately before the same are off-loaded at a marine terminal in this state and who is liable for the taxes imposed by this chapter.

(9) "Waterborne vessel or barge" means any ship, barge, or other watercraft capable of travelling on the navigable waters of this state and capable of transporting any crude oil or petroleum product in quantities of ten thousand gallons or more for purposes other than providing fuel for its motor or engine.

NEW SECTION. **Sec. 802.** (1) An oil spill response tax is imposed on the privilege of off-loading crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately before off-loading begins at the rate of two cents per barrel of crude oil or petroleum product off-loaded.

(2) In addition to the tax imposed in subsection (1) of this section, an oil spill administration tax is imposed on the privilege of off-loading crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately before off-loading begins at the rate of three cents per barrel of crude oil or petroleum product off-loaded.

(3) The taxes imposed by this chapter shall be collected by the marine terminal operator from the owner of the crude oil or petroleum products off-loaded at the marine terminal. If any person charged with collecting the taxes fails to bill the taxpayer for the taxes, or in the alternative has not notified the taxpayer in writing of the imposition of the taxes, or having collected the taxes, fails to pay them to the department in the manner prescribed by this chapter, whether such failure is the result of the person's own acts or the result of acts or conditions beyond the person's control, he or she shall, nevertheless, be personally liable to the state for the amount of the taxes. Payment of the taxes by the owner to a marine terminal operator shall relieve the owner from further liability for the taxes.

(4) Taxes collected under this chapter shall be held in trust until paid to the department. Any person collecting the taxes who appropriates or converts the taxes collected shall be guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. The taxes required by this chapter to be collected shall be stated separately from other charges made by the marine terminal operator in any invoice or other statement of account provided to the taxpayer.

(5) If a taxpayer fails to pay the taxes imposed by this chapter to the person charged with collection of the taxes and the person charged with collection fails to pay the taxes to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the taxes.

(6) The taxes shall be due from the marine terminal operator, along with reports and returns on forms prescribed by the department, within twenty-five days after the end of the month in which the taxable activity occurs.

(7) The amount of taxes, until paid by the taxpayer to the marine terminal operator or to the department, shall constitute a debt from the taxpayer to the marine terminal operator. Any person required to collect the taxes under this chapter who, with intent to violate the provisions of this chapter, fails or refuses to do so as required and any taxpayer who refuses to pay any taxes due under this chapter, shall be guilty of a misdemeanor as provided in chapter 9A.20 RCW.

(8) Upon prior approval of the department, the owner of crude oil or petroleum products off-loaded in this state may pay the taxes imposed by this chapter directly to the department. The department shall give its approval for direct payment under this section whenever it appears, in the department's judgment, that direct payment will enhance the administration of the taxes imposed under this chapter. The department shall provide by rule for the issuance of a direct payment certificate to any taxpayer qualifying for direct payment of the taxes. Good faith acceptance of a direct payment certificate by a terminal operator shall relieve the marine terminal operator from any liability for the collection or payment of the taxes imposed under this chapter.

(9) All receipts from the tax imposed in subsection (1) of this section shall be deposited into the state oil spill response account. All receipts from the tax imposed

in subsection (2) of this section shall be deposited into the state oil spill administration account.

(10) Within forty-five days after the end of each calendar quarter, the office of financial management shall determine the balance of the oil spill response account as of the last day of that calendar quarter. Balance determinations by the office of financial management under this section are final and shall not be used to challenge the validity of any tax imposed under this chapter. The office of financial management shall promptly notify the departments of revenue and ecology of the account balance once a determination is made. For each subsequent calendar quarter, the tax imposed by subsection (1) of this section shall be imposed during the entire calendar quarter unless:

(a) Tax was imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than twenty-five million dollars; or

(b) Tax was not imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than fifteen million dollars.

(11) The office of marine safety, the department of revenue, and the department of trade and economic development shall study tax credits for taxpayers employing vessels with the best achievable technology and the best available protection to reduce the risk of oil spills to the navigable waters of the state and submit the study to the appropriate standing committees of the legislature by December 1, 1992.

NEW SECTION. Sec. 803. The taxes imposed under this chapter shall only apply to the first off-loading of crude oil or petroleum products at a marine terminal in this state and not to the later transporting and subsequent off-loading of the same oil or petroleum product, whether in the form originally off-loaded in this state or after refining or other processing.

NEW SECTION. Sec. 804. Credit shall be allowed against the taxes imposed under this chapter for any crude oil or petroleum products off-loaded at a marine terminal and subsequently exported from or sold for export from the state.

NEW SECTION. Sec. 805. The state oil spill response account is created in the state treasury. All receipts from section 802(1) of this act shall be deposited in the account. All costs reimbursed to the state by a responsible party or any other person for responding to a spill of oil shall also be deposited in the account. Moneys in the account shall be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW. The account shall be used exclusively to pay for the costs associated with the response to spills of crude oil or petroleum products into the navigable waters of the state. Payment of response costs under this section shall be limited to spills which the director has determined are likely to exceed fifty thousand dollars. Before expending moneys from the account, the director shall make reasonable efforts to obtain funding for response costs from the person responsible for the spill and from other sources, including the federal government. Reimbursement for response costs shall be allowed only for costs which are not covered by funds appropriated to the agencies responsible for response activities. Costs associated with the response to spills of crude oil or petroleum products shall include:

(1) Natural resource damage assessment and related activities;

(2) Spill related response, containment, wildlife rescue, cleanup, disposal, and associated costs;

(3) Interagency coordination and public information related to a response; and

(4) Appropriate travel, goods and services, contracts, and equipment.

NEW SECTION. Sec. 806. The state oil spill administration account is created in the state treasury. All receipts from section 802(2) of this act shall be deposited in the account. Moneys from the account may be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88

RCW. On July 1 of each odd-numbered year, if receipts deposited in the account from the tax imposed by section 802(2) of this act for the previous fiscal biennium exceed the amount appropriated from the account for the previous fiscal biennium, the state treasurer shall transfer the amount of receipts exceeding the appropriation to the oil spill response account. If, on the first day of any calendar month, the balance of the spill response account is greater than twenty-five million dollars and the balance of the administration account exceeds the unexpended appropriation for the current biennium, then the tax under section 802(2) of this act shall be suspended on the first day of the next calendar month until the beginning of the following biennium, provided that the tax shall not be suspended during the last six months of the biennium. If the tax imposed under section 802(2) of this act is suspended during two consecutive biennia, the department shall by November 1st after the end of the second biennium, recommend to the appropriate standing committees an adjustment in the tax rate. For the period 1991-93 the state treasurer may transfer funds from the oil spill response account to the oil spill administration account in amounts necessary to support appropriations made from the oil spill administration account in the omnibus appropriations act. Expenditures from the oil spill administration account shall be used exclusively for the administrative costs related to the purposes of this chapter, and chapters 90.48, 88.40, and 88.-- (sections 414 through 432 of this act) RCW. Costs of administration include the costs of:

- (1) Routine responses not covered under section 805 of this act;
- (2) Management and staff development activities;
- (3) Development of rules and policies and the state-wide plan provided for in RCW 90.48.378 as recodified by this act;
- (4) Facility and vessel plan review and approval, drills, inspections, investigations, enforcement, and litigation;
- (5) Interagency coordination and public outreach and education;
- (6) Collection and administration of the tax provided for in chapter 82.-- RCW (sections 801 through 804, 808, and 809 of this act); and
- (7) Appropriate travel, goods and services, contracts, and equipment.

NEW SECTION. Sec. 807. The director of the department of ecology shall submit a report to the appropriate standing committees of the legislature by November 1 of each even-numbered year showing detailed information regarding expenditures authorized by the director under section 805 of this act. The report shall include, but not be limited to:

- (1) The total amount spent for each response for which the director has approved expenditures and the amount paid for from the spill prevention and response account;
- (2) The amount recovered from a responsible party for each spill;
- (3) The amount of time between a spill and the time a responsible party assumes responsibility for the response costs related to a spill;
- (4) The number of incidents for which the director has determined that the responsible party or another source was available to pay for the response; and
- (5) A recommendation concerning the need to continue collecting the tax under section 802(1) of this act.

This section shall expire December 31, 1996.

NEW SECTION. Sec. 808. The department shall adopt such rules as may be necessary to enforce and administer the provisions of this chapter. Chapter 82.32 RCW applies to the administration, collection, and enforcement of the taxes levied under this chapter.

NEW SECTION. Sec. 809. The taxes imposed in this chapter shall take effect October 1, 1991.

Sec. 810. RCW 90.48.142 and 1989 c 262 s 2 are each amended to read as follows:

(1) Any person who:

(a)(i) Violates any of the provisions of this chapter((;)) or chapter 90.56 RCW;

(ii) Fails to perform any duty imposed by this chapter((;)) or chapter 90.56

RCW;

(iii) Violates an order or other determination of the department or the director made pursuant to the provisions of this chapter((, including)) or chapter 90.56 RCW;

(iv) Violates the conditions of a waste discharge permit issued pursuant to RCW 90.48.160((, and in the course thereof causes the death of, or injury to, fish, animals, vegetation or other resources of the state,)); or

(v) Otherwise causes a reduction in the quality of the state's waters below the standards set by the department or, if no standards have been set, causes significant degradation of water quality, thereby damaging the same((;)); and

(b) Causes the death of, or injury to, fish, animals, vegetation, or other resources of the state;

shall be liable to pay the state and affected counties and cities damages in an amount ((equal to the sum of money necessary to: (a) Restore any damaged resource to its condition prior to the injury, to the extent technically feasible, and compensate for the lost value incurred during the period between injury and restoration; or (b) compensate for the lost value throughout the duration of the injury that the resource previously provided if restoration is not technically feasible and, when only partial restoration is technically feasible, compensate for the remaining lost value. "Technical feasibility" or "technically feasible" shall mean for the purposes of this subsection, that given available technology, a restoration or enhancement project can be successfully completed at a cost that is not disproportionate to the value of the resource prior to the injury.

~~(2) Restoration shall include the cost to restock such waters, replenish or replace such resources, and otherwise restore the stream, lake or other waters of the state, including any estuary, ocean area, submerged lands, shoreline, bank, or other lands adjoining such waters to its condition prior to the injury, as such condition is determined by the department. The lost value of a damaged resource shall be equal to the sum of consumptive, nonconsumptive, and indirect use values, as well as lost taxation, leasing, and licensing revenues. Indirect use values may include existence, bequest, option, and aesthetic values. Damages shall be determined by generally accepted and cost effective procedures.~~

~~(3) Such damages shall be recoverable in an action brought by the attorney general on behalf of the people of the state of Washington in the superior court of Thurston county or the county in which such damages occurred: PROVIDED, That if damages occurred in more than one county the attorney general may bring action in any of the counties where the damages occurred. Any money so recovered by the attorney general shall be transferred to the coastal protection fund established under RCW 90.48.390. A steering committee consisting of representatives of the departments of ecology, fisheries, wildlife, natural resources, and the parks and recreation commission shall authorize the expenditure of the moneys collected under this section after consulting impacted local agencies and local and tribal governments. The department shall chair the steering committee. The moneys collected under this section shall only be used for the following purposes: (a) Environmental restoration and enhancement projects intended to restore or enhance environmental, recreational, or aesthetic resources for the benefit of Washington's citizens; (b) investigations of the long term effects of discharges, including sewer sludge, on state resources; and (c) reimbursement of agencies for reasonable reconnaissance and damage assessment costs under this chapter. Agencies may not be reimbursed under this section for the salaries and benefits of permanent employees for routine operational support. Agencies may only be reimbursed under this section if money for reconnaissance and damage assessment activities is unavailable from other sources. In authorizing restoration or~~

~~enhancement projects, preference shall be given to projects within counties where the injury occurred)) determined pursuant to RCW 90.48.367.~~

(2) No action shall be authorized under this section against any person operating in compliance with the conditions of a waste discharge permit issued pursuant to RCW 90.48.160.

NEW SECTION. Sec. 811. A new section is added to chapter 90.48 RCW to read as follows:

For the purposes of this chapter, "technical feasibility" or "technically feasible" means that given available technology, a restoration or enhancement project can be successfully completed at a cost that is not disproportionate to the value of the resource before the injury.

Sec. 812. RCW 90.48.366 and 1989 c 388 s 2 are each amended to read as follows:

By July 1, 1991, the department, in consultation with the departments of fisheries, wildlife, and natural resources, and the parks and recreation commission, shall adopt rules establishing a compensation schedule for the discharge of oil in violation of ~~((RCW 90.48.320, by persons liable under RCW 90.48.336))~~ this chapter and chapter 90.56 RCW. The department shall establish a scientific advisory board to assist in establishing the compensation schedule. The amount of compensation assessed under this schedule shall be no less than one dollar per gallon of oil spilled and no greater than fifty dollars per gallon of oil spilled. The compensation schedule shall reflect adequate compensation for unquantifiable damages or for damages not quantifiable at reasonable cost for any adverse environmental, recreational, aesthetic, or other effects caused by the ~~((oil))~~ spill and shall take into account:

(1) Characteristics of ~~((the))~~ any oil spilled, such as toxicity, dispersibility, solubility, and persistence, that may affect the severity of the effects on the receiving environment, living organisms, and recreational and aesthetic resources;

(2) The sensitivity of the affected area as determined by such factors as: (a) The location of the spill; (b) habitat and living resource sensitivity; (c) seasonal distribution or sensitivity of living resources; (d) areas of recreational use or aesthetic importance; (e) the proximity of the spill to important habitats for birds, aquatic mammals, fish, or to species listed as threatened or endangered under state or federal law; and (f) other areas of special ecological or recreational importance, as determined by the department; and

(3) Actions taken by the party who spilled ~~((the))~~ oil or any party liable for the spill that: (a) Demonstrate a recognition and affirmative acceptance of responsibility for the spill, such as the immediate removal of oil and the amount of oil removed from the environment; or (b) enhance or impede the detection of the spill, the determination of the ~~((number of gallons))~~ quantity of oil spilled, or the extent of damage, including the unauthorized removal of evidence such as ~~((oiled))~~ injured fish or wildlife.

Sec. 813. RCW 90.48.367 and 1989 c 388 s 3 are each amended to read as follows:

(1) ~~((Prior to assessing compensation under RCW 90.48.366))~~ After a spill or other incident causing damages to the natural resources of the state, the department shall conduct a formal preassessment screening as provided in RCW 90.48.368.

(2) The department shall use the compensation schedule established under RCW 90.48.366 to determine the amount of damages if the preassessment screening committee determines that: (a) Restoration or enhancement of the injured resources is not technically feasible; (b) damages are not quantifiable at a reasonable cost; and (c) the restoration and enhancement projects or studies proposed by the liable parties are insufficient to adequately compensate the people of the state for damages ~~((sustained as a result of the oil spill.~~

~~((2) Compensation shall not be assessed under this section for oil spills for which damages have been or will be assessed under RCW 90.48.142)).~~

(3) If the preassessment screening committee determines that the compensation schedule should not be used, compensation shall be assessed for the amount of money necessary to restore any damaged resource to its condition before the injury, to the extent technically feasible, and compensate for the lost value incurred during the period between injury and restoration.

(4) Restoration shall include the cost to restock such waters, replenish or replace such resources, and otherwise restore the stream, lake, or other waters of the state, including any estuary, ocean area, submerged lands, shoreline, bank, or other lands adjoining such waters to its condition before the injury, as such condition is determined by the department. The lost value of a damaged resource shall be equal to the sum of consumptive, nonconsumptive, and indirect use values, as well as lost taxation, leasing, and licensing revenues. Indirect use values may include existence, bequest, option, and aesthetic values. Damages shall be determined by generally accepted and cost-effective procedures, including, but not limited to, contingent valuation method studies.

(5) Compensation assessed under this section shall be recoverable in an action brought by the attorney general on behalf of the people of the state of Washington and affected counties and cities in the superior court of Thurston county or any county in which damages occurred. Moneys recovered by the attorney general under this section shall be deposited in the coastal protection fund established under RCW 90.48.390, and shall only be used for the purposes stated in RCW 90.48.400.

((4)) (6) Compensation assessed under this section ((for a particular oil spill)) shall preclude claims under this chapter by local governments for compensation for damages to publicly owned resources resulting from the same ((spill)) incident.

Sec. 814. RCW 90.48.368 and 1989 c 388 s 4 are each amended to read as follows:

(1) The department shall adopt rules establishing a formal process for preassessment screening of damages resulting from ((oil)) spills to the waters of the state causing the death of, or injury to, fish, animals, vegetation, or other resources of the state. The rules shall specify the conditions under which the department shall convene a preassessment screening committee. The preassessment screening process shall occur concurrently with reconnaissance activities. The committee shall use information obtained from ((oil spill)) reconnaissance activities as well as any other relevant resource and resource use information. For each ((oil spill)) incident, the committee shall determine whether a damage assessment investigation should be conducted ((under RCW 90.48.142)), or ((alternatively)), whether the compensation schedule authorized under RCW 90.48.366 and 90.48.367 should be used to assess damages. The committee may accept restoration or enhancement projects or studies proposed by the liable parties in lieu of some or all of: (a) the compensation schedule authorized under ((this chapter)) RCW 90.48.366 and 90.48.367; or (b) the claims from damage assessment studies authorized under RCW 90.48.142.

(2) A preassessment screening committee may consist of representatives of the departments of ecology, fisheries, wildlife, natural resources, social and health services, and emergency management, the parks and recreation commission, as well as other federal, state, and local agencies, and tribal and local governments whose presence would enhance the reconnaissance or damage assessment aspects of ((oil)) spill response. The department shall chair the committee and determine which representatives will be needed on a spill-by-spill basis.

(3) The committee shall consider the following factors when determining whether a damage assessment study authorized under RCW ((90.48.142)) 90.48.367 should be conducted: (a) Whether evidence from reconnaissance investigations suggests that injury has occurred or is likely to occur to publicly owned resources; (b) the potential loss in services provided by resources injured or likely to be injured and the expected value of the potential loss; (c) whether a restoration project to return lost

services is technically feasible; (d) the accuracy of damage quantification methods that could be used and the anticipated cost-effectiveness of applying each method; (e) the extent to which likely injury to resources can be verified with available quantification methods; and (f) whether the injury, once quantified, can be translated into monetary values with sufficient precision or accuracy.

(4) When a resource damage assessment is required for an oil spill in the navigable waters of the state, as defined in RCW 90.48.315 as recodified by this 1991 act, the state trustee agency responsible for the resource and habitat damaged shall conduct the damage assessment and pursue all appropriate remedies with the responsible party.

(5) Oil spill damage assessment studies authorized under RCW ~~((90.48.142))~~ 90.48.367 may only be conducted if the committee, after considering the factors enumerated in subsection (3) of this section, determines that the damages to be investigated are quantifiable at a reasonable cost and that proposed assessment studies are clearly linked to quantification of the damages incurred.

~~((5))~~ (6) As new information becomes available, the committee may reevaluate the scope of damage assessment using the factors listed in subsection (3) of this section and may reduce or expand the scope of damage assessment as appropriate.

~~((6))~~ (7) The preassessment screening process shall provide for the ongoing involvement of persons who may be liable for damages resulting from an oil spill. The department may negotiate with a potentially liable party to perform restoration and enhancement projects or studies which may substitute for all or part of the compensation authorized under RCW 90.48.366 and 90.48.367 or the damage assessment studies authorized under RCW ~~((90.48.142))~~ 90.48.367.

~~((7))~~ (8) For the purposes of this section and RCW 90.48.367, the cost of a damage assessment shall be considered "reasonable" when the anticipated cost of the damage assessment is expected to be less than the anticipated damage that may have occurred or may occur.

Sec. 815. RCW 90.48.390 and 1989 c 388 s 7 and 1989 c 262 s 3 are each reenacted and amended to read as follows:

The coastal protection fund is established to be used by the department as a revolving fund for carrying out the purposes of restoration of natural resources under this chapter and chapter 90.56 RCW ~~((90.48.315 through 90.48.365, 78.52.020, 78.52.125, 82.36.330, 90.48.142, 90.48.315, 90.48.370 through 90.48.410, 90.48.903, 90.48.906 and 90.48.907, and 90.48.366 through 90.48.368))~~. To this fund there shall be credited penalties, fees, damages, ~~((and))~~ charges received pursuant to the provisions of this chapter and chapter 90.56 RCW ~~((90.48.142 and 90.48.315 through 90.48.365))~~, compensation for damages received under this chapter and chapter 90.56 RCW ~~((90.48.366 through 90.48.368))~~, and an amount equivalent to one cent per gallon from each marine use refund claim under RCW 82.36.330.

Moneys in the fund not needed currently to meet the obligations of the department in the exercise of its powers, duties, and functions under RCW ~~((90.48.315 through 90.48.365 and RCW 78.52.020, 78.52.125, 82.36.330))~~ 90.48.142, ~~((90.48.315, 90.48.370 through 90.48.410, 90.48.903, 90.48.906 and 90.48.907))~~ 90.48.366, 90.48.367, and 90.48.368 shall be deposited with the state treasurer to the credit of the fund and may be invested in such manner as is provided for by law. Interest received on such investment shall be credited to the fund.

Sec. 816. RCW 90.48.400 and 1990 c 116 s 14 are each amended to read as follows:

(1) Moneys in the coastal protection fund shall be disbursed for the following purposes and no others:

(a) ~~((All costs of the department related to the enforcement of RCW 90.48.315 through 90.48.365, 90.48.371 through 90.48.378, 90.48.381, 90.48.383, 90.48.385,~~

90.48.387, 90.48.388, 78.52.020, 78.52.125, 82.36.330, 90.48.142, 90.48.903, 90.48.906, and 90.48.907 including but not limited to equipment rental and contracting costs.

~~(b) All costs involved in the abatement of pollution related to the discharge of oil and other hazardous substances))~~ Environmental restoration and enhancement projects intended to restore or enhance environmental, recreational, or aesthetic resources for the benefit of Washington's citizens;

(b) Investigations of the long-term effects of oil spills; and

(c) Development and implementation of an aquatic land geographic information system.

~~((e))~~ (2) The director may allocate a portion of the fund to be devoted to research and development in the causes, effects, and removal of pollution caused by the discharge of oil or other hazardous substances.

~~((2) Moneys disbursed from the coastal protection fund for the abatement of pollution caused by the discharge of oil or other hazardous substances shall be reimbursed to the fund whenever:~~

~~(a) Moneys are available under any federal program; or~~

~~(b) Moneys are available from a recovery made by the department from the person liable for the discharge of oil or other hazardous substances.~~

~~(3) Moneys collected under RCW 90.48.142 shall only be used for the purposes enumerated in that section, subject to the approval of the steering committee.~~

~~(4)) (3) A steering committee consisting of representatives of the department of ecology, fisheries, wildlife, and natural resources, and the parks and recreation commission shall authorize the expenditure of the moneys collected under RCW 90.48.366 through 90.48.368, after consulting impacted local agencies and local and tribal governments. ((The moneys collected under RCW 90.48.366 through 90.48.368 shall only be used for the following purposes: (a) Environmental restoration and enhancement projects intended to restore or enhance environmental, recreational, or aesthetic resources for the benefit of Washington's citizens; (b) investigations of the long-term effects of oil spills and the release of other hazardous substances on state resources; (c) reimbursement of agencies for reasonable reconnaissance and damage assessment costs; and (d) wildlife rescue and rehabilitation.))~~

(4) Agencies may not be reimbursed ((under this section)) from the coastal protection fund for the salaries and benefits of permanent employees for routine operational support. Agencies may only be reimbursed under this section if money for reconnaissance and damage assessment activities is unavailable from other sources.

Sec. 817. RCW 90.48.369 and 1989 c 388 s 5 are each amended to read as follows:

The department shall submit an annual report to the appropriate standing committees of the legislature for the next five years beginning January 1, 1990. The annual report shall cover the implementation of ~~((this act))~~ RCW 90.48.366, 90.48.367, 90.48.368, and 90.48.369 and shall include information on each ~~((oil))~~ spill for which a preassessment screening committee was convened, the outcome of each process, any compensation claims imposed or damage assessment studies conducted, and the revenues to and expenditures from the coastal protection fund.

"PART IX MARITIME COMMISSION"

Sec. 901. RCW 88.44.010 and 1990 c 117 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrator" means the administrator of the office of marine safety created by section 402 of this 1991 act.

(2) "Business class" means a recognized trade segment of the maritime industry.

~~((2))~~ (3) "Commission" means the Washington state maritime commission.

~~((3))~~ "Director" means the director of the department of ecology or their duly authorized representative.)

(4) "Fishing vessel" means a vessel ~~((that))~~ (a) on which persons commercially engage~~(s)~~ in: ~~((a))~~ (i) Catching, taking, or harvesting fish; ~~((b))~~ (ii) preparing fish or fish products; or ~~((e))~~ (b) that supplies, stores, refrigerates, or transports fish, fish products, or materials directly related to fishing or the preparation of fish.

(5) "Foreign vessel" means a vessel of foreign registry or operated under the authority of a country, except the United States.

(6) "Oil" or "oils" means oil, including gasoline, crude oil, fuel oil, diesel oil, lubricating oil, sludge, oil refuse, liquid natural gas, propane, butane, oils distilled from coal, and other liquid hydrocarbons regardless of specific gravity, or any other petroleum related products.

(7) "Oceanographic research vessel" means a vessel that is employed only in instruction in oceanography or limnology, or both, or only in oceanographic or limnological research, including those studies about the sea such as seismic, gravity meter, and magnetic exploration and other marine geophysical or geological surveys, atmospheric research, and biological research.

(8) "Protection and indemnity club" means a mutual insurance organization formed by a group of shipowners or operators in order to secure cover for various risks of vessel operation, including oil spill costs, not covered by normal hull insurance.

(9) "Public vessel" means a vessel that is owned, or chartered and operated by the United States government, by a state of the United States, or a government of a foreign country and is not engaged in commercial service.

(10) "State" means a state of the United States, Guam, Puerto Rico, the Virgin Islands, American Samoa, the District of Columbia, the Northern Mariana Islands, and any other territory or possession of the United States.

(11) "Steamship agent or agency" means an agent or agency appointed by a vessel owner or operator to enter or clear vessels at ports within the state of Washington and to conduct onshore activities, or contract on behalf of the owner or operator for whatever is required for the efficient operation of the vessel.

(12) "Steamship liner company" means a steamship company maintaining a regular schedule of calls at designated ports of the state of Washington.

(13) "Towboat" means a commercial vessel engaged in, or intending to engage in, the service of pulling, pushing, or hauling along side, or any combination of pulling, pushing, or hauling along side.

(14) "United States flag vessel" means a vessel documented under the laws of the United States or registered under the laws of any state of the United States.

(15) "Vessel" means every description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water, carrying oil as fuel or cargo, and over three hundred gross registered tons, except oceanographic research vessels, public vessels, vessels being employed exclusively for pleasure, or vessels which, prior to entering Washington waters, have formerly arranged with an officially recognized cleanup cooperative or with a private cleanup contractor for immediate oil spill response.

(16) "Vessel owner or operator" means the legal owner of a vessel and/or the charterer or other person in charge of the day-to-day operation.

(17) "Waters of this state" or "waters of the state of Washington" ~~((shall mean all navigable waters within the state of Washington as defined in Article 24, section 1 of the state Constitution))~~ has the meaning in RCW 90.48.315 as recodified by this 1991 act.

Sec. 902. RCW 88.44.020 and 1990 c 117 s 3 are each amended to read as follows:

There is created ((a)) the Washington state maritime commission to be known and designated and declared a corporate body. The powers and duties of the commission shall include the following:

(1) To ~~((elect a chairperson and such other officers as it deems advisable; and to))~~ adopt, rescind, and amend rules and orders for the exercise of its powers, which shall have the force and effect of the law when not inconsistent with existing laws;

(2) To administer and enforce the provisions of this chapter, and do all things reasonably necessary to effectuate the purposes of this chapter;

(3) To employ, and at its pleasure discharge, a manager, secretary, agents, attorneys, consultants, companies, organizations, and employees as it deems necessary, and to prescribe their duties and powers and fix their compensation;

(4) To establish offices, incur expenses, enter into contracts, and create such liabilities as may be reasonable for the proper administration and enforcement of this chapter;

(5) To assess vessels transiting the waters of this state, to collect such assessments, investigate violations, and enforce the provisions of this chapter, except for vessels which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon;

(6) To keep accurate record of all of its dealings, which shall be open to inspection and audit by the state auditor;

(7) To sue and be sued, adopt a corporate seal, and have all of the powers of a corporation;

(8) To expend funds for commission-related education and training programs as the commission deems appropriate;

(9) To borrow money and incur indebtedness;

(10) To establish an oil spill first response system, except for vessels which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon. This system will provide a mandatory emergency response communications network for vessels involved in commerce in Washington waters, and provide an immediate response to such vessels which, for whatever reason, discharge oil into the state's waters. In the event of an oil spill or threatened oil spill, the system must be able to provide a complete response for the first twenty-four hours after the initial report, which may include, but not be limited to, as needed, response vessel or vessels, boom equipment, skimmers, qualified personnel, and wildlife care centers.

The commission may establish, by or before July 1, 1992, an oil spill first response system for vessels which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon;

(11) To enter into contracts with cleanup contractors to provide spill response, or with other organizations or companies for communication services;

(12) To recover oil spill first response system costs from a responsible vessel owner or operator in the event of a spill or threatened release;

(13) To hold response readiness drills with state and federal agencies;

(14) To work with other states' and countries' maritime organizations, cleanup cooperatives, and governmental response agencies; ~~((and))~~

(15) To develop an oil spill contingency plan to comply with state statutes and rules for those vessels covered by the commission, except for vessels operating on the portion of the Columbia river that runs between the states of Washington and Oregon. The commission shall develop an oil spill contingency plan for vessels which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon, not later than January 1, 1993;

(16) To develop a data base from existing information sources, of accidents, groundings, near misses, and oil discharges of all cargo and passenger vessels entering the waters of the state and to report any such information to the office of marine safety for the purposes of preparing a summary of accidents and near miss incidents; and

(17) To report annually to the governor, the office of marine safety, and the appropriate standing committees of the legislature on the commission's work and the number of incidents to which the commission's first response system has responded, and make recommendations to improve the safety of maritime transportation.

Sec. 903. RCW 88.44.030 and 1990 c 117 s 4 are each amended to read as follows:

The commission shall be comprised of nine voting members. ~~((Six))~~ Seven persons ~~((, each representing a))~~ shall be appointed by the governor to represent specific business classes ~~((, shall be elected to membership in the commission and one person shall be appointed by the commission members)).~~ Two of the members shall represent steamship liner companies, one American flag and one foreign flag. One member shall represent towboat companies. One member shall represent fishing vessels. One member shall represent steamship agencies serving tramp vessels. One member shall represent protection and indemnity clubs or other marine brokers or insurers of oil spill cleanup costs for vessels operating in Washington waters. One member shall represent steamship agencies serving tramp vessels on the Columbia river. The governor shall also appoint one member with maritime, marine labor, or marine spill cleanup experience and one member from the environmental community with marine experience ~~((shall be appointed from the public by the governor)).~~ In addition, the ~~((director, the United States coast guard captain of the port for Puget Sound, the United States coast guard captain of the port for that portion of the Columbia river that runs between Washington and Oregon,))~~ administrator and a state pilot licensed under chapter 88.16 RCW ~~((,))~~ who pilots in the waters of the state of Washington, or their designees, will serve as nonvoting ~~((ex-officio))~~ members. The United States coast guard captain of the port for Puget Sound and the United States coast guard captain of the port for that portion of the Columbia river that runs between Washington and Oregon shall be invited to attend meetings of the commission. The state-licensed pilot shall be selected by the Washington state board of pilotage commissioners.

Members of the commission must have had a minimum of five years' experience in their business class and be actively employed by or on behalf of a company within the business class for whom they shall represent. However, the protection and indemnity or insurance member may be a designee of the international group of protection and indemnity clubs, or any such marine insurers engaged in business within the state.

The commission shall meet at least ~~((quarterly every))~~ twice each year.

Sec. 904. RCW 88.44.040 and 1990 c 117 s 5 are each amended to read as follows:

~~((The regular term of office of the members of the commission shall be three years from July 1 following their election and until their successors are elected and qualified. The commission shall hold its annual meeting during the month of October each year for the purpose of electing officers and the transaction of other business and shall hold such other meetings during the year as it shall determine.~~

~~Commission members shall be first nominated and elected in 1990 in the manner set forth in RCW 88.44.050 and shall take office as soon as they are qualified. However, expiration of the term of the respective commission members first elected in 1990 shall be as follows:~~

- ~~(1) Foreign flag liner and fishing vessel members on July 1, 1991;~~
- ~~(2) Protection and indemnity club or marine member, and public member on July 1, 1992; and~~

~~(3) All other members on July 1, 1993.)~~ The governor shall appoint members of the commission for three-year terms. The governor shall appoint the chairperson. The members of the commission elected before the effective date of this section shall continue as members until their terms would have expired under section 5, chapter 117, Laws of 1990.

The respective terms shall end on June 30 of each third year thereafter. Any vacancies that occur on the commission shall be filled by ~~((appointment of an eligible person by the other members of the commission, and such appointee shall hold office for the remainder of the term for which they are appointed to fill, so that commission memberships shall be on a uniform staggered basis))~~ the governor to serve out the remainder of the unexpired term.

Sec. 905. RCW 88.44.080 and 1990 c 117 s 9 are each amended to read as follows:

A majority of the voting members of the commission shall constitute a quorum for the transaction of all business and the carrying out of the duties of the commission.

Each member of the commission shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for actual travel expenses incurred in carrying out the provisions of this chapter. Employees of the commission may also be reimbursed for actual travel expenses when out-of-state on official commission business. Compensation and reimbursement shall be from commission funds only.

~~((Resignations of commission members will be filled by a majority of the remaining commission members. The appointed commission members shall serve out the remaining term. If a commission member leaves the employment of their respective business class for more than one hundred twenty days, the commission member must resign from that position. A commission member may be removed from the commission for just cause by a two-thirds majority vote of commission members.))~~

Sec. 906. RCW 88.44.110 and 1990 c 117 s 12 are each amended to read as follows:

If it appears from investigation by the commission that the revenue from the assessment levied on vessels under this chapter is inadequate to accomplish the purposes of this chapter, the commission by rule shall ~~((adopt a resolution setting forth the necessities of the industry, the extent and probable cost of the required research, spill cleanup procedures and operations, public and industry education, administrative operations, the extent of public convenience, interest, and necessity, and probable revenue from the assessment levied. After the proper regulatory hearings, the commission may))~~ increase the assessment to a sum determined by the commission to be necessary for those purposes. The rule adopting the increase shall be filed with the administrator. An increase ~~((becomes effective))~~ shall not take effect earlier than ninety days after the ~~((resolution))~~ rule is adopted ~~((or on any other date provided for in the resolution))~~ and filed with the administrator, unless the administrator determines that the increase is not justified.

Sec. 907. RCW 88.44.160 and 1990 c 117 s 17 are each amended to read as follows:

Rules and orders adopted by the commission shall be filed with the ~~((director))~~ administrator and shall become effective pursuant to the provisions of the administrative procedure act.

"PART X PILOTAGE"

Sec. 1001. RCW 88.16.010 and 1987 c 485 s 1 are each amended to read as follows:

(1) The board of pilotage commissioners of the state of Washington is hereby created and shall consist of the assistant secretary of marine transportation of the department of transportation of the state of Washington, or the assistant secretary's designee who shall be an employee of the marine division, who shall be chairperson, the administrator of the office of marine safety, or the administrator's designee, and ~~((six))~~ seven members appointed by the governor and confirmed by the senate. Each ~~((said))~~ the appointed commissioners shall be appointed for a term of four years

from the date of ((said)) the member's commission. No person shall be eligible for appointment to ((said)) the board unless that person is at the time of appointment eighteen years of age or over and a citizen of the United States and of the state of Washington. Two of ((said)) the appointed commissioners shall be pilots licensed under this chapter and actively engaged in piloting upon the waters covered by this chapter for at least three years immediately preceding the time of appointment and while serving on the board. One pilot shall be from the Puget Sound pilotage district and one shall be from the Grays Harbor pilotage district. Two of ((said)) the appointed commissioners shall be actively engaged in the ownership, operation, or management of deep sea cargo and/or passenger carrying vessels for at least three years immediately preceding the time of appointment and while serving on the board. One of said shipping commissioners shall be a representative of American and one of foreign shipping. One of the commissioners shall be a representative from a recognized environmental organization concerned with marine waters. The remaining commissioners shall be persons interested in and concerned with pilotage, maritime safety, and marine affairs, with broad experience related to the maritime industry exclusive of experience as either a state licensed pilot or as a shipping representative.

(2) Any vacancy in an appointed position on the board shall be filled by the governor for the remainder of the unfilled term, subject to confirmation by the senate.

(3) Four members of the board shall constitute a quorum. At least one pilot, one shipping representative, and one public member must be present at every meeting. All commissioners and the chairperson shall have a vote.

Sec. 1002. RCW 88.16.090 and 1990 c 116 s 27 and 1990 c 112 s 1 are each reenacted and amended to read as follows:

(1) A person may pilot any vessel subject to the provisions of this chapter on waters covered by this chapter only if appointed and licensed to pilot such vessels on said waters under and pursuant to the provisions of this chapter.

(2) A person is eligible to be appointed a pilot if the person is a citizen of the United States, over the age of twenty-five years and under the age of seventy years, a resident of the state of Washington at the time of appointment and only if the pilot applicant holds as a minimum, a United States government license as a master of ocean or near coastal steam or motor vessels of not more than one thousand six hundred gross tons or as a master of inland steam or motor vessels of not more than one thousand six hundred gross tons, such license to have been held by the applicant for a period of at least two years prior such license to have been held by the applicant for a period of at least two years prior to taking the Washington state pilotage examination and a first class United States endorsement without restrictions on that license to pilot in the pilotage districts for which the pilot applicant desires to be licensed, and if the pilot applicant meets such other qualifications as may be required by the board. A person applying for a license under this section shall not have been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction does not apply to license renewals under this section.

(3) Pilots shall be licensed hereunder for a term of five years from and after the date of the issuance of their respective state licenses. Such licenses shall thereafter be renewed as of course, unless the board shall withhold same for good cause. Each pilot shall pay to the state treasurer an annual license fee established by the board of pilotage commissioners pursuant to chapter 34.05 RCW, but not to exceed one thousand five hundred dollars, to be placed in the state treasury to the credit of the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(4) Pilot applicants shall be required to pass a written and oral examination administered and graded by the board which shall test such applicants on this chapter, the rules of the board, local harbor ordinances, and such other matters as may be required to compliment the United States examinations and qualifications. The board

shall ~~((conduct the examination on a regular date, as prescribed by rule, at least once every two years))~~ hold examinations at such times as will, in the judgment of the board, ensure the maintenance of an efficient and competent pilotage service. An examination shall be scheduled for the Puget Sound pilotage district if there are three or fewer successful candidates from the previous examination who are waiting to become pilots in that district.

(5) The board shall ~~((have developed five examinations and grading sheets for the Puget Sound pilotage district, and two for each other))~~ develop an examination and grading sheet for each pilotage district, for the testing and grading of pilot applicants. The examinations shall be administered to pilot applicants ((on a random basis)) and shall be updated as required to reflect changes in law, rules, policies, or procedures. The board may appoint a special independent examination committee or may contract with a firm knowledgeable and experienced in the development of professional tests for development of said examinations. Active licensed state pilots may be consulted for the general development of examinations but shall have no knowledge of the specific questions. The pilot members of the board may participate in the grading of examinations. If the board does appoint a special examination development committee it is authorized to pay the members of said committee the same compensation and travel expenses as received by members of the board. When grading examinations the board shall carefully follow the grading sheet prepared for that examination. The board shall develop a "sample examination" which would tend to indicate to an applicant the general types of questions on pilot examinations, but such sample questions shall not appear on any actual examinations. Any person who willfully gives advance knowledge of information contained on a pilot examination is guilty of a gross misdemeanor.

(6) All pilots and applicants are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the applicant's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots licensed by the state are able to perform their duties. Within ninety days of the date of each annual physical examination, and after review of the physician's report, the board shall make a determination of whether the pilot or candidate is fully able to carry out the duties of a pilot under this chapter. The board may in its discretion check with the appropriate authority for any convictions of offenses involving drugs or the personal consumption of alcohol in the prior twelve months.

(7) The board shall prescribe, pursuant to chapter 34.05 RCW, a number of familiarization trips, between a minimum number of twenty-five and a maximum of one hundred, which pilot applicants must make in the pilotage district for which they desire to be licensed. Familiarization trips any particular applicant must make are to be based upon the applicant's vessel handling experience.

(8) The board may ~~((prescribe))~~ require vessel simulator training for a pilot applicant~~((, or))~~ and shall require vessel simulator training for a pilot subject to RCW 88.16.105((, as it deems appropriate, taking into consideration the economic cost of such training, to enhance that person's ability to perform pilotage duties under this chapter)). The board shall also require vessel simulator training in the first year of active duty for a new pilot and at least once every five years for all active pilots.

(9) The board shall prescribe, pursuant to chapter 34.05 RCW, such reporting requirements and review procedures as may be necessary to assure the accuracy and validity of license and service claims, and records of familiarization trips of pilot candidates. Willful misrepresentation of such required information by a pilot candidate shall result in disqualification of the candidate.

(10) The board shall adopt rules to establish time periods and procedures for additional training trips and retesting as necessary for pilots who at the time of their licensing are unable to become active pilots.

Sec. 1003. RCW 88.16.105 and 1987 c 264 s 3 are each amended to read as follows:

The board shall prescribe, pursuant to chapter 34.05 RCW, rules governing the size and type of vessels which a newly licensed pilot may be assigned to pilot on the waters of this state and whether the assignment involves docking or undocking a vessel. The rules shall also prescribe required familiarization trips before a newly licensed pilot may pilot a larger or different type of vessel. Such rules shall be for the first ~~((three))~~ five-year period in which pilots are actually employed.

Sec. 1004. RCW 88.16.110 and 1935 c 18 s 7 are each amended to read as follows:

(1) Every pilot licensed under this chapter shall file with the board not later than the tenth day of January, April, July and October of each year a report for the preceding quarter. Said report shall contain an account of all moneys received for pilotage by him or her or by any other person for ~~((him))~~ the pilot or on ~~((his))~~ the pilot's account or for his or her benefit. Said report shall state the name of each vessel piloted, the amount charged to and/or collected from each vessel, the port of registry of such vessel, its dead weight tonnage, whether it was inward or outward bound, whether the amount so received, collected or charged is in full payment of pilotage and such other information as the board shall by regulation prescribe.

(2) The report shall include information for each vessel that suffers a grounding, collision, or other major marine casualty that occurred while the pilot was on duty during the reporting period. The report shall also include information on near miss incidents as defined in section 423 of this 1991 act. Information concerning near miss incidents provided pursuant to this section shall not be used for imposing any sanctions or penalties. The board shall forward information provided under this subsection to the office of marine safety for inclusion in the collision reporting system established under section 423 of this 1991 act.

Sec. 1005. RCW 88.16.155 and 1977 ex.s. c 337 s 11 are each amended to read as follows:

(1) The master of any vessel which employs a Washington licensed pilot shall certify ~~((on a form prescribed by the board of pilotage commissioners that the vessel complies with:~~

(a) Such provisions of the United States coast guard regulations governing the safety and navigation of vessels in United States waters, as codified in Title 33 of the code of federal regulations, as the board may prescribe; and

(b) The provisions of current international agreements governing the safety, radio equipment, and pollution of vessels and other matters as ratified by the United States Senate and prescribed by the board) to the United States coast guard before the vessel enters the navigable waters of the state, that the vessel complies with:

(a) United States coast guard regulations as codified in 33 C.F.R., Part 161;

(b) The federal oil pollution act of 1990; and

(c) If applicable, the certification provided for in section 417(4) of this 1991 act.

(2) The master of any vessel which employs a Washington licensed pilot shall be prepared to ~~((produce, and any Washington licensed pilot employed by a vessel shall request to see, certificates of the vessel which))~~ certify and indicate to the United States coast guard that the vessel complies with subsection (1) of this section and the rules of the board ~~((promulgated))~~ adopted pursuant to subsection (1) of this section.

(3) If the master of a vessel which employs a Washington licensed pilot cannot certify that the vessel complies with subsection (1) of this section and the rules of the board adopted pursuant to subsection (1) of this section, the master shall certify that:

(a) The vessel will comply with subsection (1) of this section before the time the vessel is scheduled to leave the waters of Washington state; and

(b) The coast guard captain of the port was notified of the noncomplying items when they were determined; and

(c) The coast guard captain of the port has authorized the vessel to proceed under such conditions as prescribed by the coast guard pursuant to its authority under federal statutes and regulations.

(4) ~~((After the board has prescribed the form required under subsection (1) of this section,))~~ No Washington licensed pilot shall offer pilotage services to any vessel on which the master has failed to make a certification required by this section. If the master fails to make a certification the pilot shall:

(a) Immediately inform the United States coast guard and the port captain of the conditions and circumstances by the best possible means; and

~~(b) Disembark from the vessel as soon as practicable(, and~~

~~(b) Immediately inform the port captain of the conditions and circumstances by the best possible means; and~~

~~(c) Forward a written report to the board no later than twenty four hours after disembarking from the vessel)).~~

(5) Any Washington licensed pilot who offers pilotage services to a vessel on which the master has failed to make a certification required by this section or the rules of the board adopted under this section shall be subject to RCW 88.16.150, as now or hereafter amended, and RCW 88.16.100, as now or hereafter amended.

(6) The board shall revise the requirements enumerated in this section as necessary to reflect changes in coast guard regulations, federal statutes, and international agreements. All actions of the board under this section shall comply with chapters 34.05 and 42.30 RCW. ~~((The board shall prescribe the time of and method for retention of forms which have been signed by the master of a vessel in accordance with the provisions of this section.))~~

(7) This section shall not apply to the movement of dead ships. The board shall prescribe pursuant to chapter 34.05 RCW, after consultation with the coast guard and interested persons, for the movement of dead ships and the certification process thereon.

"PART XI MISCELLANEOUS PROVISIONS"

NEW SECTION. Sec. 1101. DEPARTMENT OF NATURAL RESOURCES LEASES. After the effective date of this section, the department of natural resources shall include in its leases for onshore and offshore facilities the following provisions:

(1) Require those wishing to lease, sublease, or re-lease state-owned aquatic lands to comply with the provisions of this chapter;

(2) Require lessees and sublessees to operate according to the plan of operations and to keep the plan current in compliance with this chapter; and

(3) Include in its leases provisions that a violation by the lessee or sublessee of the provisions of this chapter may be grounds for termination of the lease.

Sec. 1102. RCW 90.48.037 and 1987 c 109 s 125 are each amended to read as follows:

The department, with the assistance of the attorney general, is authorized to bring any appropriate action at law or in equity, including action for injunctive relief, in the name of the people of the state of Washington as may be necessary to carry out the provisions of this chapter or chapter 90.56 RCW.

Sec. 1103. RCW 90.48.095 and 1987 c 109 s 128 are each amended to read as follows:

In carrying out the purposes of this chapter or chapter 90.56 RCW the department shall, in conjunction with either the ~~((promulgation))~~ adoption of rules ~~((and regulations))~~, consideration of an application for a waste discharge permit or the termination or modification of such permit, or proceedings in ~~((contested cases))~~ adjudicative hearings, have the authority to issue process and subpoena witnesses effective throughout the state on its own behalf or that of an interested party, compel their attendance, administer oaths, take the testimony of any person under oath and, in connection therewith require the production for examination of any books or papers relating to the matter under consideration by the department. In case of disobedience on the part of any person to comply with any subpoena issued by the department, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the superior court of any county, or of the judge thereof, on application of the department, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. In connection with the authority granted under this section no witness or other person shall be required to divulge trade secrets or secret processes. Persons responding to a subpoena as provided herein shall be entitled to fees as are witnesses in superior court.

Sec. 1104. RCW 90.48.100 and 1987 c 109 s 129 are each amended to read as follows:

The department shall have the right to request and receive the assistance of any educational institution or state agency when it is deemed necessary by the department to carry out the provisions of this chapter or chapter 90.56 RCW.

Sec. 1105. RCW 90.48.156 and 1987 c 109 s 134 are each amended to read as follows:

The department is authorized to cooperate with appropriate agencies of neighboring states and neighboring provinces, to enter into contracts, and make contributions toward interstate and state-provincial projects to carry out the purposes of this chapter and chapter 90.56 RCW.

Sec. 1106. RCW 90.48.240 and 1987 c 109 s 15 are each amended to read as follows:

Notwithstanding any other provisions of this chapter or chapter 90.56 RCW, whenever it appears to the director that water quality conditions exist which require immediate action to protect the public health or welfare, or that a person required by RCW 90.48.160 to obtain a waste discharge permit prior to discharge is discharging without the same, or that a person conducting an operation which is subject to a permit issued pursuant to RCW 90.48.160 conducts the same in violation of the terms of said permit, causing water quality conditions to exist which require immediate action to protect the public health or welfare, the director may issue a written order to the person or persons responsible without prior notice or hearing, directing and affording the person or persons responsible the alternative of either (1) immediately discontinuing or modifying the discharge into the waters of the state, or (2) appearing before the department at the time and place specified in said written order for the purpose of providing to the department information pertaining to the violations and conditions alleged in said written order. The responsible person or persons shall be afforded not less than twenty-four hours notice of such an information meeting. If following such a meeting the department determines that water quality conditions exist which require immediate action as described herein, the department may issue a written order requiring immediate discontinuance or modification of the discharge into the waters of the state. In the event an order is not immediately complied with the attorney general, upon request of the department, shall seek and obtain an order of the superior court of the county in which the violation took place directing compliance with the order of the department. Such an order is appealable pursuant to RCW 43.21B.310.

Sec. 1107. RCW 90.48.907 and 1971 ex.s. c 180 s 10 are each amended to read as follows:

~~((RCW 90.48.315 through 90.48.365 and this 1971 amendatory act))~~ This chapter, being necessary for the general welfare, the public health, and the public safety of the state and its inhabitants, shall be liberally construed to effect their purposes. No rule, regulation, or order of the department shall be stayed pending appeal under ~~((the provisions of RCW 90.48.315 through 90.48.365 and this 1971 amendatory act))~~ this chapter.

NEW SECTION. Sec. 1108. The department of ecology, the office of marine safety, and the marine oversight board shall study issues related to the transportation and storage of bulk hazardous substances on or near the navigable waters of the state. The study shall develop information on the types, hazards, and quantity of bulk hazardous substances shipped on or stored near the navigable waters, the types of vessels used to transport the substances, the types of facilities at which the substances are transferred or stored, the methods for responding to spills of the substances. The study shall also examine existing regulation of the transporters and facilities, including an examination of requirements for prevention and response planning. The study shall incorporate any recommendations for changes in state laws which the department, office, and board determine are necessary to protect the navigable waters of the state. An interim report shall be completed not later than December 1, 1991, and the final study shall be completed and a report made to the appropriate standing committees of the legislature not later than November 1, 1992.

NEW SECTION. Sec. 1109. The department of ecology shall report to the appropriate standing committees on the effectiveness of chapter 90.56 RCW, and in particular as to how the chapter has been implemented to complement federal law. A report shall be submitted not later than December 1, 1992, and a second report not later than December 1, 1994.

NEW SECTION. Sec. 1110. TIMING FOR STATE MASTER PREVENTION AND CONTINGENCY PLANS. The state-wide master plan required by section 10, chapter 116, Laws of 1990 to be completed by July 1, 1991, shall be completed by July 1, 1991. The additional requirements to the state-wide master plan concerning prevention plans, and an incident command system shall be added to the first annual update submitted to the legislature not later than November 1, 1992.

NEW SECTION. Sec. 1111. TIMING OF CONTINGENCY PLAN RULES.

The rules required by RCW 90.48.371 as recodified by this act for facilities and, except as otherwise provided in this section for covered vessels, shall be adopted not later than July 1, 1991. The department shall exclude from the rules to be adopted by July 1, 1991, standards for tank vessels of less than twenty thousand deadweight tons, cargo vessels, and passenger vessels operating on the portion of the Columbia river for which the department determines that Washington and Oregon should cooperate in the adoption of standards for contingency plans. The department, after consultation with the appropriate state agencies in Oregon, shall adopt the rules for standards for contingency plans for this portion of the Columbia river at the earliest possible time, but not later than July 1, 1992.

NEW SECTION. Sec. 1112. A new section is added to chapter 80.50 RCW to read as follows:

In making its recommendations to the governor under this chapter regarding an application that includes transmission facilities for petroleum products, the council shall give appropriate weight to city or county facility siting standards adopted for the protection of sole source aquifers.

NEW SECTION. Sec. 1113. CAPTIONS NOT LAW. Section headings and part headings as used in this chapter shall constitute no part of the law.

NEW SECTION. Sec. 1114. Sections 101, 103, 108, 109, 201, 203, 204, 304, 501, 805, and 806 of this act are each added to a new chapter in Title 90 RCW to be codified as provided for in section 1114 of this act.

NEW SECTION. Sec. 1115. CODIFICATION INSTRUCTIONS. (1) Parts I through III and V and sections 805 and 806 of this act shall constitute a new chapter in Title 90 RCW to be codified as chapter 90.56 RCW, and shall be codified and recodified as provided for in this section. The code reviser shall correct all statutory references to these sections to reflect this recodification.

The following sections shall be codified and recodified in the following order:

Section 101 of this act

RCW 90.48.315

Section 103 of this act

RCW 90.48.370

RCW 90.48.365

RCW 90.48.380

RCW 90.48.378

Section 108 of this act

Section 109 of this act

RCW 90.48.387

RCW 90.48.388

Section 201 of this act

RCW 90.48.371

Section 203 of this act

Section 204 of this act

RCW 90.48.372

RCW 90.48.373

RCW 90.48.374

RCW 90.48.375

RCW 90.48.360

RCW 90.48.376

RCW 90.48.377

RCW 90.48.320

RCW 90.48.350

RCW 90.48.325

RCW 90.48.330

RCW 90.48.335

RCW 90.48.336

RCW 90.48.338

Section 304 of this act

RCW 90.48.340

RCW 90.48.355

RCW 90.48.343

Section 501 of this act

Section 805 of this act

Section 806 of this act

RCW 90.48.907.

(2) Sections 801 through 804, 808, and 809 of this act shall constitute a new chapter in Title 82 RCW.

(3) Sections 402, 403, 405, and 407 of this act shall constitute a new chapter in Title 43 RCW.

(4)(a) Sections 414 through 432 of this act shall constitute a new chapter in Title 88 RCW.

(b) RCW 90.48.385 and 90.48.510 are recodified as sections in the new chapter created in (a) of this subsection.

(5) Sections 604 through 606 of this act are each added to chapter 88.16 RCW.

NEW SECTION. **Sec. 1116.** REPEALER. The following acts or parts of acts are each repealed:

- (1) RCW 90.48.345 and 1987 c 109 s 150 & 1969 ex.s. c 133 s 6;
- (2) RCW 90.48.381 and 1990 c 116 s 15;
- (3) RCW 90.48.410 and 1971 ex.s. c 180 s 6;
- (4) RCW 88.40.010 and 1990 c 116 s 30 & 1989 1st ex.s. c 2 s 2;
- (5) RCW 88.40.050 and 1989 1st ex.s. c 2 s 6;
- (6) RCW 90.48.910 and 1967 c 13 s 25;
- (7) RCW 88.44.050 and 1990 c 117 s 6;
- (8) RCW 88.44.060 and 1990 c 117 s 7;
- (9) RCW 88.44.070 and 1990 c 117 s 8; and
- (10) RCW 90.48.383 and 1990 c 116 s 25.

NEW SECTION. **Sec. 1117.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. **Sec. 1118.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 1119.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately, except for sections 801 through 804, 808, and 809 of this act, which shall take effect October 1, 1991.

The President declared the question before the Senate to be the motion by Senator Amondson to not adopt the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 1027.

The motion by Senator Amondson carried and the committee striking amendment was not adopted.

MOTION

Senator Amondson moved that the following amendment be adopted:
Strike everything after the enacting clause and insert the following:

"PART I GENERAL PROVISIONS"

Sec. 101. 1990 c 116 s 1 (uncodified) is amended to read as follows:

(1) The legislature ((finds)) declares that the increasing reliance on water borne transportation as a source of supply for oil and hazardous substances poses special concern for the state of Washington. Each year billions of gallons of crude oil and refined petroleum products are transported by vessel on the navigable waters of the state. These shipments are expected to increase in the coming years. Vessels transporting oil into Washington travel on some of the most unique and special marine environments in the United States. These marine environments are a source of natural beauty, recreation, and economic livelihood for many residents of this state. As a result, the state has an obligation to assure the citizens of the state that the waters of the state ((used for water borne transportation)) will be protected from oil spills. ((The legislature declares that this act is the first step in developing a comprehensive approach to protecting this important and unique resource by developing a set of procedures to respond to spills of oil and hazardous substances into the state's waters.))

(2) The legislature ((also)) finds that prevention is the best method to protect the unique and special marine environments in this state. The technology for containing and cleaning up a spill of oil or hazardous substances is in the early stages of development. Preventing spills is more protective of the environment and more cost-effective when all the costs associated with responding to a spill are considered. ~~((The legislature declares that it will continue to develop this first step in a comprehensive approach to protecting our unique and special marine environment by adopting measures in future sessions of the legislature to reduce the likelihood that a spill of oil or hazardous substances will occur.))~~

(3) The legislature also finds that:

(a) Recent accidents in Washington, Alaska, southern California, Texas, and other parts of the nation have shown that the transportation, transfer, and storage of oil have caused significant damage to the marine environment;

(b) Even with the best efforts, it is nearly impossible to remove all oil that is spilled into the water;

(c) Washington's navigable waters are treasured environmental and economic resources that the state cannot afford to place at undue risk from an oil spill; and

(d) The state has a fundamental responsibility, as the trustee of the state's natural resources and the protector of public health and the environment to prevent the spill of oil.

(4) In order to establish a comprehensive prevention and response program to protect Washington's waters and natural resources from spills of oil, it is the purpose of this chapter:

(a) To establish state agency expertise in marine safety and to centralize state activities in spill prevention and response activities;

(b) To prevent spills of oil and to promote programs that reduce the risk of both catastrophic and small chronic spills;

(c) To ensure that responsible parties are liable, and have the resources and ability, to respond to spills and provide compensation for all costs and damages;

(d) To provide for state spill response and wildlife rescue planning and implementation;

(e) To support and complement the federal oil pollution act of 1990 and other federal law, especially those provisions relating to the national contingency plan for cleanup of oil spills and discharges, including provisions relating to the responsibilities of state agencies designated as natural resource trustees. The legislature intends this chapter to be interpreted and implemented in a manner consistent with federal law;

(f) To provide broad powers of regulation to the department of ecology relating to spill prevention and response;

(g) To provide for an independent oversight board to review the adequacy of spill prevention and response activities in this state; and

(h) To provide an adequate funding source for state response and prevention programs.

Sec. 102. RCW 90.48.315 and 1990 c 116 s 2 are each amended to read as follows:

For purposes of ~~((RCW 90.48.315 through 90.48.410, 78.52.020, 78.52.125, 82.36.330, 90.48.903, 90.48.906, and 90.48.907))~~ this chapter, the following definitions shall apply unless the context indicates otherwise:

(1) "Administrator" means the administrator of the office of marine safety created in section 402 of this 1991 act.

(2) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while

considering (a) the additional protection provided by the measures; (b) the technological achievability of the measures; and (c) the cost of the measures.

(3) "Best achievable technology" means the technology that provides the greatest degree of protection taking into consideration (a) processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development, and (b) processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(4) "Board" ((shall)) means the pollution control hearings board.

((2)) (5) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, ((ef)) greater than three hundred or more gross tons ((or more)), including but not limited to, commercial fish processing vessels and freighters.

((3)) (6) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(7) "Committee" ((shall)) means the preassessment screening committee established under RCW 90.48.368.

((4)) (8) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

((5)) (9) "Department" ((shall)) means the department of ecology.

((6)) (10) "Director" ((shall)) means the director of the department of ecology.

((7)) (11) "Discharge" ((shall)) means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

((8)) (12)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that ((receives)) transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk ((, and is capable of storing ten thousand or more gallons of oil)).

(b) A facility does not include any: (i) Railroad car, motor vehicle, or other rolling stock ((used to transport)) while transporting oil over the highways or rail lines of this state; (ii) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; (iii) a motor vehicle motor fuel outlet; (iv) a facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or (v) a marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

((9)) (13) "Fund" ((shall)) means the state coastal protection fund as provided in RCW 90.48.390 and 90.48.400.

((10)) (14) "Having control over oil" shall include but not be limited to any person using, storing, or transporting oil immediately prior to entry of such oil into the waters of the state, and shall specifically include carriers and bailees of such oil.

((11) "Maximum probable spill" means the maximum probable spill for a vessel operating in state waters considering the history of spills of vessels of the same class operating on the west coast of the United States, Alaska, and British Columbia.

(12)) (15) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(16) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

((13)) (17) "Necessary expenses" means the expenses incurred by the department and assisting state agencies for (a) investigating the source of the discharge; (b) investigating the extent of the environmental damage caused by the discharge; (c)

conducting actions necessary to clean up the discharge; (d) conducting predamage and damage assessment studies; and (e) enforcing the provisions of this chapter and collecting for damages caused by a discharge.

((14)) (18) "Oil" or "oils" ((shall)) means ((oil)) naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including ((gasoline)), but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, ((lubricating oil,)) oil sludge, oil refuse, ((liquid natural gas, propane, butane, oils distilled from coal, and other liquid hydrocarbons regardless of specific gravity, or any other petroleum related product)) and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

((15)) (19) "Offshore facility" means any facility, as defined in subsection (12) of this section, located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

(20) "Onshore facility" means any facility, as defined in subsection (12) of this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(21)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(22) "Passenger vessel" means a ship of greater than three hundred or more gross tons or five hundred or more international gross tons carrying passengers for compensation.

((16)) (23) "Person" ((shall)) means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever ((and any owner, operator, master, officer, or employee of a ship)).

((17)) (24) "Ship" ((shall)) means any boat, ship, vessel, barge, or other floating craft of any kind.

((18)) (25) "Spill" means ((a)) an unauthorized discharge of oil or hazardous substances into the waters of the state.

((19)) (26) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

((20)) (27) "Technical feasibility" or "technically feasible" shall mean that given available technology, a restoration or enhancement project can be successfully completed at a cost that is not disproportionate to the value of the resource prior to the injury.

((21)) (28) "Waters of the state" ((shall)) includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

((22)) (29) "Worst case spill" means: (a) In the case of a vessel, a spill of the entire cargo and fuel of ((a tank)) the vessel complicated by adverse weather

conditions; and (b) in the case of an onshore or offshore facility, the largest foreseeable spill in adverse weather conditions.

NEW SECTION. Sec. 103. DIRECTOR RESPONSIBLE FOR SPILL RESPONSE. Except as otherwise specifically provided in this chapter or other law, the director has the primary authority, in conformance with the state-wide master oil and hazardous substance spill prevention and contingency plan adopted pursuant to RCW 90.48.378 as recodified by this act and any applicable contingency plans prepared pursuant to this chapter and chapter 88.--RCW (sections 414 through 436 of this act), to oversee prevention, abatement, response, containment, and cleanup efforts with regard to any oil or hazardous substance spill in the navigable waters of the state. The director is the head of the state incident command system in response to a spill of oil or hazardous substances and shall coordinate the response efforts of all state agencies and local emergency response personnel. If a discharge of oil or hazardous substances is subject to the national contingency plan, in responding to the discharge, the director shall to the greatest extent practicable act in accordance with the national contingency plan and cooperate with the federal on-scene coordinator or other federal agency or official exercising authority under the national contingency plan.

Sec. 104. RCW 90.48.370 and 1971 ex.s. c 180 s 2 are each amended to read as follows:

The powers, duties, and functions conferred by ~~((RCW 78.52.020, 78.52.125, 82.36.330, 90.48.315, 90.48.370 through 90.48.410, 90.48.903, 90.48.906 and 90.48.907))~~ this chapter shall be exercised by the department of ecology and shall be deemed an essential government function in the exercise of the police power of the state. Such powers, duties, and functions of the department ~~((and those conferred by RCW 90.48.315 through 90.48.365))~~ shall extend to all waters ~~((within the boundaries))~~ under the jurisdiction of the state.

Sec. 105. RCW 90.48.365 and 1987 c 109 s 153 are each amended to read as follows:

~~((RCW 90.48.315 through 90.48.365 shall))~~ This chapter grants authority to the department which is supplemental to and in no way reduces or otherwise modifies the powers ~~((heretofore))~~ granted to the department~~((, except as it may directly conflict therewith))~~ by other statutes.

Sec. 106. RCW 90.48.380 and 1971 ex.s. c 180 s 3 are each amended to read as follows:

The department may adopt rules ~~((and regulations))~~ including but not limited to the following matters:

(1) Procedures and methods of reporting discharges and other occurrences prohibited by ~~((RCW 90.48.315 through 90.48.365 and RCW 78.52.020, 78.52.125, 82.36.330, 90.48.315, 90.48.370 through 90.48.410, 90.48.903, 90.48.906 and 90.48.907))~~ this chapter;

(2) Procedures, methods, means, and equipment to be used by persons subject to regulation by ~~((RCW 90.48.315 through 90.48.365 and RCW 78.52.020, 78.52.125, 82.36.330, 90.48.315, 90.48.370 through 90.48.410, 90.48.903, 90.48.906 and 90.48.907))~~ this chapter and such rules ~~((and regulations))~~ may prescribe the times, places, and methods of transfer of oil;

(3) Coordination of procedures, methods, means, and equipment to be used in the removal of oil ~~((pollutants));~~

(4) Development and implementation of criteria and plans to meet oil ~~((pollution occurrences))~~ spills of various kinds and degrees;

(5) ~~((The establishment from time to time of control districts comprising sections of the state coast and the establishment of rules and regulations to meet the particular requirements of each such district;~~

(6)) When and under what circumstances, if any, chemical agents, such as coagulants, dispersants, and bioremediation, may be used in response to an oil spill;

(6) The disposal of oil recovered from a spill; and

(7) Such other rules and regulations as the exigencies of any condition may require or such as may be reasonably necessary to carry out the intent of ((RCW 90.48.315 through 90.48.365 and RCW 78.52.020, 78.52.125, 82.36.330, 90.48.315, 90.48.370 through 90.48.410, 90.48.903, 90.48.906 and 90.48.907)) this chapter.

Sec. 107. RCW 90.48.378 and 1990 c 116 s 10 are each amended to read as follows:

(1) ((~~Not later than July 1, 1991,~~) The department shall prepare and ((~~thereafter~~)) annually update a state-wide master oil and hazardous substance spill prevention and contingency plan. In preparing the plan, the department shall consult with an advisory committee representing diverse interests concerned with oil and hazardous substance spills, including the office of marine safety, the United States coast guard, the federal environmental protection agency, state agencies, local governments, port districts, private facilities, environmental organizations, oil companies, shipping companies, containment and cleanup contractors, tow companies, and hazardous substance manufacturers.

(2) The state master plan prepared under this section shall at a minimum:

(a) Take into consideration the elements of oil spill prevention and contingency plans approved or submitted for approval pursuant to ((~~RCW 90.48.371~~)) this chapter and chapter 88.-- RCW (sections 414 through 436 of this 1991 act) and oil and hazardous substance spill contingency plans prepared pursuant to other state or federal law or prepared by federal agencies and regional entities;

(b) State the respective responsibilities as established by relevant statutes and rules of each of the following in the prevention of and the assessment, containment, and cleanup of a ((~~catastrophic oil~~)) worst case spill ((or of a significant spill)) of ((a)) oil or hazardous substances into the environment of the state: (i) State agencies; (ii) local governments; (iii) appropriate federal agencies; (iv) facility operators; (v) property owners whose land or other property may be affected by the oil or hazardous substance spill; and (vi) other parties identified by the department as having an interest in or the resources to assist in the containment and cleanup of an oil or hazardous substance spill;

(c) State the respective responsibilities of the parties identified in (b) of this subsection in an emergency response;

(d) Identify actions necessary to reduce the likelihood of ((~~catastrophic oil~~)) spills ((~~and significant spills~~)) of oil and hazardous substances; ((~~and~~))

(e) Identify and obtain mapping of environmentally sensitive areas at particular risk to oil and hazardous substance spills; and

(f) Establish an incident command system for responding to oil and hazardous substances spills.

(3) In preparing and updating the state master plan, the department shall:

(a) Consult with federal, provincial, municipal, and community officials, other state agencies, the state of Oregon, and with representatives of affected regional organizations;

(b) Submit the draft plan to the public for review and comment;

(c) Submit to the appropriate standing committees of the legislature for review, not later than November 1 of each year, the plan and any annual revision of the plan; and

(d) Require or schedule unannounced oil spill drills as required by RCW 90.48.374 as recodified by this 1991 act to test the sufficiency of oil spill contingency plans approved under RCW 90.48.371 as recodified by this 1991 act.

NEW SECTION. Sec. 108. COORDINATION WITH FEDERAL LAW. In carrying out the purposes of this chapter, including the adoption of rules for contingency plans, the department shall to the greatest extent practicable implement this chapter in a manner consistent with federal law.

NEW SECTION. **Sec. 109. HAZARDOUS SUBSTANCES INCIDENT RESPONSE TRAINING AND EDUCATION PROGRAM.** Not later than twelve months after the effective date of this section, the division of fire protection services shall establish and manage the Washington oil and hazardous substances incident response training and education program to provide approved classes in hazardous substance response, taught by trained instructors. To carry out this program, the division of fire protection services shall:

- (1) Adopt rules necessary to implement the program;
- (2) Establish a training and education program by developing the curriculum to be used in the program in colleges, academies, and other educational institutions;
- (3) Provide training to local oil and hazardous materials emergency response personnel; and
- (4) Establish and collect admission fees and other fees that may be necessary to the program.

NEW SECTION. **Sec. 110. SMALL SPILL PREVENTION EDUCATION PROGRAM.** (1) The Washington sea grant program, in consultation with the department, shall develop and conduct a voluntary spill prevention education program that targets small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas. Washington sea grant shall coordinate the spill prevention education program with recreational boater education performed by the state parks and recreation commission.

(2) The spill prevention education program shall illustrate ways to reduce oil contamination of bilge water, accidental spills of hydraulic fluid and other hazardous substances during routine maintenance, and reduce spillage during refueling. The program shall illustrate proper disposal of oil and hazardous substances and promote strategies to meet shoreside oil and hazardous substance handling, and disposal needs of the targeted groups. The program shall include a series of training workshops and the development of educational materials.

"PART II FACILITY PLANS"

NEW SECTION. **Sec. 201. PREVENTION PLANS.** (1) The owner or operator for each onshore and offshore facility shall prepare and submit to the department an oil spill prevention plan in conformance with the requirements of this chapter. The plans shall be submitted to the department in the time and manner directed by the department, but not later than January 1, 1993. The spill prevention plan may be consolidated with a spill contingency plan submitted pursuant to RCW 90.48.371 as recodified by this act. The department may accept plans prepared to comply with other state or federal law as spill prevention plans to the extent those plans comply with the requirements of this chapter. The department, by rule, shall establish standards for spill prevention plans. The rules shall be adopted not later than July 1, 1992.

- (2) The spill prevention plan for an onshore or offshore facility shall:
 - (a) Establish compliance with the federal oil pollution act of 1990, if applicable, and financial responsibility requirements under federal and state law;
 - (b) Certify that supervisory and other key personnel in charge of transfer, storage, and handling of oil have received certification pursuant to section 203 of this act;
 - (c) Certify that the facility has an operations manual required by section 204 of this act;
 - (d) Certify the implementation of alcohol and drug use awareness programs;

(e) Describe the facility's maintenance and inspection program and contain a current maintenance and inspection record of the storage and transfer facilities and related equipment;

(f) Describe the facility's alcohol and drug treatment programs;

(g) Describe spill prevention technology that has been installed, including overflow alarms, automatic overflow cut-off switches, secondary containment facilities, and storm water retention, treatment, and discharge systems;

(h) Describe any discharges of oil to the land or the water of more than twenty-five barrels in the prior five years and the measures taken to prevent a reoccurrence;

(i) Describe the procedures followed by the facility to contain and recover any oil that spills during the transfer of oil to or from the facility;

(j) Provide for the incorporation into the facility during the period covered by the plan of those measures that will provide the best achievable protection for the public health and the environment; and

(k) Include any other information reasonably necessary to carry out the purposes of this chapter required by rules adopted by the department.

(3) The department shall only approve a prevention plan if it provides the best achievable protection from damages caused by the discharge of oil into the waters of the state and if it determines that the plan meets the requirements of this section and rules adopted by the department.

(4) Upon approval of a prevention plan, the department shall provide to the person submitting the plan a statement indicating that the plan has been approved, the facilities covered by the plan, and other information the department determines should be included.

(5) The approval of a prevention plan shall be valid for five years. An owner or operator of a facility shall notify the department in writing immediately of any significant change of which it is aware affecting its prevention plan, including changes in any factor set forth in this section or in rules adopted by the department. The department may require the owner or operator to update a prevention plan as a result of these changes.

(6) The department by rule shall require prevention plans to be reviewed, updated, if necessary, and resubmitted to the department at least once every five years.

(7) Approval of a prevention plan by the department does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under this chapter or other state law.

(8) This section does not authorize the department to modify the terms of a collective bargaining agreement.

Sec. 202. RCW 90.48.371 and 1990 c 116 s 3 are each amended to read as follows:

(1) Each onshore and offshore facility (~~(and covered vessel)~~) shall have a contingency plan for the containment and cleanup of oil spills from the facility (~~(or covered vessel)~~) into the waters of the state and for the protection of fisheries and wildlife, natural resources, and public and private property from such spills. The department shall by rule adopt and periodically revise standards for the preparation of contingency plans. (~~The rules for facilities and, except as otherwise provided in this subsection, for covered vessels shall be adopted not later than July 1, 1991. The department shall exclude from the rules to be adopted by July 1, 1991, standards for tank vessels of less than twenty thousand deadweight tons, cargo vessels, and passenger vessels operating on the portion of the Columbia river for which the department determines that Washington and Oregon should cooperate in the adoption of standards for contingency plans. The department, after consultation with the appropriate state agencies in Oregon, shall adopt the rules for standards for contingency plans for this portion of the Columbia river at the earliest possible time, but not later than July 1,~~

1992.)) The department shall require contingency plans, at a minimum, to meet the following standards:

(a) Include full details of the method of response to spills of various sizes from any ~~((vessel, ship, or))~~ facility which is covered by the plan;

(b) Be designed to be capable in terms of personnel, materials, and equipment, of promptly and properly, to the maximum extent practicable, as defined by the department~~((:~~

~~(i) Removing oil and minimizing any damage to the environment resulting from a maximum probable spill; and~~

~~(ii)) removing oil and minimizing any damage to the environment resulting from a worst case spill;~~

(c) Provide a clear, precise, and detailed description of how the plan relates to and is integrated into relevant contingency plans which have been prepared by cooperatives, ports, regional entities, the state, and the federal government;

(d) Provide procedures for early detection of oil spills and timely notification of such spills to appropriate federal, state, and local authorities under applicable state and federal law;

(e) State the number, training preparedness, and fitness of all dedicated, prepositioned personnel assigned to direct and implement the plan;

(f) Incorporate periodic training and drill programs to evaluate whether personnel and equipment provided under the plan are in a state of operational readiness at all times;

(g) Describe important features of the surrounding environment, including fish and wildlife habitat, environmentally sensitive areas, and public facilities. The departments of ecology, fisheries, wildlife, and natural resources, upon request, shall provide information that they have available to assist in preparing this description;

(h) State the means of protecting and mitigating effects on the environment, including fish, marine mammals, and other wildlife, and ensure that implementation of the plan does not pose unacceptable risks to the public or the environment;

~~((h) Provide a detailed description of equipment and procedures to be used by the crew of a vessel to minimize vessel damage, stop or reduce any spilling from the vessel, and, only when appropriate and the vessel safety is assured, contain and clean up the spilled oil;))~~

(i) Provide arrangements for the prepositioning of oil spill containment and cleanup equipment and trained personnel at strategic locations from which they can be deployed to the spill site to promptly and properly remove the spilled oil;

(j) Provide arrangements for enlisting the use of qualified and trained cleanup personnel to implement the plan;

(k) Provide for disposal of recovered spilled oil in accordance with local, state, and federal laws;

(l) Until a spill prevention plan has been submitted pursuant to section 201 of this 1991 act, state the measures that have been taken to reduce the likelihood that a spill will occur, including but not limited to, design and operation of a ~~((vessel or))~~ facility, training of personnel, number of personnel, and backup systems designed to prevent a spill;

(m) State the amount and type of equipment available to respond to a spill, where the equipment is located, and the extent to which other contingency plans rely on the same equipment; and

(n) If the department has adopted rules permitting the use of dispersants, the circumstances, if any, and the manner for the application of the dispersants in conformance with the department's rules.

(2)(a) ~~((Contingency plans for facilities capable of storing one million gallons or more of oil and for tank vessels of twenty thousand deadweight tons or more shall be submitted to the department))~~ The following shall submit contingency plans to the

department within six months after the department adopts rules establishing standards for contingency plans under subsection (1) of this section:

(i) Onshore facilities capable of storing one million gallons or more of oil; and

(ii) Offshore facilities.

~~(b) ((Except as otherwise provided in (c) of this subsection,))~~ Contingency plans for all other onshore and offshore facilities ~~((and covered vessels))~~ shall be submitted to the department within eighteen months after the department has adopted rules under subsection (1) of this section. The department may adopt a schedule for submission of plans within the eighteen-month period.

~~((c) Contingency plans for covered vessels which are not required to submit plans within the six month period prescribed in (a) of this subsection and which operate on the portion of the Columbia river for which the department must adopt rules not later than July 1, 1992, shall be submitted to the department not later than January 1, 1993.))~~

(3)(a) The owner or operator of a facility shall submit the contingency plan for the facility.

~~(b) ((The owner or operator of a tank vessel or of the facilities at which the vessel will be unloading its cargo shall submit the contingency plan for the tank vessel. Subject to conditions imposed by the department, the owner or operator of a facility may submit a single contingency plan for tank vessels of a particular class that will be unloading cargo at the facility.~~

~~(c) The contingency plan for a cargo vessel or passenger vessel may be submitted by the owner or operator of the cargo vessel or passenger vessel or by the agent for the vessel resident in this state. Subject to conditions imposed by the department, the owner, operator, or agent may submit a single contingency plan for cargo vessels or passenger vessels of a particular class.~~

~~(d))~~ A person who has contracted with a facility ~~((or covered vessel))~~ to provide containment and cleanup services and who meets the standards established pursuant to RCW 90.48.372 as recodified by this 1991 act, may submit the plan for any facility ~~((or covered vessel))~~ for which the person is contractually obligated to provide services. Subject to conditions imposed by the department, the person may submit a single plan for more than one facility ~~((or covered vessel))~~.

(4) A contingency plan prepared for an agency of the federal government or another state that satisfies the requirements of this section and rules adopted by the department may be accepted by the department as a contingency plan under this section. The department shall assure that to the greatest extent possible, requirements for contingency plans under this section are consistent with the requirements for contingency plans under federal law.

(5) In reviewing the contingency plans required by this section, the department shall consider at least the following factors:

(a) The adequacy of containment and cleanup equipment, personnel, communications equipment, notification procedures and call down lists, response time, and logistical arrangements for coordination and implementation of response efforts to remove oil ~~((and hazardous substance))~~ spills promptly and properly and to protect the environment;

(b) The nature and amount of vessel traffic within the area covered by the plan;

(c) The volume and type of oil ~~((or hazardous substances))~~ being transported within the area covered by the plan;

(d) The existence of navigational hazards within the area covered by the plan;

(e) The history and circumstances surrounding prior spills of oil ~~((and hazardous substances))~~ within the area covered by the plan;

(f) The sensitivity of fisheries and wildlife and other natural resources within the area covered by the plan;

(g) Relevant information on previous spills contained in on-scene coordinator reports prepared by the department; and

(h) The extent to which reasonable, cost-effective measures to prevent a likelihood that a spill will occur have been incorporated into the plan.

(6) The department shall approve a contingency plan only if it determines that the plan meets the requirements of this section and that, if implemented, the plan is capable, in terms of personnel, materials, and equipment, of removing oil (~~or hazardous substances~~) promptly and properly and minimizing any damage to the environment.

(7) The approval of the contingency plan shall be valid for five years. Upon approval of a contingency plan, the department shall provide to the person submitting the plan a statement indicating that the plan has been approved, the facilities or vessels covered by the plan, and other information the department determines should be included.

(8) An owner or operator of a (~~vessel, ship, or~~) facility shall notify the department in writing immediately of any significant change of which it is aware affecting its contingency plan, including changes in any factor set forth in this section or in rules adopted by the department. The department may require the owner or operator to update a contingency plan as a result of these changes.

(9) The department by rule shall require contingency plans to be reviewed, updated, if necessary, and resubmitted to the department at least once every five years.

(10) Approval of a contingency plan by the department does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under this chapter or other state law.

NEW SECTION. Sec. 203. FACILITY OPERATION STANDARDS. (1) The department by rule shall adopt standards for onshore and offshore facilities regarding the equipment and operation of the facilities with respect to the transfer, storage, and handling of oil to ensure that the best achievable protection of the public health and the environment is employed at all times. The department shall implement a program to provide for the inspection of all onshore and offshore facilities on a regular schedule to ensure that each facility is in compliance with the standards.

(2) The department shall adopt rules for certification of supervisory and other key personnel in charge of the transfer, storage, and handling of oil at onshore and offshore facilities. The rules shall include, but are not limited to:

(a) Minimum training requirements for all facility workers involved in the transfer, storage, and handling of oil at a facility;

(b) Provisions for periodic renewal of certificates for supervisory and other key personnel involved in the transfer, storage, and handling of oil at the facility; and

(c) Continuing education requirements.

(3) The rules adopted by the department shall not conflict with or modify standards imposed pursuant to federal or state laws regulating worker safety.

NEW SECTION. Sec. 204. OPERATIONS MANUALS. (1) Each owner or operator of an onshore or offshore facility shall prepare an operations manual describing equipment and procedures involving the transfer, storage, and handling of oil that the operator employs or will employ for best achievable protection for the public health and the environment and to prevent oil spills in the navigable waters. The operations manual shall also describe equipment and procedures required for all vessels to or from which oil is transferred through use of the facility. The operations manual shall be submitted to the department for approval.

(2) Every existing onshore and offshore facility shall prepare and submit to the department its operations manual within eighteen months after the department has adopted rules governing the content of the manual.

(3) The department shall approve an operations manual for an onshore or offshore facility if the manual complies with the rules adopted by the department. If

the department determines a manual does not comply with the rules, it shall provide written reasons for the decision. The owner or operator shall resubmit the manual within ninety days of notification of the reasons for noncompliance, responding to the reasons and incorporating any suggested modifications.

(4) The approval of an operations manual shall be valid for five years. The owner or operator of the facility shall notify the department in writing immediately of any significant change in its operations affecting its operations manual. The department may require the owner or operator to modify its operations manual as a result of these changes.

(5) All equipment and operations of an operator's onshore or offshore facility shall be maintained and carried out in accordance with the facility's operations manual. The owner or operator of the facility shall ensure that all covered vessels docked at an onshore or offshore facility comply with the terms of the operations manual for the facility.

Sec. 205. RCW 90.48.373 and 1990 c 116 s 5 are each amended to read as follows:

The department shall annually publish an index of available, up-to-date descriptions of prevention plans and contingency plans for oil spills submitted and approved pursuant to section 201 of this 1991 act, RCW 90.48.371 as recodified by this 1991 act, and sections 417 and 419 of this 1991 act and an inventory of equipment available for responding to such spills.

Sec. 206. RCW 90.48.375 and 1990 c 116 s 7 are each amended to read as follows:

(1) The provisions of contingency plans approved by the department under RCW 90.48.371 as recodified by this 1991 act and prevention plans approved by the department pursuant to section 201 of this 1991 act shall be legally binding on those persons submitting them to the department and on their successors, assigns, agents, and employees. The superior court shall have jurisdiction to restrain a violation of, compel specific performance of, or otherwise to enforce such plans upon application by the department. The department may issue an order pursuant to chapter 34.05 RCW requiring compliance with a contingency plan or a prevention plan and may impose administrative penalties under RCW 43.21B.300 for failure to comply with a plan. An order under this section is not subject to review by the pollution control hearings board as provided in RCW 43.21B.110.

(2)(a) Any person responsible or potentially responsible for a discharge, all of the agents and employees of that person, the operators of all vessels docked at an onshore or offshore facility that is a source of a discharge, and all state and local agencies shall carry out response and cleanup operations in accordance with applicable contingency plans, unless directed otherwise by the director or the coast guard. Except as provided in (b) of this subsection, the responsible party, potentially responsible parties, their agents and employees, the operators of all vessels docked at an onshore or offshore facility that is the source of the discharge, and all state and local agencies shall carry out whatever direction is given by the director in connection with the response, containment, and cleanup of the spill, if the directions are not in direct conflict with the directions of the coast guard.

(b) If a responsible party or potentially responsible party reasonably, and in good faith, believes that the directions or orders given by the director pursuant to (a) of this subsection will substantially endanger the public safety or the environment, the party may refuse to act in compliance with the orders or directions of the director. The responsible party or potentially responsible party shall state, at the time of the refusal, the reasons why the party refuses to follow the orders or directions of the director. The responsible party or potentially responsible party shall give the director written notice of the reasons for the refusal within forty-eight hours of refusing to follow the orders or directions of the director. In any civil or criminal proceeding

commenced pursuant to this section, the burden of proof shall be on the responsible party or potentially responsible party to demonstrate, by clear and convincing evidence, why the refusal to follow the orders or directions of the director was justified under the circumstances.

"PART III ENFORCEMENT"

Sec. 301. RCW 90.48.376 and 1990 c 116 s 8 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, it shall be unlawful for ~~((any person))~~ the owner or operator to knowingly and intentionally operate in this state or on the waters of this state ~~((a))~~ an onshore or offshore facility ~~((or covered vessel))~~ without an approved contingency plan or an approved prevention plan as required by ~~((RCW 90.48.371))~~ this chapter, or financial responsibility in compliance with chapter 88.40 RCW and the federal oil pollution act of 1990. The first conviction under this section shall be a gross misdemeanor under chapter 9A.20 RCW. A second or subsequent conviction shall be a class C felony under chapter 9A.20 RCW.

(2) It shall not be unlawful for ~~((a person))~~ the owner or operator to operate ~~((a))~~ an onshore or offshore facility ~~((or covered vessel))~~ if:

(a) ~~The facility~~ ~~((or covered vessel))~~ is not required to have a contingency plan, spill prevention plan, or financial responsibility; or

(b) ~~((A))~~ All required plans ~~((has))~~ have been submitted to the department as required by RCW 90.48.371 as recodified by this 1991 act and rules adopted by the department and the department is reviewing the plan and has not denied approval~~((; or~~

~~((c) The covered vessel has entered state waters after the United States coast guard has determined that the vessel is in distress)).~~

(3) A ~~((facility))~~ person may rely on a copy of the statement issued by the department pursuant to RCW 90.48.371(7) as recodified by this 1991 act as evidence that ~~((the vessel))~~ a facility has an approved contingency plan and the statement issued pursuant to section 201(5) of this 1991 act that a facility has an approved prevention plan.

Sec. 302. RCW 90.48.377 and 1990 c 116 s 9 are each amended to read as follows:

(1) ~~((Except as provided in subsection (4) of this section, it shall be unlawful for a covered vessel to enter the waters of the state without an approved contingency plan as provided in RCW 90.48.371. The department may deny entry onto the waters of the state to any covered vessel that does not have a contingency plan and is so required.~~

~~((2))~~ Except as provided in subsection ~~((4))~~ (3) of this section, it shall be unlawful:

(a) For ~~((a))~~ the owner or operator to operate an onshore or offshore facility ~~((to operate))~~ without an approved contingency plan as required under RCW 90.48.371 as recodified by this 1991 act, a spill prevention plan required by section 201 of this 1991 act, or financial responsibility in compliance with chapter 88.40 RCW and the federal oil pollution act of 1990; or

(b) For ~~((a))~~ the owner or operator of an onshore or offshore facility ~~((or any other person))~~ to accept cargo or passengers from a covered vessel that does not have an approved contingency plan or an approved prevention plan required under ~~((RCW 90.48.371))~~ chapter 88.-- RCW (sections 414 through 436 of this 1991 act) or financial responsibility in compliance with chapter 88.40 RCW and the federal oil pollution act of 1990.

~~((3))~~ (2) The department may notify the ~~((department of licensing))~~ secretary of state to suspend the business license of any onshore or offshore facility or other

person that is in violation of this section. The department may assess a civil penalty under RCW 43.21B.300 of up to one hundred thousand dollars against any person who is in violation of this section. Each day that a facility~~(s)~~ or person~~(s)~~ ~~or covered vessel~~) is in violation of this section shall be considered a separate violation.

~~((4))~~ (3) It shall not be unlawful for a ~~(covered vessel to operate on the waters of the state or a)~~ facility or other person to operate or accept cargo or passengers from a covered vessel if:

(a) A contingency plan, a prevention plan, or financial responsibility is not required for the facility ~~(or covered vessel)~~; or

(b) A contingency and prevention plan has been submitted to the department as required by ~~(RCW 90.48.371)~~ this chapter and rules adopted by the department and the department is reviewing the plan and has not denied approval~~(s)~~ or

~~(c) The covered vessel has entered state waters after the United States coast guard has determined that the vessel is in distress).~~

~~((5))~~ (4) Any person may rely on a copy of the statement issued by the department pursuant to RCW 90.48.371(7) as recodified by this 1991 act as evidence that the ~~(vessel)~~ facility has an approved contingency plan and the statement issued pursuant to section 201(5) of this 1991 act as evidence that the facility has an approved spill prevention plan. Any person may rely on a copy of the statement issued by the office to section 419 of this 1991 act as evidence that the vessel has an approved contingency plan and the statement issued pursuant to section 417 of this 1991 act as evidence that the vessel has an approved prevention plan.

Sec. 303. RCW 90.48.325 and 1970 ex.s. c 88 s 3 are each amended to read as follows:

It shall be the obligation of any person owning or having control over oil entering waters of the state in violation of RCW 90.48.320 as recodified by this 1991 act to immediately collect and remove the same. If it is not feasible to collect and remove, said person shall take all practicable actions to contain, treat and disperse the same. The director shall prohibit or restrict the use of any chemicals or other dispersant or treatment materials proposed for use under this section whenever it appears to ~~(him)~~ the director that use thereof would be detrimental to the public interest.

NEW SECTION. Sec. 304. (1)(a) Notwithstanding any other provision of law, a person is not liable for removal costs or damages that result from actions taken or omitted to be taken in the course of rendering care, assistance, or advice consistent with the national contingency plan or as otherwise directed by the federal on-scene coordinator or by the official within the department with responsibility for oil spill response. This subsection (1)(a) does not apply:

(i) To a responsible party;

(ii) With respect to personal injury or wrongful death; or

(iii) If the person is grossly negligent or engages in willful misconduct.

(b) A responsible party is liable for any removal costs and damages that another person is relieved of under (a) of this subsection.

(c) Nothing in this section affects the liability of a responsible party for oil spill response under state law.

(2) For the purposes of this section:

(a) "Damages" means damages of any kind for which liability may exist under the laws of this state resulting from, arising out of, or related to the discharge or threatened discharge of oil.

(b) "Discharge" means any emission other than natural seepage, intentional or unintentional, and includes, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(c) "Federal on-scene coordinator" means the federal official predesignated by the United States environmental protection agency or the United States coast guard to

coordinate and direct federal responses under subpart D, or the official designated by the lead agency to coordinate and direct removal under subpart E, of the national contingency plan.

(d) "National contingency plan" means the national contingency plan prepared and published under section 311(d) of the federal water pollution control act (33 U.S.C. Sec. 1321(d)), as amended by the oil pollution act of 1990 (P.L. 101-380, 104 Stat. 484 (1990)).

(e) "Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

(f) "Person" means an individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, or any interstate body.

(g) "Removal costs" means the costs of removal that are incurred after a discharge of oil has occurred or, in any case in which there is a substantial threat of a discharge of oil, the costs to prevent, minimize, or mitigate oil pollution from such an incident.

(h) "Responsible party" means a person liable under RCW 90.48.336 as recodified by this act.

Sec. 305. RCW 90.48.340 and 1987 c 109 s 148 are each amended to read as follows:

The department shall investigate each activity or project conducted under RCW 90.48.330 as recodified by this 1991 act to determine, if possible, the circumstances surrounding the entry of oil into waters of the state and the person or persons allowing said entry or responsible for the act or acts which result in said entry. Whenever it appears to the department, after investigation, that a specific person or persons are responsible for the necessary expenses incurred by the state pertaining to a project or activity as specified in RCW 90.48.335 as recodified by this 1991 act, the department shall notify said person or persons by appropriate order(~~:- PROVIDED, That no order may be issued~~). The department may not issue an order pertaining to a project or activity which was completed more than five years prior to the date of the proposed issuance of the order. ~~((Said))~~ The order shall state the findings of the department, the amount of necessary expenses incurred ((by the department)) in conducting the project or activity, and a notice that said amount is due and payable immediately upon receipt of said order. The department may, upon application from the recipient of an order received within thirty days from the receipt of the order, reduce or set aside in its entirety the amount due and payable, when it appears from the application, and from any further investigation the department may desire to undertake, that a reduction or setting aside is just and fair under all the circumstances. If the amount specified in the order issued by the department notifying said person or persons is not paid within thirty days after receipt of notice imposing the same, or if an application has been made within thirty days as herein provided and the amount provided in the order issued by the department subsequent to such application is not paid within fifteen days after receipt thereof, the attorney general, upon request of the department, shall bring an action on behalf of the state in the superior court of Thurston county or any county in which the person to which the order is directed does business, or in any other court of competent jurisdiction, to recover the amount specified in the final order of the department. No order issued under this section shall be construed as an order within the meaning of RCW 43.21B.310 and shall not be appealable to the hearings board. In any action to recover necessary expenses as herein provided said person shall be relieved from liability for necessary expenses if ~~((he))~~ the person can prove that the oil to which the necessary expenses relate entered the waters of the state by causes set forth in RCW ~~((90.48.320(3)))~~ 90.48.320(2) as recodified by this 1991 act.

Sec. 306. RCW 90.48.350 and 1990 c 116 s 20 are each amended to read as follows:

(1) Except as otherwise provided in RCW 90.48.383, any person who negligently discharges oil, or causes or permits the entry of the same, shall incur, in addition to any other penalty as provided by law, a penalty in an amount of up to twenty thousand dollars for every such violation, and for each day the spill poses risks to the environment as determined by the director.

(2) An employee of the owner or operator of an offshore or onshore facility or covered vessel shall not be liable under subsection (1) of this section where the employee was acting in the course of employment, and in such case the owner or operator of the offshore or onshore facility or covered vessel shall be liable for the actions of such employee. For purposes of this subsection (2) only, "employee" does not include an employee (a) navigating a covered vessel, (b) piloting a covered vessel, or (c) on the covered vessel bridge and in control of the motion, direction, or speed of the covered vessel.

(3) Any person who intentionally or recklessly discharges or causes or permits the entry of oil into the waters of the state shall incur, in addition to any other penalty authorized by law, a penalty of up to one hundred thousand dollars for every such violation and for each day the spill poses risks to the environment as determined by the director.

(4) The amount of the penalty shall be determined by the director after taking into consideration the gravity of the violation, the previous record of the violator in complying, or failing to comply, with the provisions of chapter 90.48 RCW, the speed and thoroughness of the collection and removal of the oil, and such other considerations as the director deems appropriate. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for. The penalty herein provided for shall be imposed pursuant to RCW 43.21B.300.

"PART IV OFFICE OF MARINE SAFETY"

NEW SECTION. Sec. 401. The legislature declares that Washington's waters have irreplaceable value for the citizens of the state. These waters are vital habitat for numerous and diverse marine life and wildlife and the source of recreation, aesthetic pleasure, and pride for Washington's citizens. These waters are also vital for much of Washington's economic vitality.

The legislature finds that the transportation of oil on these waters creates a great potential hazard to these important natural resources. The legislature also finds that there is no state agency responsible for maritime safety to ensure this state's interest in preserving these resources.

The legislature therefore finds that in order to protect these waters it is necessary to establish an office of marine safety which will have the responsibility to promote the safety of marine transportation in Washington.

NEW SECTION. Sec. 402. (1) There is hereby created an agency of state government to be known as the office of marine safety. The office shall be vested with all powers and duties transferred to it and such other powers and duties as may be authorized by law. The main administrative office of the office shall be located in the city of Olympia. The administrator may establish administrative facilities in other locations, if deemed necessary for the efficient operation of the office, and if consistent with the principles set forth in subsection (2) of this section.

(2) The office of marine safety shall be organized consistent with the goals of providing state government with a focus in marine transportation and serving the people of this state. The legislature recognizes that the administrator needs sufficient

organizational flexibility to carry out the office's various duties. To the extent practical, the administrator shall consider the following organizational principles:

(a) Clear lines of authority which avoid functional duplication within and between subelements of the office;

(b) A clear and simplified organizational design promoting accessibility, responsiveness, and accountability to the legislature, the consumer, and the general public; and

(c) Maximum span of control without jeopardizing adequate supervision.

(3) The office shall provide leadership and coordination in identifying and resolving threats to the safety of marine transportation and the impact of marine transportation on the environment:

(a) Working with other state agencies and local governments to strengthen the state and local governmental partnership in providing public protection;

(b) Providing expert advice to the executive and legislative branches of state government;

(c) Providing active and fair enforcement of rules;

(d) Working with other federal, state, and local agencies and facilitating their involvement in planning and implementing marine safety measures;

(e) Providing information to the public; and

(f) Carrying out such other related actions as may be appropriate to this purpose.

(4) In accordance with the administrative procedure act, chapter 34.05 RCW, the office shall ensure an opportunity for consultation, review, and comment before the adoption of standards, guidelines, and rules.

(5) Consistent with the principles set forth in subsection (2) of this section, the administrator may create such administrative divisions, offices, bureaus, and programs within the office as the administrator deems necessary. The administrator shall have complete charge of and supervisory powers over the office, except where the administrator's authority is specifically limited by law.

(6) The administrator shall appoint such personnel as are necessary to carry out the duties of the office in accordance with chapter 41.06 RCW.

NEW SECTION. Sec. 403. The executive head and appointing authority of the office shall be the administrator of marine safety. The administrator shall be appointed by, and serve at the pleasure of, the governor in accordance with RCW 43.17.020. The administrator shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040.

Sec. 404. RCW 42.17.2401 and 1991 c 3 s 293 are each amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the office of marine safety, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community colleges, the director of community development, the secretary of corrections, the director of ecology, the commissioner of employment security, the chairman of the energy facility site evaluation council, the director of the energy office, the secretary of the state finance committee, the director of financial management, the director of fisheries, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the director of the higher education personnel board, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information

services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the director of trade and economic development, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the director of wildlife, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community college education, state convention and trade center board of directors, board of pilotage, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, higher education coordinating board, higher education facilities authority, higher education personnel board, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, liquor control board, lottery commission, marine oversight board, oil and gas conservation committee, Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, personnel board, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, state employees' benefits board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and wildlife commission.

NEW SECTION. Sec. 405. In addition to any other powers granted the administrator, the administrator may:

(1) Adopt, in accordance with chapter 34.05 RCW, rules necessary to carry out the provisions of this chapter and chapter 88.-- RCW (sections 414 through 436 of this act);

(2) Appoint such advisory committees as may be necessary to carry out the provisions of this chapter and chapter 88.-- RCW (sections 414 through 436 of this act). Members of such advisory committees are authorized to receive travel expenses in accordance with RCW 43.03.050 and 43.03.060. The administrator shall review each advisory committee within the jurisdiction of the office and each statutory advisory committee on a biennial basis to determine if such advisory committee is needed. The criteria specified in RCW 43.131.070 shall be used to determine whether or not each advisory committee shall be continued;

(3) Undertake studies, research, and analysis necessary to carry out the provisions of this chapter and chapter 88.-- RCW (sections 414 through 436 of this act);

(4) Delegate powers, duties, and functions of the department to employees of the department as the secretary deems necessary to carry out the provisions of this chapter and chapter 88.-- RCW (sections 414 through 436 of this act);

(5) Enter into contracts on behalf of the department to carry out the purposes of this chapter and chapter 88.-- RCW (sections 414 through 436 of this act);

(6) Act for the state in the initiation of, or the participation in, any intergovernmental program for the purposes of this chapter and chapter 88.-- RCW (sections 414 through 436 of this act); or

(7) Accept gifts, grants, or other funds.

NEW SECTION. Sec. 406. The powers and duties of the department of ecology and the director of ecology under chapter 90.48 RCW relating to adoption of rules and approval of contingency plans for covered vessels and adoption of model tow cable standards for tug boats and barges are hereby transferred to the office of marine safety and the administrator of the office of marine safety.

NEW SECTION. Sec. 407. (1) The administrator shall have full authority to administer oaths and take testimony thereunder, to issue subpoenas requiring the attendance of witnesses before the administrator together with all books, memoranda, papers, and other documents, articles or instruments, and to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation.

(2) Subpoenas issued in adjudicative proceedings shall be governed by chapter 34.05 RCW.

(3) Subpoenas issued in the conduct of investigations required or authorized by other statutory provisions or necessary in the enforcement of other statutory provisions shall be governed by chapter 34.05 RCW.

NEW SECTION. Sec. 408. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of ecology pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the office of marine safety. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of ecology in carrying out the powers, functions, and duties transferred shall be made available to the office of marine safety. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the office of marine safety.

Any appropriations made to the department of ecology for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the office of marine safety.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 409. All employees of the department of ecology engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the office of marine safety. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the office of marine safety to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 410. All rules and all pending business before the department of ecology pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the office of marine safety. All existing contracts and obligations shall remain in full force and shall be performed by the office of marine safety.

NEW SECTION. Sec. 411. The transfer of the powers, duties, functions, and personnel of the department of ecology shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 412. If apportionments of budgeted funds are required because of the transfers directed by sections 408 through 411 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 413. Nothing contained in sections 406 and 408 through 412 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 414. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrator" means the administrator of the office of marine safety created in section 402 of this act.

(2) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The administrator's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering (a) the additional protection provided by the measures; (b) the technological achievability of the measures; and (c) the cost of the measures.

(3) "Best achievable technology" means the technology that provides the greatest degree of protection taking into consideration (a) processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development, and (b) processes that are currently in use. In determining what is best achievable technology, the administrator shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(4) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, of greater than three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(5) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(6) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(7) "Department" means the department of ecology.

(8) "Director" means the director of the department of ecology.

(9) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(10)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any: (i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; (ii) retail motor vehicle motor fuel outlet; (iii) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; (iv) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; or (v) a marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(11) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(12) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(13) "Office" means the office of marine safety established by section 402 of this act.

(14) "Oil" or "oils" means any naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

(15) "Offshore facility" means any facility, as defined in subsection (10) of this section, located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land. "Offshore facility" does not include a marine facility as defined in subsection (11) of this section.

(16) "Onshore facility" means any facility, as defined in subsection (10) of this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(17)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(18) "Passenger vessel" means a ship of greater than three hundred or more gross tons or five hundred or more international gross tons carrying passengers for compensation.

(19) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(20) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(21) "Spill" means an unauthorized discharge of oil into the waters of the state.

(22) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(23) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(24) "Worst case spill" means: (a) In the case of a vessel, a spill of the entire cargo and fuel of the vessel complicated by adverse weather conditions; and (b) in the case of an onshore or offshore facility, the largest foreseeable spill in adverse weather conditions.

NEW SECTION. Sec. 415. COORDINATION WITH FEDERAL LAW. In carrying out the purposes of this chapter, including the adoption of rules for

contingency plans, the administrator shall to the greatest extent practicable implement this chapter in a manner consistent with federal law.

NEW SECTION. Sec. 416. TANK VESSEL INSPECTIONS. (1) All tank vessels entering the navigable waters of the state shall be subject to inspection to assure that they comply with all applicable federal and state standards.

(2) The office shall review the tank vessel inspection programs conducted by the United States coast guard and other federal agencies to determine if the programs as actually operated by those agencies provide the best achievable protection to the waters of the state. If the office determines that the tank vessel inspection programs conducted by these agencies are not adequate to protect the state's waters, it shall adopt rules for a state tank vessel inspection program. The office shall adopt rules providing for a random review of individual tank vessel inspections conducted by federal agencies. The office may accept a tank vessel inspection report issued by another state if that state's tank vessel inspection program is determined by the office to be at least as protective of the public health and the environment as the program adopted by the office.

(3) The state tank vessel inspection program shall ensure that all tank vessels entering state waters are inspected at least annually. To the maximum extent feasible, the state program shall consist of the monitoring of existing tank vessel inspection programs conducted by the federal government. The office shall consult with the coast guard regarding the tank vessel inspection program. Any tank vessel inspection conducted pursuant to this section shall be performed during the vessel's scheduled stay in port.

(4) Any violation of coast guard or other federal regulations uncovered during a state tank vessel inspection shall be immediately reported to the appropriate agency.

NEW SECTION. Sec. 417. PREVENTION PLANS. (1) The owner or operator for each tank vessel shall prepare and submit to the office an oil spill prevention plan in conformance with the requirements of this chapter. The plans shall be submitted to the office in the time and manner directed by the office, but not later than January 1, 1993. The spill prevention plan may be consolidated with a spill contingency plan submitted pursuant to section 419 of this act. The office may accept plans prepared to comply with other state or federal law as spill prevention plans to the extent those plans comply with the requirements of this chapter. The office, by rule, shall establish standards for spill prevention plans. The rules shall be adopted not later than July 1, 1992.

(2) The spill prevention plan for a tank vessel or a fleet of tank vessels operated by the same operator shall:

(a) Establish compliance with the federal oil pollution act of 1990 and state and federal financial responsibility requirements, if applicable;

(b) State all discharges of oil of more than twenty-five barrels from the vessel within the prior five years and what measures have been taken to prevent a reoccurrence;

(c) Describe all accidents, collisions, groundings, and near miss incidents in which the vessel has been involved in the prior five years, analyze the causes, and state the measures that have been taken to prevent a reoccurrence;

(d) Describe the vessel operations with respect to staffing standards;

(e) Describe the vessel inspection program carried out by the owner or operator of the vessel;

(f) Describe the training given to vessel crews with respect to spill prevention;

(g) Establish compliance with federal drug and alcohol programs;

(h) Describe all spill prevention technology that has been incorporated into the vessel;

(i) Describe the procedures used by the vessel owner or operator to ensure English language proficiency of at least one bridge officer while on duty in waters of the state;

(j) Describe relevant prevention measures incorporated in any applicable regional marine spill safety plan that have not been adopted and the reasons for that decision; and

(k) Include any other information reasonably necessary to carry out the purposes of this chapter required by rules adopted by the office.

(3) The office shall only approve a prevention plan if it provides the best achievable protection from damages caused by the discharge of oil into the waters of the state and if it determines that the plan meets the requirements of this section and rules adopted by the office.

(4) Upon approval of a prevention plan, the office shall provide to the person submitting the plan a statement indicating that the plan has been approved, the vessels covered by the plan, and other information the office determines should be included.

(5) The approval of a prevention plan shall be valid for five years. An owner or operator of a tank vessel shall notify the office in writing immediately of any significant change of which it is aware affecting its prevention plan, including changes in any factor set forth in this section or in rules adopted by the office. The office may require the owner or operator to update a prevention plan as a result of these changes.

(6) The office by rule shall require prevention plans to be reviewed, updated, if necessary, and resubmitted to the office at least once every five years.

(7) Approval of a prevention plan by the office does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under this chapter or other state law.

(8) This section does not authorize the office to modify the terms of a collective bargaining agreement.

NEW SECTION. Sec. 418. VESSEL SCREENING. (1) In order to ensure the safety of marine transportation within the navigable waters of the state and to protect the state's natural resources, the administrator shall adopt rules by July 1, 1992, for determining whether cargo vessels and passenger vessels entering the navigable waters of the state pose a substantial risk of harm to the public health and safety and the environment.

(2) The rules adopted by the administrator pursuant to this section may include, but are not limited to:

(a) Available information to examine for evidence that a cargo or passenger vessel may pose a substantial risk to safe marine transportation or the state's natural resources, including, vessel casualty lists, United States coast guard casualty reports, maritime insurance ratings, the index of contingency plans compiled by the department of ecology, other data gathered by the office or the maritime commission, or any other resources;

(b) A request to the United States coast guard to deny a cargo vessel or passenger vessel entry into the navigable waters of the state, if the vessel poses a substantial environmental risk;

(c) A notice to the state's spill response system that a cargo or passenger vessel entering the state's navigable waters poses a substantial environmental risk;

(d) A vessel inspection for vessels that may pose a substantial environmental risk, to determine whether a cargo vessel or passenger vessel complies with applicable state or federal laws. Any vessel inspection conducted pursuant to this section shall be performed during the vessel's scheduled stay in port; and

(e) Enforcement actions.

NEW SECTION. Sec. 419. CONTINGENCY PLANS. (1) Each covered vessel shall have a contingency plan for the containment and cleanup of oil spills from

the covered vessel into the waters of the state and for the protection of fisheries and wildlife, natural resources, and public and private property from such spills. The office shall by rule adopt and periodically revise standards for the preparation of contingency plans. The office shall require contingency plans, at a minimum, to meet the following standards:

(a) Include full details of the method of response to spills of various sizes from any vessel which is covered by the plan;

(b) Be designed to be capable in terms of personnel, materials, and equipment, of promptly and properly, to the maximum extent practicable, as defined by the office removing oil and minimizing any damage to the environment resulting from a worst case spill;

(c) Provide a clear, precise, and detailed description of how the plan relates to and is integrated into relevant contingency plans which have been prepared by cooperatives, ports, regional entities, the state, and the federal government;

(d) Provide procedures for early detection of spills and timely notification of such spills to appropriate federal, state, and local authorities under applicable state and federal law;

(e) State the number, training preparedness, and fitness of all dedicated, prepositioned personnel assigned to direct and implement the plan;

(f) Incorporate periodic training and drill programs to evaluate whether personnel and equipment provided under the plan are in a state of operational readiness at all times;

(g) Describe important features of the surrounding environment, including fish and wildlife habitat, environmentally sensitive areas, and public facilities. The departments of ecology, fisheries, wildlife, and natural resources, upon request, shall provide information that they have available to assist in preparing this description;

(h) State the means of protecting and mitigating effects on the environment, including fish, marine mammals, and other wildlife, and ensure that implementation of the plan does not pose unacceptable risks to the public or the environment;

(i) Establish guidelines for the use of equipment by the crew of a vessel to minimize vessel damage, stop or reduce any spilling from the vessel, and, only when appropriate and only when vessel safety is assured, contain and clean up the spilled oil;

(j) Provide arrangements for the repositioning of spill containment and cleanup equipment and trained personnel at strategic locations from which they can be deployed to the spill site to promptly and properly remove the spilled oil;

(k) Provide arrangements for enlisting the use of qualified and trained cleanup personnel to implement the plan;

(l) Provide for disposal of recovered spilled oil in accordance with local, state, and federal laws;

(m) Until a spill prevention plan has been submitted pursuant to section 417 of this act, state the measures that have been taken to reduce the likelihood that a spill will occur, including but not limited to, design and operation of a vessel, training of personnel, number of personnel, and backup systems designed to prevent a spill;

(n) State the amount and type of equipment available to respond to a spill, where the equipment is located, and the extent to which other contingency plans rely on the same equipment; and

(o) If the department of ecology has adopted rules permitting the use of dispersants, the circumstances, if any, and the manner for the application of the dispersants in conformance with the department's rules.

(2)(a) The owner or operator of a tank vessel of three thousand gross tons or more shall submit a contingency plan to the office within six months after the office adopts rules establishing standards for contingency plans under subsection (1) of this section.

(b) Contingency plans for all other covered vessels shall be submitted to the office within eighteen months after the office has adopted rules under subsection (1) of this section. The office may adopt a schedule for submission of plans within the eighteen-month period.

(3)(a) The owner or operator of a tank vessel or of the facilities at which the vessel will be unloading its cargo shall submit the contingency plan for the tank vessel. Subject to conditions imposed by the office, the owner or operator of a facility may submit a single contingency plan for tank vessels of a particular class that will be unloading cargo at the facility.

(b) The contingency plan for a cargo vessel or passenger vessel may be submitted by the owner or operator of the cargo vessel or passenger vessel, by the agent for the vessel resident in this state, or by the Washington state maritime commission pursuant to RCW 88.44.020. Subject to conditions imposed by the office, the owner, operator, or agent may submit a single contingency plan for cargo vessels or passenger vessels of a particular class.

(c) A person who has contracted with a covered vessel to provide containment and cleanup services and who meets the standards established pursuant to RCW 90.48.372 as recodified by this act, may submit the plan for any covered vessel for which the person is contractually obligated to provide services. Subject to conditions imposed by the office, the person may submit a single plan for more than one covered vessel.

(4) A contingency plan prepared for an agency of the federal government or another state that satisfies the requirements of this section and rules adopted by the office may be accepted by the office as a contingency plan under this section. The office shall assure that to the greatest extent possible, requirements for contingency plans under this section are consistent with the requirements for contingency plans under federal law.

(5) In reviewing the contingency plans required by this section, the office shall consider at least the following factors:

(a) The adequacy of containment and cleanup equipment, personnel, communications equipment, notification procedures and call down lists, response time, and logistical arrangements for coordination and implementation of response efforts to remove oil spills promptly and properly and to protect the environment;

(b) The nature and amount of vessel traffic within the area covered by the plan;

(c) The volume and type of oil being transported within the area covered by the plan;

(d) The existence of navigational hazards within the area covered by the plan;

(e) The history and circumstances surrounding prior spills of oil within the area covered by the plan;

(f) The sensitivity of fisheries and wildlife and other natural resources within the area covered by the plan;

(g) Relevant information on previous spills contained in on-scene coordinator reports prepared by the director; and

(h) The extent to which reasonable, cost-effective measures to prevent a likelihood that a spill will occur have been incorporated into the plan.

(6) The office shall approve a contingency plan only if it determines that the plan meets the requirements of this section and that, if implemented, the plan is capable, in terms of personnel, materials, and equipment, of removing oil promptly and properly and minimizing any damage to the environment.

(7) The approval of the contingency plan shall be valid for five years. Upon approval of a contingency plan, the office shall provide to the person submitting the plan a statement indicating that the plan has been approved, the vessels covered by the plan, and other information the office determines should be included.

(8) An owner or operator of a covered vessel shall notify the office in writing immediately of any significant change of which it is aware affecting its contingency plan, including changes in any factor set forth in this section or in rules adopted by the office. The office may require the owner or operator to update a contingency plan as a result of these changes.

(9) The office by rule shall require contingency plans to be reviewed, updated, if necessary, and resubmitted to the office at least once every five years.

(10) Approval of a contingency plan by the office does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under this chapter or other state law.

NEW SECTION. Sec. 420. The provisions of prevention plans and contingency plans approved by the office pursuant to this chapter shall be legally binding on those persons submitting them to the office and on their successors, assigns, agents, and employees. The superior court shall have jurisdiction to restrain a violation of, compel specific performance of, or otherwise to enforce such plans upon application by the office. The office may issue an order pursuant to chapter 34.05 RCW requiring compliance with a contingency plan or a prevention plan and may impose administrative penalties for failure to comply with a plan.

NEW SECTION. Sec. 421. (1) Except as provided in subsection (2) of this section, it shall be unlawful for the owner or operator to knowingly and intentionally operate in this state or on the waters of this state a covered vessel without an approved contingency plan or an approved prevention plan as required by this chapter, or financial responsibility in compliance with chapter 88.40 RCW and the federal oil pollution act of 1990. The first conviction under this section shall be a gross misdemeanor under chapter 9A.20 RCW. A second or subsequent conviction shall be a class C felony under chapter 9A.20 RCW.

(2) It shall not be unlawful for the owner or operator to operate a covered vessel if:

(a) The covered vessel is not required to have a contingency plan, spill prevention plan, or financial responsibility;

(b) All required plans have been submitted to the office as required by this chapter and rules adopted by the office and the office is reviewing the plan and has not denied approval; or

(c) The covered vessel has entered state waters after the United States coast guard has determined that the vessel is in distress.

(3) A person may rely on a copy of the statement issued by the office pursuant to section 419 of this act as evidence that a vessel has an approved contingency plan and the statement issued pursuant to section 417 of this act that a vessel has an approved prevention plan.

NEW SECTION. Sec. 422. (1) Except as provided in subsection (4) of this section, it shall be unlawful for a covered vessel to enter the waters of the state without an approved contingency plan required by section 419 of this act, a spill prevention plan required by section 417 of this act, or financial responsibility in compliance with chapter 88.40 RCW and the federal oil pollution act of 1990. The office may deny entry onto the waters of the state to any covered vessel that does not have a required contingency or spill prevention plan or financial responsibility.

(2) Except as provided in subsection (4) of this section, it shall be unlawful for a covered vessel to transfer oil to an onshore or offshore facility that does not have an approved contingency plan required under RCW 90.48.371 as recodified by this act, a spill prevention plan required by section 201 of this act, or financial responsibility in compliance with chapter 88.40 RCW and the federal oil pollution act of 1990.

(3) The administrator may assess a civil penalty of up to one hundred thousand dollars against the owner or operator of a vessel who is in violation of this section.

Each day that the owner or operator of a covered vessel is in violation of this section shall be considered a separate violation.

(4) It shall not be unlawful for a covered vessel to operate on the waters of the state if:

(a) A contingency plan, a prevention plan, or financial responsibility is not required for the covered vessel;

(b) A contingency plan and prevention plan has been submitted to the office as required by this chapter and rules adopted by the office and the office is reviewing the plan and has not denied approval; or

(c) The covered vessel has entered state waters after the United States coast guard has determined that the vessel is in distress.

(5) Any person may rely on a copy of the statement issued by the office to section 419 of this act as evidence that the vessel has an approved contingency plan and the statement issued pursuant to section 417 of this act as evidence that the vessel has an approved spill prevention plan.

NEW SECTION. Sec. 423. NOTIFICATION OF ACCIDENTS AND NEAR MISS INCIDENTS. (1) In order to assist the state in identifying areas of the navigable waters of the state needing special attention, the owner or operator of a covered vessel shall notify the coast guard within one hour:

(a) Of the disability of the covered vessel if the disabled vessel is within twelve miles of the shore of the state; and

(b) Of a collision or a near miss incident within twelve miles of the shore of the state.

(2) The division of emergency management of the department of community development and the office shall request the coast guard to notify the division of emergency management as soon as possible after the coast guard receives notice of a disabled covered vessel or of a collision or near miss incident within twelve miles of the shore of the state. The office shall negotiate an agreement with the coast guard governing procedures for coast guard notification to the state regarding disabled covered vessels and collisions and near miss incidents.

(3) The office shall prepare a summary of the information collected under this section and provide the summary to the regional marine safety committees, the coast guard, and others in order to identify problems with the marine transportation system.

(4) For the purposes of this section:

(a) A tank vessel or cargo vessel is considered disabled if any of the following occur:

(i) Any accidental or intentional grounding;

(ii) The total or partial failure of the main propulsion or primary steering or any component or control system that causes a reduction in the maneuvering capabilities of the vessel;

(iii) An occurrence materially and adversely affecting the vessel's seaworthiness or fitness for service, including but not limited to, fire, flooding, or collision with another vessel;

(iv) Any other occurrence that creates the serious possibility of an oil spill or an occurrence that may result in such a spill.

(b) A barge is considered disabled if any of the following occur:

(i) The towing mechanism becomes disabled;

(ii) The towboat towing the barge becomes disabled through occurrences defined in (a) of this subsection.

(c) A near miss incident is an incident that requires the pilot or master of a covered vessel to take evasive actions or make significant course corrections in order to avoid a collision with another ship or to avoid a grounding as required by the international rules of the road.

(5) Failure of any person to make a report under this section shall not be used as the basis for the imposition of any fine or penalty.

NEW SECTION. Sec. 424. REGIONAL MARINE SAFETY COMMITTEES.

(1) The office shall establish regional marine safety committees at least for the Strait of Juan de Fuca/Northern Puget Sound, Southern Puget Sound, and Grays Harbor/Pacific coast. It is the intent of the legislature that the office also establish a regional marine safety committee jointly with the state of Oregon for the Columbia river. The office by rule shall establish the boundaries of the committees.

(2) The administrator shall appoint to each regional committee for a term of three years six persons representing a cross section of interests and the public with an interest in maritime transportation and environmental issues.

(3) The administrator or his or her designee shall chair each of the regional committees. Each member of the committee shall be reimbursed for actual and necessary expenses incurred in the performance of committee duties in accordance with RCW 43.03.250.

(4) Each regional committee shall be responsible for planning for the safe navigation and operation of tankers, barges, and other vessels within each region. Each committee shall prepare a regional marine safety plan, encompassing all vessel traffic within the region. The coast guard, the federal environmental protection agency, the army corps of engineers, and the navy shall be invited to attend the meetings of each marine regional safety committee.

(5) The administrator shall adopt rules and guidelines for regional marine safety plans in consultation with affected parties. The rules shall require the committees to establish subcommittees to involve all interested parties in the development of the plans and to require the committees to include a summary of public comments and any minority reports with recommendations submitted to the administrator. The rules shall also require the plans to consider all of the following:

(a) Requirements for tug escorts of tankers and other commercial vessels, and speed limits for tankers and other vessels in addition to the requirements imposed by statute;

(b) A review and evaluation of the adequacy of and any changes needed in:

(i) Anchorage designations and sounding checks;

(ii) Communications systems;

(iii) Commercial and recreational fishing, recreational boaters, and other small vessel congestion in shipping lanes; and

(iv) Placement and effectiveness of navigational aids, channel design plans, and the traffic and routings from port construction and dredging projects;

(c) Procedures for routing vessels during emergencies that impact navigation;

(d) Management requirements for control bridges;

(e) Special protection for environmentally sensitive areas;

(f) Suggested mechanisms to ensure that the provisions of the plan are fully and regularly enforced; and

(g) A recommendation as to whether establishing or expanding vessel traffic safety systems within the regions is desirable.

(6) Each regional marine safety plan shall be submitted to the office for approval within one year after the regional marine safety committee is established. The office shall review the plans for consistency with the rules and guidelines and shall approve the plans or give reasons for their disapproval. If a regional marine safety committee does not submit a regional marine safety plan to the office within one year after the committee is established, the office, after consulting with affected interests, may adopt a plan for the region that meets the requirements of subsection (5) of this section.

(7) Upon approval of a plan, the office shall implement those elements of the plan over which the state has authority. If federal authority or action is required, the office shall petition the appropriate agency or congress.

(8) Not later than July 1st of each even-numbered year each regional marine safety committee shall report its findings and recommendations to the marine oversight board established in section 501 of this act and the office concerning vessel traffic safety in its region and any recommendations for improving tanker, barge, and other vessel safety in the region by amending the regional marine safety plan. The regional committees shall also provide technical assistance to the marine oversight board.

(9) The regional safety committees shall recommend to the office the need for, and the structure and design of, an emergency response system for the Strait of Juan de Fuca and the Pacific coast.

NEW SECTION. Sec. 425. TANK VESSEL RESPONSE EQUIPMENT STANDARDS. The office may adopt rules including but not limited to standards for spill response equipment to be maintained on tank vessels. The standards adopted under this section shall be consistent with spill response equipment standards adopted by the United States coast guard.

NEW SECTION. Sec. 426. EMERGENCY RESPONSE SYSTEM. An emergency response system for the Strait of Juan de Fuca shall be established by July 1, 1992. In establishing the emergency response system, the administrator shall consider the recommendations of the regional marine safety committees. The administrator shall also consult with the province of British Columbia regarding its participation in the emergency response system.

NEW SECTION. Sec. 427. CAPTIONS NOT LAW. Section headings as used in this chapter do not constitute any part of the law.

NEW SECTION. Sec. 428. UNIFIED AND CONSISTENT PLANNING. The office and the department shall adopt an interagency agreement in accordance with chapter 39.34 RCW to divide responsibilities for the regulation of marine facilities to ensure that no duplication of regulatory responsibilities occurs.

NEW SECTION. Sec. 429. The office of marine safety and its powers and duties shall be transferred to the department of ecology. On or before November 15, 1996, the legislative budget committee shall prepare a report to the legislature on the means for future implementation of the provisions in chapter 88.-- RCW (sections 414 through 436 of this act).

NEW SECTION. Sec. 430. The office of marine safety is hereby abolished and its powers, duties, and functions are hereby transferred to the department of ecology. All references to the administrator or office of marine safety in the Revised Code of Washington shall be construed to mean the director or department of ecology.

NEW SECTION. Sec. 431. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the office of marine safety shall be delivered to the custody of the department of ecology. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the office of marine safety shall be made available to the department of ecology. All funds, credits, or other assets held by the office of marine safety shall be assigned to the department of ecology.

Any appropriations made to the office of marine safety shall, on the effective date of this section, be transferred and credited to the department of ecology.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 432. All employees of the office of marine safety are transferred to the jurisdiction of the department of ecology. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of ecology to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 433. All rules and all pending business before the office of marine safety shall be continued and acted upon by the department of ecology. All existing contracts and obligations shall remain in full force and shall be performed by the department of ecology.

NEW SECTION. Sec. 434. The transfer of the powers, duties, functions, and personnel of the office of marine safety shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 435. If apportionments of budgeted funds are required because of the transfers directed by sections 431 through 434 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 436. Nothing contained in sections 430 through 435 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 437. RCW 90.48.385 and 1990 c 116 s 16 are each amended to read as follows:

~~((The department of ecology shall study standards for the manner in which, and the equipment with which, tow boats may tow barges carrying oil or hazardous substances as cargo or cargo residue.))~~ The regional marine safety committees established pursuant to section 424 of this 1991 act shall study federal requirements for tow equipment for barges carrying oil in bulk. The committees shall review standards ((shall address but are not limited to)) for: Wire rope specifications, catenary, the design of related on-board equipment, number of cables, ((and)) back-up or barge retrieval systems in case of cable break, and the operation, maintenance, and inspection of cables and other tow equipment.

~~((The department shall seek voluntary compliance with such standards.~~

~~Finally, the department shall study state jurisdiction over and liability of mandatory compliance with such standards. The department shall report to the appropriate standing committees of the legislature by July 1, 1991, recommendations regarding mandatory compliance with such standards.))~~

The committees shall submit their report to the office within one year after the committees are established. The report shall include a recommendation on whether the office should adopt standards for tow equipment and its maintenance, operation, and inspection. If there is a recommendation that the office adopt standards, the recommended standards shall also be included in the report.

Sec. 438. RCW 90.48.510 and 1987 c 479 s 2 are each amended to read as follows:

~~((After June 30, 1988,))~~ Any person or facility conducting ship refueling and bunkering operations, or the lightering of petroleum products, and any person or facility transferring oil between an onshore or offshore facility and a tank vessel shall have containment and recovery equipment readily available for deployment in the event of the discharge of oil into the waters of the state and shall deploy the containment and recovery equipment in accordance with standards adopted by the office. All persons conducting refueling, bunkering, or lightering operations, or oil transfer operations shall

be trained in the use and deployment of oil spill containment and recovery equipment. ~~((After examining existing equipment locations, the methods and conditions of deployment, and accessibility of any federal or other publicly or privately owned and operated containment and recovery equipment or systems, and reviewing federal, state, or local laws, rules, or regulations and ordinances governing refueling, bunkering, or lightering of petroleum products,))~~ The ((department of ecology may)) office shall adopt rules as necessary to carry out the provisions of this section. The rules shall include standards for the circumstances under which containment equipment should be deployed. An onshore or offshore facility shall include the procedures used to contain and recover discharges in the facility's contingency plan. It is the responsibility of the person providing bunkering, refueling, or lightering services to provide any containment or recovery equipment required under this section. This section does not apply to a person operating a ship for personal pleasure or for recreational purposes.

"PART V MARINE OVERSIGHT BOARD"

NEW SECTION. Sec. 501. MARINE OVERSIGHT BOARD. (1) The oil marine oversight board is established to provide independent oversight of the actions of the federal government, industry, the department, the office, and other state agencies with respect to oil spill prevention and response for covered vessels and onshore and offshore facilities.

(2)(a) The board may, at its own discretion, study any aspect of oil spill prevention and response for covered vessels and onshore and offshore facilities in the state. The board shall report to the governor and make recommendations to the department and the office on activities of the federal government and industry with respect to oil spill prevention and response for covered vessels and onshore and offshore facilities, including recommendations for the state's response to those actions. The board shall specifically review the need for, and the structure and design of an emergency response system for the Strait of Juan de Fuca and the Pacific coast. The board shall also make recommendations to the legislature and other state agencies on any provision of this chapter, other state laws, and rules, policies, and guidelines adopted by the department, the office, or, other state agencies relating to the prevention and cleanup of oil spills into the waters of the state from covered vessels and onshore and offshore facilities.

(b) To minimize duplication of effort, reviews conducted by the board shall be coordinated with related activities of the federal government, the department, the office, and other appropriate state and international entities. The Puget Sound water quality authority shall ensure that studies and recommendations by the board shall not be duplicated by any recommendations prepared and adopted pursuant to chapter 90.70 RCW after the effective date of this section.

(c) The board shall evaluate and report at least annually to the governor and the appropriate standing committees of the legislature on oil spill prevention, response, and preparedness programs within the state for covered vessels and onshore and offshore facilities.

(3) There shall be five members of the board appointed by the governor for terms of five years. Members' terms shall be staggered. The members of the board shall be representative of the public and shall have demonstrable knowledge of environmental protection and the study of marine ecosystems, or have familiarity with marine transportation systems.

(4) A chair shall be selected by majority vote of the board. The board shall meet as often as required, but at least four times per year. Members shall be

reimbursed for travel and expenses for attending meetings as provided in RCW 43.03.050 and 43.03.060.

(5) The chair may hire staff as necessary for the board to fulfill its responsibilities.

NEW SECTION. Sec. 502. A new section is added to chapter 90.70 RCW to read as follows:

Authority recommendations for oil spill prevention and response shall not be duplicative of those responsibilities given to the marine oversight board under section 501 of this act. The authority may incorporate the findings and recommendations of the marine oversight board into the plan or revisions of the plan submitted to the United States environmental protection agency pursuant to the federal clean water act, 33 U.S.C. Sec. 1330.

"PART VI TANKER REQUIREMENTS"

Sec. 601. RCW 88.16.170 and 1975 1st ex.s. c 125 s 1 are each amended to read as follows:

Because of the danger of spills, the legislature finds that the transportation of crude oil and refined petroleum products by tankers on the Columbia river and on Puget Sound and adjacent waters creates a great potential hazard to important natural resources of the state and to jobs and incomes dependent on these resources.

The legislature recognizes that the Columbia river has many natural obstacles to navigation and shifting navigation channels that create the risk of an oil spill. The legislature also recognizes Puget Sound and adjacent waters are a relatively confined salt water environment with irregular shorelines and therefore there is a greater than usual likelihood of long-term damage from any large oil spill.

The legislature further recognizes that certain areas of the Columbia river and Puget Sound and adjacent waters have limited space for maneuvering a large oil tanker and that these waters contain many natural navigational obstacles as well as a high density of commercial and pleasure boat traffic.

For these reasons, it is important that large oil tankers be piloted by highly skilled persons who are familiar with local waters and that such tankers have sufficient capability for rapid maneuvering responses.

It is therefore the intent and purpose of RCW 88.16.180 and 88.16.190 to decrease the likelihood of oil spills on the Columbia river and on Puget Sound and its shorelines by requiring all oil tankers above a certain size to employ ((Washington state)) licensed pilots and ~~((if lacking certain safety and maneuvering capability requirements,))~~ to be escorted by a tug or tugs while navigating on certain areas of Puget Sound and adjacent waters.

Sec. 602. RCW 88.16.180 and 1983 c 3 s 231 are each amended to read as follows:

Notwithstanding the provisions of RCW 88.16.070, any registered oil tanker ~~((whether enrolled or registered,))~~ of ~~((fifty))~~ five thousand ~~((deadweight))~~ gross tons or greater, shall be required:

(1) To take a Washington state licensed pilot while navigating Puget Sound and adjacent waters and shall be liable for and pay pilotage rates pursuant to RCW 88.16.035; and

(2) To take a licensed pilot while navigating the Columbia river.

Sec. 603. RCW 88.16.200 and 1977 ex.s. c 337 s 16 are each amended to read as follows:

Any vessel designed for the purpose of carrying as its cargo liquefied natural or propane gas shall adhere to the provisions of RCW 88.16.190(2) as though it ~~((was))~~ were an oil tanker.

NEW SECTION. Sec. 604. RECKLESS OPERATION OF A VESSEL. (1) A person commits the crime of reckless operation of a tank vessel if, while (a) navigating a tank vessel, (b) piloting a tank vessel, or (c) on the vessel control bridge and in control of the motion, direction, or speed of a tank vessel, the person, with recklessness as defined in RCW 9A.08.010, causes a release of oil.

(2) Reckless operation of a tank vessel is a class C felony under chapter 9A.20 RCW.

NEW SECTION. Sec. 605. OPERATION OF A VESSEL WHILE UNDER INFLUENCE OF LIQUOR OR DRUGS. (1) A person is guilty of operating a vessel while under the influence of intoxicating liquor or drugs if the person operates a covered vessel within this state while:

(a) The person has 0.06 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of the person's breath made under section 606 of this act; or

(b) The person has 0.06 percent or more by weight of alcohol in the person's blood as shown by analysis of the person's blood made under section 606 of this act; or

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

(d) The person is under the combined influence of or affected by intoxicating liquor or drugs.

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

(3) Operating a vessel while intoxicated is a class C felony under chapter 9A.20 RCW.

NEW SECTION. Sec. 606. BREATH OR BLOOD ANALYSIS. (1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by a person while operating a vessel while under the influence of intoxicating liquor or drugs, if the amount of alcohol in the person's blood or breath at the time alleged as shown by analysis of his blood or breath is less than 0.06 percent by weight of alcohol in his blood or 0.06 grams of alcohol per two hundred ten liters of the person's breath, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or drugs.

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

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

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

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

preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

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

NEW SECTION. Sec. 607. LIMITED IMMUNITY FOR BLOOD WITHDRAWAL. No physician, registered nurse, qualified technician, or hospital, or duly licensed clinical laboratory employing or using services of the physician, registered nurse, or qualified technician, may incur any civil or criminal liability as a result of the act of withdrawing blood from any person when directed by a law enforcement officer to do so for the purpose of a blood test under section 606 of this act. This section shall not relieve any physician, registered nurse, qualified technician, or hospital or duly licensed clinical laboratory from civil liability arising from the use of improper procedures or failing to exercise the required standard of care.

"PART VII FINANCIAL RESPONSIBILITY"

Sec. 701. RCW 88.40.005 and 1990 c 116 s 29 are each amended to read as follows:

The legislature recognizes that oil and hazardous substance spills and other forms of incremental pollution present serious danger to the fragile marine environment of Washington state. It is the intent and purpose of this chapter to define and prescribe financial responsibility requirements for vessels that transport petroleum products as cargo or as fuel across the waters of the state of Washington and for facilities that store, handle, or transfer oil or hazardous substances in bulk on or near the navigable waters.

NEW SECTION. Sec. 702. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrator" means the administrator of the office of marine safety created in section 402 of this act.

(2) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, of greater than three hundred gross tons, including but not limited to, commercial fish processing vessels and freighters.

(3) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(4) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(5) "Department" means the department of ecology.

(6) "Director" means the director of the department of ecology.

(7)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any: (i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; (ii) retail motor vehicle motor fuel outlet; (iii) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; (iv) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; or (v) a marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(8) "Hazardous substances" means any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as

amended by P.L. 99-499. The following are not hazardous substances for purposes of this chapter:

(a) Wastes listed as F001 through F028 in Table 302.4; and

(b) Wastes listed as K001 through K136 in Table 302.4.

(9) "Inland barge" means any barge operating on the waters of the state and certified by the coast guard as an inland barge.

(10) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(11) "Office" means the office of marine safety established by section 402 of this act.

(12) "Oil" or "oils" means any naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

(13) "Offshore facility" means any facility, as defined in subsection (7) of this section, located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

(14) "Onshore facility" means any facility, as defined in subsection (7) of this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(15)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(16) "Passenger vessel" means a ship of greater than three hundred or more gross tons or five hundred or more international gross tons carrying passengers for compensation.

(17) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(18) "Spill" means an unauthorized discharge of oil into the waters of the state.

(19) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(20) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

Sec. 703. RCW 88.40.020 and 1990 c 116 s 31 are each amended to read as follows:

(1) Any (~~vessel over three hundred gross tons, that transports petroleum products as cargo, and any~~) inland barge that transports (~~oil or~~) hazardous substances

in bulk as cargo, using any port or place in the state of Washington or the navigable waters of the state shall establish (, under rules prescribed by the director of the department of ecology,) evidence of financial responsibility in the amount of the greater of one million dollars, or one hundred fifty dollars per gross ton of such vessel (, to meet the liability to the state of Washington for the following: (1) The actual costs for removal of spills of petroleum products or hazardous substances; (2) civil penalties and fines; and (3) natural resource damages)).

(2)(a) Except as provided in (c) of this subsection, a tank vessel that carries oil as cargo in bulk shall demonstrate financial responsibility to pay at least five hundred million dollars.

(b) The administrator by rule may establish a lesser standard of financial responsibility for barges of three hundred gross tons or less. The standard shall set the level of financial responsibility based on the quantity of cargo the barge is capable of carrying. The administrator shall not set the standard for barges of three thousand gross tons or less below that required under federal law.

(c) The owner or operator of a tank vessel who is a member of an international protection and indemnity mutual organization and is covered for oil pollution risks up to the amounts required under this section is not required to demonstrate financial responsibility under this chapter.

(3) A cargo vessel or passenger vessel that carries oil as fuel shall demonstrate financial responsibility to pay the greater of at least six hundred dollars per gross ton or five hundred thousand dollars.

(4) The documentation of financial responsibility shall demonstrate the ability of the document holder to meet state and federal financial liability requirements for the actual costs for removal of oil spills, for natural resource damages, and necessary expenses.

(5) The office may by rule set a lesser amount of financial responsibility for a tank vessel that meets standards for construction, propulsion, equipment, and personnel established by the office. The office shall require as a minimum level of financial responsibility under this subsection the same level of financial responsibility required under federal law.

(6) This section shall not apply to a covered vessel owned or operated by the federal government or by a state or local government.

NEW SECTION. Sec. 704. An onshore or offshore facility shall demonstrate financial responsibility in an amount determined by the department as necessary to compensate the state and affected counties and cities for damages that might occur during a reasonable worst case spill of oil from that facility into the navigable waters of the state. The department shall consider such matters as the amount of oil that could be spilled into the navigable waters from the facility, the cost of cleaning up the spilled oil, the frequency of operations at the facility, the damages that could result from the spill and the commercial availability and affordability of financial responsibility. This section shall not apply to an onshore or offshore facility owned or operated by the federal government or by the state or local government.

Sec. 705. RCW 88.40.030 and 1990 c 116 s 32 are each amended to read as follows:

Financial responsibility required by this chapter may be established by any one of, or a combination of, the following methods acceptable to the ((director of)) office of marine safety or the department of ecology: (1) Evidence of insurance; (2) surety bonds; (3) qualification as a self-insurer; or (4) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States. Documentation of such financial responsibility shall be kept on any ((barge or tank)) covered vessel ((transporting petroleum products or hazardous substances as cargo)) and filed with the ((department. The owner or operator of any other vessel shall maintain on the vessel a certificate issued by the United States

coast guard evidencing compliance with the requirements of section 311 of the federal clean water act, 33 U.S.C. Sec. 1251 et seq)) office at least twenty-four hours before entry of the vessel into the navigable waters of the state. A covered vessel is not required to file documentation of financial responsibility twenty-four hours before entry of the vessel into the navigable waters of the state, if the vessel has filed documentation of financial responsibility with the federal government, and the level of financial responsibility required by the federal government is the same as or exceeds state requirements. The owner or operator of the vessel may file with the office a certificate evidencing compliance with the requirements of another state's or federal financial responsibility requirements if the state or federal government requires a level of financial responsibility the same as or greater than that required under this chapter.

Sec. 706. RCW 88.40.040 and 1989 1st ex.s. c 2 s 5 are each amended to read as follows:

(1) The office shall deny entry to the waters of the state to any vessel that does not meet the financial responsibility requirements of this chapter. Any vessel owner or operator that does not meet the financial responsibility requirements of this chapter and any rules prescribed thereunder or the federal oil pollution act of 1990 shall be reported by the office to the ((secretary of transportation who shall suspend the privilege of operating said vessel until financial responsibility is demonstrated)) United States coast guard.

(2) The office shall enforce section 1016 of the federal oil pollution act of 1990 as authorized by section 1019 of the federal act.

(3) Any onshore or offshore facility owner or operator who does not meet the financial responsibility requirements of section 704 of this 1991 act and any rules adopted by the department or office shall be reported to the secretary of state. The secretary of state shall suspend the facility's privilege of operating in this state until financial responsibility is demonstrated.

"PART VIII FUNDS"

NEW SECTION. Sec. 801. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Barrel" means a unit of measurement of volume equal to forty-two United States gallons of crude oil or petroleum product.

(2) "Crude oil" means any naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline.

(3) "Department" means the department of revenue.

(4) "Marine terminal" means a facility of any kind, other than a waterborne vessel, that is used for transferring crude oil or petroleum products to or from a waterborne vessel or barge.

(5) "Navigable waters" means those waters of the state and their adjoining shorelines that are subject to the ebb and flow of the tide, including the Columbia and Snake rivers.

(6) "Person" has the meaning provided in RCW 82.04.030.

(7) "Petroleum product" means any liquid hydrocarbons at atmospheric temperature and pressure that are the product of the fractionation, distillation, or other refining or processing of crude oil, and that are used as, useable as, or may be refined as a fuel or fuel blendstock, including but not limited to, gasoline, diesel fuel, aviation fuel, bunker fuel, and fuels containing a blend of alcohol and petroleum.

(8) "Taxpayer" means the person owning crude oil or petroleum products immediately before the same are off-loaded at a marine terminal in this state and who is liable for the taxes imposed by this chapter.

(9) "Waterborne vessel or barge" means any ship, barge, or other watercraft capable of travelling on the navigable waters of this state and capable of transporting any crude oil or petroleum product in quantities of ten thousand gallons or more for purposes other than providing fuel for its motor or engine.

NEW SECTION. Sec. 802. (1) An oil spill response tax is imposed on the privilege of off-loading crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately before off-loading begins at the rate of two cents per barrel of crude oil or petroleum product off-loaded.

(2) In addition to the tax imposed in subsection (1) of this section, an oil spill administration tax is imposed on the privilege of off-loading crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately before off-loading begins at the rate of three cents per barrel of crude oil or petroleum product off-loaded.

(3) The taxes imposed by this chapter shall be collected by the marine terminal operator from the owner of the crude oil or petroleum products off-loaded at the marine terminal. If any person charged with collecting the taxes fails to bill the taxpayer for the taxes, or in the alternative has not notified the taxpayer in writing of the imposition of the taxes, or having collected the taxes, fails to pay them to the department in the manner prescribed by this chapter, whether such failure is the result of the person's own acts or the result of acts or conditions beyond the person's control, he or she shall, nevertheless, be personally liable to the state for the amount of the taxes. Payment of the taxes by the owner to a marine terminal operator shall relieve the owner from further liability for the taxes.

(4) Taxes collected under this chapter shall be held in trust until paid to the department. Any person collecting the taxes who appropriates or converts the taxes collected shall be guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. The taxes required by this chapter to be collected shall be stated separately from other charges made by the marine terminal operator in any invoice or other statement of account provided to the taxpayer.

(5) If a taxpayer fails to pay the taxes imposed by this chapter to the person charged with collection of the taxes and the person charged with collection fails to pay the taxes to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the taxes.

(6) The taxes shall be due from the marine terminal operator, along with reports and returns on forms prescribed by the department, within twenty-five days after the end of the month in which the taxable activity occurs.

(7) The amount of taxes, until paid by the taxpayer to the marine terminal operator or to the department, shall constitute a debt from the taxpayer to the marine terminal operator. Any person required to collect the taxes under this chapter who, with intent to violate the provisions of this chapter, fails or refuses to do so as required and any taxpayer who refuses to pay any taxes due under this chapter, shall be guilty of a misdemeanor as provided in chapter 9A.20 RCW.

(8) Upon prior approval of the department, the owner of crude oil or petroleum products off-loaded in this state may pay the taxes imposed by this chapter directly to the department. The department shall give its approval for direct payment under this section whenever it appears, in the department's judgment, that direct payment will

enhance the administration of the taxes imposed under this chapter. The department shall provide by rule for the issuance of a direct payment certificate to any taxpayer qualifying for direct payment of the taxes. Good faith acceptance of a direct payment certificate by a terminal operator shall relieve the marine terminal operator from any liability for the collection or payment of the taxes imposed under this chapter.

(9) All receipts from the tax imposed in subsection (1) of this section shall be deposited into the state oil spill response account. All receipts from the tax imposed in subsection (2) of this section shall be deposited into the state oil spill administration account.

(10) Within forty-five days after the end of each calendar quarter, the office of financial management shall determine the balance of the oil spill response account as of the last day of that calendar quarter. Balance determinations by the office of financial management under this section are final and shall not be used to challenge the validity of any tax imposed under this chapter. The office of financial management shall promptly notify the departments of revenue and ecology of the account balance once a determination is made. For each subsequent calendar quarter, the tax imposed by subsection (1) of this section shall be imposed during the entire calendar quarter unless:

(a) Tax was imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than twenty-five million dollars; or

(b) Tax was not imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than fifteen million dollars.

(11) The office of marine safety, the department of revenue, and the department of trade and economic development shall study tax credits for taxpayers employing vessels with the best achievable technology and the best available protection to reduce the risk of oil spills to the navigable waters of the state and submit the study to the appropriate standing committees of the legislature by December 1, 1992.

NEW SECTION. Sec. 803. The taxes imposed under this chapter shall only apply to the first off-loading of crude oil or petroleum products at a marine terminal in this state and not to the later transporting and subsequent off-loading of the same oil or petroleum product, whether in the form originally off-loaded in this state or after refining or other processing.

NEW SECTION. Sec. 804. Credit shall be allowed against the taxes imposed under this chapter for any crude oil or petroleum products off-loaded at a marine terminal and subsequently exported from or sold for export from the state.

NEW SECTION. Sec. 805. The state oil spill response account is created in the state treasury. All receipts from section 802(1) of this act shall be deposited in the account. All costs reimbursed to the state by a responsible party or any other person for responding to a spill of oil shall also be deposited in the account. Moneys in the account shall be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW. The account shall be used exclusively to pay for the costs associated with the response to spills of crude oil or petroleum products into the navigable waters of the state. Payment of response costs under this section shall be limited to spills which the director has determined are likely to exceed fifty thousand dollars. Before expending moneys from the account, the director shall make reasonable efforts to obtain funding for response costs from the person responsible for the spill and from other sources, including the federal government. Reimbursement for response costs shall be allowed only for costs which are not covered by funds appropriated to the agencies responsible for response activities. Costs associated with the response to spills of crude oil or petroleum products shall include:

(1) Natural resource damage assessment and related activities;

(2) Spill related response, containment, wildlife rescue, cleanup, disposal, and associated costs;

(3) Interagency coordination and public information related to a response; and
 (4) Appropriate travel, goods and services, contract, and equipment.

NEW SECTION. Sec. 806. The state oil spill administration account is created in the state treasury. All receipts from section 802(2) of this act shall be deposited in the account. Moneys from the account may be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW. On July 1 of each odd-numbered year, if receipts deposited in the account from the tax imposed by section 802(2) of this act for the previous fiscal biennium exceed the amount appropriated from the account for the previous fiscal biennium, the state treasurer shall transfer the amount of receipts exceeding the appropriation to the oil spill response account. If, on the first day of any calendar month, the balance of the spill response account is greater than twenty-five million dollars and the balance of the administration account exceeds the unexpended appropriation for the current biennium, then the tax under section 802(2) of this act shall be suspended on the first day of the next calendar month until the beginning of the following biennium, provided that the tax shall not be suspended during the last six months of the biennium. If the tax imposed under section 802(2) of this act is suspended during two consecutive biennia, the department shall by November 1st after the end of the second biennium, recommend to the appropriate standing committees an adjustment in the tax rate. For the period 1991-93 the state treasurer may transfer funds from the oil spill response account to the oil spill administration account in amounts necessary to support appropriations made from the oil spill administration account in the omnibus appropriations act. Expenditures from the oil spill administration account shall be used exclusively for the administrative costs related to the purposes of this chapter, and chapters 90.48, 88.40, and 88.-- (sections 414 through 436 of this act) RCW. Costs of administration include the costs of:

(1) Routine responses not covered under section 805 of this act;

(2) Management and staff development activities;

(3) Development of rules and policies and the state-wide plan provided for in RCW 90.48.378 as recodified by this act;

(4) Facility and vessel plan review and approval, drills, inspections, investigations, enforcement, and litigation;

(5) Interagency coordination and public outreach and education;

(6) Collection and administration of the tax provided for in chapter 82.-- RCW (sections 801 through 804, 808, and 809 of this act); and

(7) Appropriate travel, goods and services, contracts, and equipment.

NEW SECTION. Sec. 807. The director of the department of ecology shall submit a report to the appropriate standing committees of the legislature by November 1 of each even-numbered year showing detailed information regarding expenditures authorized by the director under section 805 of this act. The report shall include, but not be limited to:

(1) The total amount spent for each response for which the director has approved expenditures and the amount paid for from the spill prevention and response account;

(2) The amount recovered from a responsible party for each spill;

(3) The amount of time between a spill and the time a responsible party assumes responsibility for the response costs related to a spill;

(4) The number of incidents for which the director has determined that the responsible party or another source was available to pay for the response; and

(5) A recommendation concerning the need to continue collecting the tax under section 802(1) of this act.

This section shall expire December 31, 1996.

NEW SECTION. **Sec. 808.** The department shall adopt such rules as may be necessary to enforce and administer the provisions of this chapter. Chapter 82.32 RCW applies to the administration, collection, and enforcement of the taxes levied under this chapter.

NEW SECTION. **Sec. 809.** The taxes imposed in this chapter shall take effect October 1, 1991.

Sec. 810. RCW 90.48.142 and 1989 c 262 s 2 are each amended to read as follows:

(1) Any person who:

(a)(i) Violates any of the provisions of this chapter((;)) or chapter 90.56 RCW;

(ii) Fails to perform any duty imposed by this chapter((;)) or chapter 90.56

RCW;

(iii) Violates an order or other determination of the department or the director made pursuant to the provisions of this chapter((--including)) or chapter 90.56 RCW;

(iv) Violates the conditions of a waste discharge permit issued pursuant to RCW 90.48.160((; and in the course thereof causes the death of, or injury to, fish, animals, vegetation or other resources of the state,)); or

(v) Otherwise causes a reduction in the quality of the state's waters below the standards set by the department or, if no standards have been set, causes significant degradation of water quality, thereby damaging the same((;)); and

(b) Causes the death of, or injury to, fish, animals, vegetation, or other resources of the state; shall be liable to pay the state and affected counties and cities damages in an amount ((equal to the sum of money necessary to: (a) Restore any damaged resource to its condition prior to the injury, to the extent technically feasible, and compensate for the lost value incurred during the period between injury and restoration; or (b) compensate for the lost value throughout the duration of the injury that the resource previously provided if restoration is not technically feasible and, when only partial restoration is technically feasible, compensate for the remaining lost value. "Technical feasibility" or "technically feasible" shall mean for the purposes of this subsection, that given available technology, a restoration or enhancement project can be successfully completed at a cost that is not disproportionate to the value of the resource prior to the injury.

~~(2) Restoration shall include the cost to restock such waters, replenish or replace such resources, and otherwise restore the stream, lake or other waters of the state, including any estuary, ocean area, submerged lands, shoreline, bank, or other lands adjoining such waters to its condition prior to the injury, as such condition is determined by the department. The lost value of a damaged resource shall be equal to the sum of consumptive, nonconsumptive, and indirect use values, as well as lost taxation, leasing, and licensing revenues. Indirect use values may include existence, bequest, option, and aesthetic values. Damages shall be determined by generally accepted and cost effective procedures.~~

~~(3) Such damages shall be recoverable in an action brought by the attorney general on behalf of the people of the state of Washington in the superior court of Thurston county or the county in which such damages occurred: PROVIDED, That if damages occurred in more than one county the attorney general may bring action in any of the counties where the damages occurred. Any money so recovered by the attorney general shall be transferred to the coastal protection fund established under RCW 90.48.390. A steering committee consisting of representatives of the departments of ecology, fisheries, wildlife, natural resources, and the parks and recreation commission shall authorize the expenditure of the moneys collected under this section after consulting impacted local agencies and local and tribal governments. The department shall chair the steering committee. The moneys collected under this section shall only be used for the following purposes: (a) Environmental restoration and enhancement projects intended to restore or enhance environmental, recreational, or~~

~~aesthetic resources for the benefit of Washington's citizens; (b) investigations of the long term effects of discharges, including sewer sludge, on state resources; and (c) reimbursement of agencies for reasonable reconnaissance and damage assessment costs under this chapter. Agencies may not be reimbursed under this section for the salaries and benefits of permanent employees for routine operational support. Agencies may only be reimbursed under this section if money for reconnaissance and damage assessment activities is unavailable from other sources. In authorizing restoration or enhancement projects, preference shall be given to projects within counties where the injury occurred)) determined pursuant to RCW 90.48.367.~~

(2) No action shall be authorized under this section against any person operating in compliance with the conditions of a waste discharge permit issued pursuant to RCW 90.48.160.

NEW SECTION. **Sec. 811.** A new section is added to chapter 90.48 RCW to read as follows:

For the purposes of this chapter, "technical feasibility" or "technically feasible" means that given available technology, a restoration or enhancement project can be successfully completed at a cost that is not disproportionate to the value of the resource before the injury.

Sec. 812. RCW 90.48.366 and 1989 c 388 s 2 are each amended to read as follows:

By July 1, 1991, the department, in consultation with the departments of fisheries, wildlife, and natural resources, and the parks and recreation commission, shall adopt rules establishing a compensation schedule for the discharge of oil in violation of ~~((RCW 90.48.320, by persons liable under RCW 90.48.336))~~ this chapter and chapter 90.56 RCW. The department shall establish a scientific advisory board to assist in establishing the compensation schedule. The amount of compensation assessed under this schedule shall be no less than one dollar per gallon of oil spilled and no greater than fifty dollars per gallon of oil spilled. The compensation schedule shall reflect adequate compensation for unquantifiable damages or for damages not quantifiable at reasonable cost for any adverse environmental, recreational, aesthetic, or other effects caused by the ~~((oil))~~ spill and shall take into account:

(1) Characteristics of ~~((the))~~ any oil spilled, such as toxicity, dispersibility, solubility, and persistence, that may affect the severity of the effects on the receiving environment, living organisms, and recreational and aesthetic resources;

(2) The sensitivity of the affected area as determined by such factors as: (a) The location of the spill; (b) habitat and living resource sensitivity; (c) seasonal distribution or sensitivity of living resources; (d) areas of recreational use or aesthetic importance; (e) the proximity of the spill to important habitats for birds, aquatic mammals, fish, or to species listed as threatened or endangered under state or federal law; and (f) other areas of special ecological or recreational importance, as determined by the department; and

(3) Actions taken by the party who spilled ~~((the))~~ oil or any party liable for the spill that: (a) Demonstrate a recognition and affirmative acceptance of responsibility for the spill, such as the immediate removal of oil and the amount of oil removed from the environment; or (b) enhance or impede the detection of the spill, the determination of the ~~((number of gallons))~~ quantity of oil spilled, or the extent of damage, including the unauthorized removal of evidence such as ~~((oiled))~~ injured fish or wildlife.

Sec. 813. RCW 90.48.367 and 1989 c 388 s 3 are each amended to read as follows:

(1) ~~((Prior to assessing compensation under RCW 90.48.366))~~ After a spill or other incident causing damages to the natural resources of the state, the department shall conduct a formal preassessment screening as provided in RCW 90.48.368.

(2) The department shall use the compensation schedule established under RCW 90.48.366 to determine the amount of damages if the preassessment screening committee determines that: (a) Restoration or enhancement of the injured resources is not technically feasible; (b) damages are not quantifiable at a reasonable cost; and (c) the restoration and enhancement projects or studies proposed by the liable parties are insufficient to adequately compensate the people of the state for damages ~~((sustained as a result of the oil spill.~~

~~(2) Compensation shall not be assessed under this section for oil spills for which damages have been or will be assessed under RCW 90.48.142).~~

(3) If the preassessment screening committee determines that the compensation schedule should not be used, compensation shall be assessed for the amount of money necessary to restore any damaged resource to its condition before the injury, to the extent technically feasible, and compensate for the lost value incurred during the period between injury and restoration.

(4) Restoration shall include the cost to restock such waters, replenish or replace such resources, and otherwise restore the stream, lake, or other waters of the state, including any estuary, ocean area, submerged lands, shoreline, bank, or other lands adjoining such waters to its condition before the injury, as such condition is determined by the department. The lost value of a damaged resource shall be equal to the sum of consumptive, nonconsumptive, and indirect use values, as well as lost taxation, leasing, and licensing revenues. Indirect use values may include existence, bequest, option, and aesthetic values. Damages shall be determined by generally accepted and cost-effective procedures, including, but not limited to, contingent valuation method studies.

(5) Compensation assessed under this section shall be recoverable in an action brought by the attorney general on behalf of the people of the state of Washington and affected counties and cities in the superior court of Thurston county or any county in which damages occurred. Moneys recovered by the attorney general under this section shall be deposited in the coastal protection fund established under RCW 90.48.390, and shall only be used for the purposes stated in RCW 90.48.400.

~~((4))~~ (6) Compensation assessed under this section ~~((for a particular oil spill))~~ shall preclude claims under this chapter by local governments for compensation for damages to publicly owned resources resulting from the same ~~((spill))~~ incident.

Sec. 814. RCW 90.48.368 and 1989 c 388 s 4 are each amended to read as follows:

(1) The department shall adopt rules establishing a formal process for preassessment screening of damages resulting from ~~((oil))~~ spills to the waters of the state causing the death of, or injury to, fish, animals, vegetation, or other resources of the state. The rules shall specify the conditions under which the department shall convene a preassessment screening committee. The preassessment screening process shall occur concurrently with reconnaissance activities. The committee shall use information obtained from ~~((oil spill))~~ reconnaissance activities as well as any other relevant resource and resource use information. For each ~~((oil spill))~~ incident, the committee shall determine whether a damage assessment investigation should be conducted ~~((under RCW 90.48.142)),~~ or ~~((alternatively)),~~ whether the compensation schedule authorized under RCW 90.48.366 and 90.48.367 should be used to assess damages. The committee may accept restoration or enhancement projects or studies proposed by the liable parties in lieu of some or all of: (a) The compensation schedule authorized under ~~((this chapter))~~ RCW 90.48.366 and 90.48.367; or (b) the claims from damage assessment studies authorized under RCW 90.48.142.

(2) A preassessment screening committee may consist of representatives of the departments of ecology, fisheries, wildlife, natural resources, social and health services, and emergency management, the parks and recreation commission, as well as other federal, state, and local agencies, and tribal and local governments whose presence

would enhance the reconnaissance or damage assessment aspects of ~~((oil))~~ spill response. The department shall chair the committee and determine which representatives will be needed on a spill-by-spill basis.

(3) The committee shall consider the following factors when determining whether a damage assessment study authorized under RCW ~~((90.48.142))~~ 90.48.367 should be conducted: (a) Whether evidence from reconnaissance investigations suggests that injury has occurred or is likely to occur to publicly owned resources; (b) the potential loss in services provided by resources injured or likely to be injured and the expected value of the potential loss; (c) whether a restoration project to return lost services is technically feasible; (d) the accuracy of damage quantification methods that could be used and the anticipated cost-effectiveness of applying each method; (e) the extent to which likely injury to resources can be verified with available quantification methods; and (f) whether the injury, once quantified, can be translated into monetary values with sufficient precision or accuracy.

(4) When a resource damage assessment is required for an oil spill in the navigable waters of the state, as defined in RCW 90.48.315 as recodified by this 1991 act, the state trustee agency responsible for the resource and habitat damaged shall conduct the damage assessment and pursue all appropriate remedies with the responsible party.

(5) Oil spill damage assessment studies authorized under RCW ~~((90.48.142))~~ 90.48.367 may only be conducted if the committee, after considering the factors enumerated in subsection (3) of this section, determines that the damages to be investigated are quantifiable at a reasonable cost and that proposed assessment studies are clearly linked to quantification of the damages incurred.

~~((5))~~ (6) As new information becomes available, the committee may reevaluate the scope of damage assessment using the factors listed in subsection (3) of this section and may reduce or expand the scope of damage assessment as appropriate.

~~((6))~~ (7) The preassessment screening process shall provide for the ongoing involvement of persons who may be liable for damages resulting from an oil spill. The department may negotiate with a potentially liable party to perform restoration and enhancement projects or studies which may substitute for all or part of the compensation authorized under RCW 90.48.366 and 90.48.367 or the damage assessment studies authorized under RCW ~~((90.48.142))~~ 90.48.367.

~~((7))~~ (8) For the purposes of this section and RCW 90.48.367, the cost of a damage assessment shall be considered "reasonable" when the anticipated cost of the damage assessment is expected to be less than the anticipated damage that may have occurred or may occur.

Sec. 815. RCW 90.48.390 and 1989 c 388 s 7 and 1989 c 262 s 3 are each reenacted and amended to read as follows:

The coastal protection fund is established to be used by the department as a revolving fund for carrying out the purposes of restoration of natural resources under this chapter and chapter 90.56 RCW ~~((90.48.315 through 90.48.365, 78.52.020, 78.52.125, 82.36.330, 90.48.142, 90.48.315, 90.48.370 through 90.48.410, 90.48.903, 90.48.906 and 90.48.907, and 90.48.366 through 90.48.368))~~. To this fund there shall be credited penalties, fees, damages, ~~((and))~~ charges received pursuant to the provisions of this chapter and chapter 90.56 RCW ~~((90.48.142 and 90.48.315 through 90.48.365))~~, compensation for damages received under this chapter and chapter 90.56 RCW ~~((90.48.366 through 90.48.368))~~, and an amount equivalent to one cent per gallon from each marine use refund claim under RCW 82.36.330.

Moneys in the fund not needed currently to meet the obligations of the department in the exercise of its powers, duties, and functions under RCW ~~((90.48.315 through 90.48.365 and RCW 78.52.020, 78.52.125, 82.36.330,))~~ 90.48.142, ~~((90.48.315, 90.48.370 through 90.48.410, 90.48.903, 90.48.906 and 90.48.907))~~ 90.48.366, 90.48.367, and 90.48.368 shall be deposited with the state treasurer to the credit of

the fund and may be invested in such manner as is provided for by law. Interest received on such investment shall be credited to the fund.

Sec. 816. RCW 90.48.400 and 1990 c 116 s 14 are each amended to read as follows:

(1) Moneys in the coastal protection fund shall be disbursed for the following purposes and no others:

(a) ~~((All costs of the department related to the enforcement of RCW 90.48.315 through 90.48.365, 90.48.371 through 90.48.378, 90.48.381, 90.48.383, 90.48.385, 90.48.387, 90.48.388, 78.52.020, 78.52.125, 82.36.330, 90.48.142, 90.48.903, 90.48.906, and 90.48.907 including but not limited to equipment rental and contracting costs.~~

~~(b) All costs involved in the abatement of pollution related to the discharge of oil and other hazardous substances))~~ Environmental restoration and enhancement projects intended to restore or enhance environmental, recreational, or aesthetic resources for the benefit of Washington's citizens;

(b) Investigations of the long-term effects of oil spills; and

(c) Development and implementation of an aquatic land geographic information system.

~~((e))~~ (2) The director may allocate a portion of the fund to be devoted to research and development in the causes, effects, and removal of pollution caused by the discharge of oil or other hazardous substances.

~~((2) Moneys disbursed from the coastal protection fund for the abatement of pollution caused by the discharge of oil or other hazardous substances shall be reimbursed to the fund whenever:~~

~~(a) Moneys are available under any federal program; or~~

~~(b) Moneys are available from a recovery made by the department from the person liable for the discharge of oil or other hazardous substances.~~

~~(3) Moneys collected under RCW 90.48.142 shall only be used for the purposes enumerated in that section, subject to the approval of the steering committee.~~

~~(4))~~ (3) A steering committee consisting of representatives of the department of ecology, fisheries, wildlife, and natural resources, and the parks and recreation commission shall authorize the expenditure of the moneys collected under RCW 90.48.366 through 90.48.368, after consulting impacted local agencies and local and tribal governments. ~~((The moneys collected under RCW 90.48.366 through 90.48.368 shall only be used for the following purposes: (a) Environmental restoration and enhancement projects intended to restore or enhance environmental, recreational, or aesthetic resources for the benefit of Washington's citizens; (b) investigations of the long term effects of oil spills and the release of other hazardous substances on state resources; (c) reimbursement of agencies for reasonable reconnaissance and damage assessment costs; and (d) wildlife rescue and rehabilitation.))~~

(4) Agencies may not be reimbursed ((under this section)) from the coastal protection fund for the salaries and benefits of permanent employees for routine operational support. Agencies may only be reimbursed under this section if money for reconnaissance and damage assessment activities is unavailable from other sources.

Sec. 817. RCW 90.48.369 and 1989 c 388 s 5 are each amended to read as follows:

The department shall submit an annual report to the appropriate standing committees of the legislature for the next five years beginning January 1, 1990. The annual report shall cover the implementation of ~~((this act))~~ RCW 90.48.366, 90.48.367, 90.48.368, and 90.48.369 and shall include information on each ~~((oil))~~ spill for which a preassessment screening committee was convened, the outcome of each process, any compensation claims imposed or damage assessment studies conducted, and the revenues to and expenditures from the coastal protection fund.

**"PART IX
MARITIME COMMISSION"**

Sec. 901. RCW 88.44.010 and 1990 c 117 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrator" means the administrator of the office of marine safety created by section 402 of this 1991 act.

(2) "Business class" means a recognized trade segment of the maritime industry.

~~((2))~~ (3) "Commission" means the Washington state maritime commission.

~~((3) "Director" means the director of the department of ecology or their duly authorized representative.)~~

(4) "Fishing vessel" means a vessel ~~((that))~~ (a) on which persons commercially engage~~((s))~~ in: ~~((a))~~ (i) Catching, taking, or harvesting fish; ~~((b))~~ (ii) preparing fish or fish products; or ~~((e))~~ (b) that supplies, stores, refrigerates, or transports fish, fish products, or materials directly related to fishing or the preparation of fish.

(5) "Foreign vessel" means a vessel of foreign registry or operated under the authority of a country, except the United States.

(6) "Oil" or "oils" means oil, including gasoline, crude oil, fuel oil, diesel oil, lubricating oil, sludge, oil refuse, liquid natural gas, propane, butane, oils distilled from coal, and other liquid hydrocarbons regardless of specific gravity, or any other petroleum related products.

(7) "Oceanographic research vessel" means a vessel that is employed only in instruction in oceanography or limnology, or both, or only in oceanographic or limnological research, including those studies about the sea such as seismic, gravity meter, and magnetic exploration and other marine geophysical or geological surveys, atmospheric research, and biological research.

(8) "Protection and indemnity club" means a mutual insurance organization formed by a group of shipowners or operators in order to secure cover for various risks of vessel operation, including oil spill costs, not covered by normal hull insurance.

(9) "Public vessel" means a vessel that is owned, or chartered and operated by the United States government, by a state of the United States, or a government of a foreign country and is not engaged in commercial service.

(10) "State" means a state of the United States, Guam, Puerto Rico, the Virgin Islands, American Samoa, the District of Columbia, the Northern Mariana Islands, and any other territory or possession of the United States.

(11) "Steamship agent or agency" means an agent or agency appointed by a vessel owner or operator to enter or clear vessels at ports within the state of Washington and to conduct onshore activities, or contract on behalf of the owner or operator for whatever is required for the efficient operation of the vessel.

(12) "Steamship liner company" means a steamship company maintaining a regular schedule of calls at designated ports of the state of Washington.

(13) "Towboat" means a commercial vessel engaged in, or intending to engage in, the service of pulling, pushing, or hauling along side, or any combination of pulling, pushing, or hauling along side.

(14) "United States flag vessel" means a vessel documented under the laws of the United States or registered under the laws of any state of the United States.

(15) "Vessel" means every description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water, carrying oil as fuel or cargo, and over three hundred gross registered tons, except oceanographic research vessels, public vessels, vessels being employed exclusively for pleasure, or vessels which, prior to entering Washington waters, have formerly arranged with an

officially recognized cleanup cooperative or with a private cleanup contractor for immediate oil spill response.

(16) "Vessel owner or operator" means the legal owner of a vessel and/or the charterer or other person in charge of the day-to-day operation.

(17) "Waters of this state" or "waters of the state of Washington" (~~shall mean all navigable waters within the state of Washington as defined in Article 24, section 1 of the state Constitution~~) has the meaning in RCW 90.48.315 as recodified by this 1991 act.

Sec. 902. RCW 88.44.020 and 1990 c 117 s 3 are each amended to read as follows:

There is created ((a)) the Washington state maritime commission to be known and designated and declared a corporate body. The powers and duties of the commission shall include the following:

(1) To (~~elect a chairperson and such other officers as it deems advisable; and to~~) adopt, rescind, and amend rules and orders for the exercise of its powers, which shall have the force and effect of the law when not inconsistent with existing laws;

(2) To administer and enforce the provisions of this chapter, and do all things reasonably necessary to effectuate the purposes of this chapter;

(3) To employ, and at its pleasure discharge, a manager, secretary, agents, attorneys, consultants, companies, organizations, and employees as it deems necessary, and to prescribe their duties and powers and fix their compensation;

(4) To establish offices, incur expenses, enter into contracts, and create such liabilities as may be reasonable for the proper administration and enforcement of this chapter;

(5) To assess vessels transiting the waters of this state, to collect such assessments, investigate violations, and enforce the provisions of this chapter, except for vessels which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon;

(6) To keep accurate record of all of its dealings, which shall be open to inspection and audit by the state auditor;

(7) To sue and be sued, adopt a corporate seal, (7) and have all of the powers of a corporation;

(8) To expend funds for commission-related education and training programs as the commission deems appropriate;

(9) To borrow money and incur indebtedness;

(10) To establish an oil spill first response system, except for vessels which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon. This system will provide a mandatory emergency response communications network for vessels involved in commerce in Washington waters, and provide an immediate response to such vessels which, for whatever reason, discharge oil into the state's waters. In the event of an oil spill or threatened oil spill, the system must be able to provide a complete response for the first twenty-four hours after the initial report, which may include, but not be limited to, as needed, response vessel or vessels, boom equipment, skimmers, qualified personnel, and wildlife care centers.

The commission may establish, by or before July 1, 1992, an oil spill first response system for vessels which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon;

(11) To enter into contracts with cleanup contractors to provide spill response, or with other organizations or companies for communication services;

(12) To recover oil spill first response system costs from a responsible vessel owner or operator in the event of a spill or threatened release;

(13) To hold response readiness drills with state and federal agencies;

(14) To work with other states' and countries' maritime organizations, cleanup cooperatives, and governmental response agencies; ~~((and))~~

(15) To develop an oil spill contingency plan to comply with state statutes and rules for those vessels covered by the commission, except for vessels operating on the portion of the Columbia river that runs between the states of Washington and Oregon. The commission shall develop an oil spill contingency plan for vessels which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon, not later than January 1, 1993;

(16) To develop a data base from existing information sources, of accidents, groundings, near misses, and oil discharges of all cargo and passenger vessels entering the waters of the state and to report any such information to the office of marine safety for the purposes of preparing a summary of accidents and near miss incidents; and

(17) To report annually to the governor, the office of marine safety, and the appropriate standing committees of the legislature on the commission's work and the number of incidents to which the commission's first response system has responded, and make recommendations to improve the safety of maritime transportation.

Sec. 903. RCW 88.44.030 and 1990 c 117 s 4 are each amended to read as follows:

The commission shall be comprised of nine voting members. ~~((Six))~~ Seven persons ~~((each representing a))~~ shall be appointed by the governor to represent specific business classes ~~((shall be elected to membership in the commission and one person shall be appointed by the commission members))~~. Two of the members shall represent steamship liner companies, one American flag and one foreign flag. One member shall represent towboat companies. One member shall represent fishing vessels. One member shall represent steamship agencies serving tramp vessels. One member shall represent protection and indemnity clubs or other marine brokers or insurers of oil spill cleanup costs for vessels operating in Washington waters. One member shall represent steamship agencies serving tramp vessels on the Columbia river. The governor shall also appoint one member with maritime, marine labor, or marine spill cleanup experience and one member from the environmental community with marine experience ~~((shall be appointed from the public by the governor))~~. In addition, the ~~((director, the United States coast guard captain of the port for Puget Sound, the United States coast guard captain of the port for that portion of the Columbia river that runs between Washington and Oregon,))~~ administrator and a state pilot licensed under chapter 88.16 RCW ~~((,))~~ who pilots in the waters of the state of Washington, or their designees, will serve as nonvoting ~~((ex-officio))~~ members. The United States coast guard captain of the port for Puget Sound and the United States coast guard captain of the port for that portion of the Columbia river that runs between Washington and Oregon shall be invited to attend meetings of the commission. The state-licensed pilot shall be selected by the Washington state board of pilotage commissioners.

Members of the commission must have had a minimum of five years' experience in their business class and be actively employed by or on behalf of a company within the business class for whom they shall represent. However, the protection and indemnity or insurance member may be a designee of the international group of protection and indemnity clubs, or any such marine insurers engaged in business within the state.

The commission shall meet at least ~~((quarterly every))~~ twice each year.

Sec. 904. RCW 88.44.040 and 1990 c 117 s 5 are each amended to read as follows:

~~((The regular term of office of the members of the commission shall be three years from July 1 following their election and until their successors are elected and qualified. The commission shall hold its annual meeting during the month of October~~

each year for the purpose of electing officers and the transaction of other business and shall hold such other meetings during the year as it shall determine.

~~Commission members shall be first nominated and elected in 1990 in the manner set forth in RCW 88.44.050 and shall take office as soon as they are qualified. However, expiration of the term of the respective commission members first elected in 1990 shall be as follows:~~

~~(1) Foreign flag liner and fishing vessel members on July 1, 1991;~~

~~(2) Protection and indemnity club or marine member, and public member on July 1, 1992; and~~

~~(3) All other members on July 1, 1993.)~~ The governor shall appoint members of the commission for three-year terms. The governor shall appoint the chairperson. The members of the commission elected before the effective date of this section shall continue as members until their terms would have expired under section 5, chapter 117, Laws of 1990.

~~The respective terms shall end on June 30 of each third year thereafter. Any vacancies that occur on the commission shall be filled by ((appointment of an eligible person by the other members of the commission, and such appointee shall hold office for the remainder of the term for which they are appointed to fill, so that commission memberships shall be on a uniform staggered basis))~~ the governor to serve out the remainder of the unexpired term.

Sec. 905. RCW 88.44.080 and 1990 c 117 s 9 are each amended to read as follows:

A majority of the voting members of the commission shall constitute a quorum for the transaction of all business and the carrying out of the duties of the commission.

Each member of the commission shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for actual travel expenses incurred in carrying out the provisions of this chapter. Employees of the commission may also be reimbursed for actual travel expenses when out-of-state on official commission business. Compensation and reimbursement shall be from commission funds only.

~~((Resignations of commission members will be filled by a majority of the remaining commission members. The appointed commission members shall serve out the remaining term. If a commission member leaves the employment of their respective business class for more than one hundred twenty days, the commission member must resign from that position. A commission member may be removed from the commission for just cause by a two thirds majority vote of commission members.))~~

Sec. 906. RCW 88.44.110 and 1990 c 117 s 12 are each amended to read as follows:

If it appears from investigation by the commission that the revenue from the assessment levied on vessels under this chapter is inadequate to accomplish the purposes of this chapter, the commission by rule shall ~~((adopt a resolution setting forth the necessities of the industry, the extent and probable cost of the required research, spill cleanup procedures and operations, public and industry education, administrative operations, the extent of public convenience, interest, and necessity, and probable revenue from the assessment levied. After the proper regulatory hearings, the commission may))~~ increase the assessment to a sum determined by the commission to be necessary for those purposes. The rule adopting the increase shall be filed with the administrator. An increase ((becomes effective)) shall not take effect earlier than ninety days after the ((resolution)) rule is adopted ((or on any other date provided for in the resolution)) and filed with the administrator, unless the administrator determines that the increase is not justified.

Sec. 907. RCW 88.44.160 and 1990 c 117 s 17 are each amended to read as follows:

Rules and orders adopted by the commission shall be filed with the ~~((director))~~ administrator and shall become effective pursuant to the provisions of the administrative procedure act.

"PART X PILOTAGE"

Sec. 1001. RCW 88.16.010 and 1987 c 485 s 1 are each amended to read as follows:

(1) The board of pilotage commissioners of the state of Washington is hereby created and shall consist of the assistant secretary of marine transportation of the department of transportation of the state of Washington, or the assistant secretary's designee who shall be an employee of the marine division, who shall be chairperson, the administrator of the office of marine safety, or the administrator's designee, and ~~((six))~~ seven members appointed by the governor and confirmed by the senate. Each of ~~((said))~~ the appointed commissioners shall be appointed for a term of four years from the date of ~~((said))~~ the member's commission. No person shall be eligible for appointment to ~~((said))~~ the board unless that person is at the time of appointment eighteen years of age or over and a citizen of the United States and of the state of Washington. Two of ~~((said))~~ the appointed commissioners shall be pilots licensed under this chapter and actively engaged in piloting upon the waters covered by this chapter for at least three years immediately preceding the time of appointment and while serving on the board. One pilot shall be from the Puget Sound pilotage district and one shall be from the Grays Harbor pilotage district. Two of ~~((said))~~ the appointed commissioners shall be actively engaged in the ownership, operation, or management of deep sea cargo and/or passenger carrying vessels for at least three years immediately preceding the time of appointment and while serving on the board. One of said shipping commissioners shall be a representative of American and one of foreign shipping. One of the commissioners shall be a representative from a recognized environmental organization concerned with marine waters. The remaining commissioners shall be persons interested in and concerned with pilotage, maritime safety, and marine affairs, with broad experience related to the maritime industry exclusive of experience as either a state licensed pilot or as a shipping representative.

(2) Any vacancy in an appointed position on the board shall be filled by the governor for the remainder of the unfilled term, subject to confirmation by the senate.

(3) ~~((Four))~~ Five members of the board shall constitute a quorum. At least one pilot, one shipping representative, and one public member must be present at every meeting. All commissioners and the chairperson shall have a vote.

Sec. 1002. RCW 88.16.090 and 1990 c 116 s 27 and 1990 c 112 s 1 are each reenacted and amended to read as follows:

(1) A person may pilot any vessel subject to the provisions of this chapter on waters covered by this chapter only if appointed and licensed to pilot such vessels on said waters under and pursuant to the provisions of this chapter.

(2) A person is eligible to be appointed a pilot if the person is a citizen of the United States, over the age of twenty-five years and under the age of seventy years, a resident of the state of Washington at the time of appointment and only if the pilot applicant holds as a minimum, a United States government license as a master of ocean or near coastal steam or motor vessels of not more than one thousand six hundred gross tons or as a master of inland steam or motor vessels of not more than one thousand six hundred gross tons, such license to have been held by the applicant for a period of at least two years prior such license to have been held by the applicant for a period of at least two years prior to taking the Washington state pilotage examination and a first class United States endorsement without restrictions on that license to pilot in the pilotage districts for which the pilot applicant desires to be

licensed, and if the pilot applicant meets such other qualifications as may be required by the board. A person applying for a license under this section shall not have been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction does not apply to license renewals under this section.

(3) Pilots shall be licensed hereunder for a term of five years from and after the date of the issuance of their respective state licenses. Such licenses shall thereafter be renewed as of course, unless the board shall withhold same for good cause. Each pilot shall pay to the state treasurer an annual license fee established by the board of pilotage commissioners pursuant to chapter 34.05 RCW, but not to exceed one thousand five hundred dollars, to be placed in the state treasury to the credit of the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(4) Pilot applicants shall be required to pass a written and oral examination administered and graded by the board which shall test such applicants on this chapter, the rules of the board, local harbor ordinances, and such other matters as may be required to complement the United States examinations and qualifications. The board shall ~~((conduct the examination on a regular date, as prescribed by rule, at least once every two years))~~ hold examinations at such times as will, in the judgment of the board, ensure the maintenance of an efficient and competent pilotage service. An examination shall be scheduled for the Puget Sound pilotage district if there are three or fewer successful candidates from the previous examination who are waiting to become pilots in that district.

(5) The board shall ~~((have developed five examinations and grading sheets for the Puget Sound pilotage district, and two for each other))~~ develop an examination and grading sheet for each pilotage district, for the testing and grading of pilot applicants. The examinations shall be administered to pilot applicants ~~((on a random basis))~~ and shall be updated as required to reflect changes in law, rules, policies, or procedures. The board may appoint a special independent examination committee or may contract with a firm knowledgeable and experienced in the development of professional tests for development of said examinations. Active licensed state pilots may be consulted for the general development of examinations but shall have no knowledge of the specific questions. The pilot members of the board may participate in the grading of examinations. If the board does appoint a special examination development committee it is authorized to pay the members of said committee the same compensation and travel expenses as received by members of the board. When grading examinations the board shall carefully follow the grading sheet prepared for that examination. The board shall develop a "sample examination" which would tend to indicate to an applicant the general types of questions on pilot examinations, but such sample questions shall not appear on any actual examinations. Any person who willfully gives advance knowledge of information contained on a pilot examination is guilty of a gross misdemeanor.

(6) All pilots and applicants are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the applicant's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots licensed by the state are able to perform their duties. Within ninety days of the date of each annual physical examination, and after review of the physician's report, the board shall make a determination of whether the pilot or candidate is fully able to carry out the duties of a pilot under this chapter. The board may in its discretion check with the appropriate authority for any convictions of offenses involving drugs or the personal consumption of alcohol in the prior twelve months.

(7) The board shall prescribe, pursuant to chapter 34.05 RCW, a number of familiarization trips, between a minimum number of twenty-five and a maximum of one hundred, which pilot applicants must make in the pilotage district for which they desire to be licensed. Familiarization trips any particular applicant must make are to be based upon the applicant's vessel handling experience.

(8) The board may (~~prescribe~~) require vessel simulator training for a pilot applicant(~~, or~~) and shall require vessel simulator training for a pilot subject to RCW 88.16.105(~~, as it deems appropriate, taking into consideration the economic cost of such training, to enhance that person's ability to perform pilotage duties under this chapter~~). The board shall also require vessel simulator training in the first year of active duty for a new pilot and at least once every five years for all active pilots.

(9) The board shall prescribe, pursuant to chapter 34.05 RCW, such reporting requirements and review procedures as may be necessary to assure the accuracy and validity of license and service claims, and records of familiarization trips of pilot candidates. Willful misrepresentation of such required information by a pilot candidate shall result in disqualification of the candidate.

(10) The board shall adopt rules to establish time periods and procedures for additional training trips and retesting as necessary for pilots who at the time of their licensing are unable to become active pilots.

Sec. 1003. RCW 88.16.105 and 1987 c 264 s 3 are each amended to read as follows:

The board shall prescribe, pursuant to chapter 34.05 RCW, rules governing the size and type of vessels which a newly licensed pilot may be assigned to pilot on the waters of this state and whether the assignment involves docking or undocking a vessel. The rules shall also prescribe required familiarization trips before a newly licensed pilot may pilot a larger or different type of vessel. Such rules shall be for the first (~~three~~) five-year period in which pilots are actually employed.

Sec. 1004. RCW 88.16.110 and 1935 c 18 s 7 are each amended to read as follows:

(1) Every pilot licensed under this chapter shall file with the board not later than the tenth day of January, April, July and October of each year a report for the preceding quarter. Said report shall contain an account of all moneys received for pilotage by him or her or by any other person for (~~him~~) the pilot or on (~~his~~) the pilot's account or for his or her benefit. Said report shall state the name of each vessel piloted, the amount charged to and/or collected from each vessel, the port of registry of such vessel, its dead weight tonnage, whether it was inward or outward bound, whether the amount so received, collected or charged is in full payment of pilotage and such other information as the board shall by regulation prescribe.

(2) The report shall include information for each vessel that suffers a grounding, collision, or other major marine casualty that occurred while the pilot was on duty during the reporting period. The report shall also include information on near miss incidents as defined in section 423 of this 1991 act. Information concerning near miss incidents provided pursuant to this section shall not be used for imposing any sanctions or penalties. The board shall forward information provided under this subsection to the office of marine safety for inclusion in the collision reporting system established under section 423 of this 1991 act.

Sec. 1005. RCW 88.16.155 and 1977 ex.s. c 337 s 11 are each amended to read as follows:

(1) The master of any vessel which employs a Washington licensed pilot shall certify (~~on a form prescribed by the board of pilotage commissioners that the vessel complies with:~~

(a) ~~Such provisions of the United States coast guard regulations governing the safety and navigation of vessels in United States waters, as codified in Title 33 of the code of federal regulations, as the board may prescribe; and~~

~~(b) The provisions of current international agreements governing the safety, radio equipment, and pollution of vessels and other matters as ratified by the United States Senate and prescribed by the board)) to the United States coast guard before the vessel enters the navigable waters of the state, that the vessel complies with:~~

(a) United States coast guard regulations as codified in 33 C.F.R. Part 161; and

(b) The federal oil pollution act of 1990.

(2) The master of any vessel which employs a Washington licensed pilot shall be prepared to ~~((produce, and any Washington licensed pilot employed by a vessel shall request to see, certificates of the vessel which))~~ certify and indicate to the United States coast guard that the vessel complies with subsection (1) of this section and the rules of the board ~~((promulgated))~~ adopted pursuant to subsection (1) of this section.

(3) If the master of a vessel which employs a Washington licensed pilot cannot certify that the vessel complies with subsection (1) of this section and the rules of the board adopted pursuant to subsection (1) of this section, the master shall certify that:

(a) The vessel will comply with subsection (1) of this section before the time the vessel is scheduled to leave the waters of Washington state; and

(b) The coast guard captain of the port was notified of the noncomplying items when they were determined; and

(c) The coast guard captain of the port has authorized the vessel to proceed under such conditions as prescribed by the coast guard pursuant to its authority under federal statutes and regulations.

(4) ~~((After the board has prescribed the form required under subsection (1) of this section,))~~ No Washington licensed pilot shall offer pilotage services to any vessel on which the master has failed to make a certification required by this section. If the master fails to make a certification the pilot shall:

(a) Immediately inform the United States coast guard and the port captain of the conditions and circumstances by the best possible means; and

(b) Disembark from the vessel as soon as practicable((; and

~~(b) Immediately inform the port captain of the conditions and circumstances by the best possible means; and~~

~~(c) Forward a written report to the board no later than twenty four hours after disembarking from the vessel)).~~

(5) Any Washington licensed pilot who offers pilotage services to a vessel on which the master has failed to make a certification required by this section or the rules of the board adopted under this section shall be subject to RCW 88.16.150, as now or hereafter amended, and RCW 88.16.100, as now or hereafter amended.

(6) The board shall revise the requirements enumerated in this section as necessary to reflect changes in coast guard regulations, federal statutes, and international agreements. All actions of the board under this section shall comply with chapters 34.05 and 42.30 RCW. ~~((The board shall prescribe the time of and method for retention of forms which have been signed by the master of a vessel in accordance with the provisions of this section.))~~

(7) This section shall not apply to the movement of dead ships. The board shall prescribe pursuant to chapter 34.05 RCW, after consultation with the coast guard and interested persons, for the movement of dead ships and the certification process thereon.

"PART XI MISCELLANEOUS PROVISIONS"

NEW SECTION. Sec. 1101. DEPARTMENT OF NATURAL RESOURCES LEASES. After the effective date of this section, the department of natural resources shall include in its leases for onshore and offshore facilities the following provisions:

(1) Require those wishing to lease, sublease, or re-lease state-owned aquatic lands to comply with the provisions of this chapter;

(2) Require lessees and sublessees to operate according to the plan of operations and to keep the plan current in compliance with this chapter; and

(3) Include in its leases provisions that a violation by the lessee or sublessee of the provisions of this chapter may be grounds for termination of the lease.

Sec. 1102. RCW 90.48.037 and 1987 c 109 s 125 are each amended to read as follows:

The department, with the assistance of the attorney general, is authorized to bring any appropriate action at law or in equity, including action for injunctive relief, in the name of the people of the state of Washington as may be necessary to carry out the provisions of this chapter or chapter 90.56 RCW.

Sec. 1103. RCW 90.48.095 and 1987 c 109 s 128 are each amended to read as follows:

In carrying out the purposes of this chapter or chapter 90.56 RCW the department shall, in conjunction with either the ~~((promulgation))~~ adoption of rules ~~((and regulations))~~, consideration of an application for a waste discharge permit or the termination or modification of such permit, or proceedings in ~~((contested cases))~~ adjudicative hearings, have the authority to issue process and subpoena witnesses effective throughout the state on its own behalf or that of an interested party, compel their attendance, administer oaths, take the testimony of any person under oath and, in connection therewith require the production for examination of any books or papers relating to the matter under consideration by the department. In case of disobedience on the part of any person to comply with any subpoena issued by the department, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the superior court of any county, or of the judge thereof, on application of the department, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. In connection with the authority granted under this section no witness or other person shall be required to divulge trade secrets or secret processes. Persons responding to a subpoena as provided herein shall be entitled to fees as are witnesses in superior court.

Sec. 1104. RCW 90.48.100 and 1987 c 109 s 129 are each amended to read as follows:

The department shall have the right to request and receive the assistance of any educational institution or state agency when it is deemed necessary by the department to carry out the provisions of this chapter or chapter 90.56 RCW.

Sec. 1105. RCW 90.48.156 and 1987 c 109 s 134 are each amended to read as follows:

The department is authorized to cooperate with appropriate agencies of neighboring states and neighboring provinces, to enter into contracts, and make contributions toward interstate and state-provincial projects to carry out the purposes of this chapter and chapter 90.56 RCW.

Sec. 1106. RCW 90.48.240 and 1987 c 109 s 15 are each amended to read as follows:

Notwithstanding any other provisions of this chapter or chapter 90.56 RCW, whenever it appears to the director that water quality conditions exist which require immediate action to protect the public health or welfare, or that a person required by RCW 90.48.160 to obtain a waste discharge permit prior to discharge is discharging without the same, or that a person conducting an operation which is subject to a permit issued pursuant to RCW 90.48.160 conducts the same in violation of the terms of said permit, causing water quality conditions to exist which require immediate action to protect the public health or welfare, the director may issue a written order to the person or persons responsible without prior notice or hearing, directing and affording

the person or persons responsible the alternative of either (1) immediately discontinuing or modifying the discharge into the waters of the state, or (2) appearing before the department at the time and place specified in said written order for the purpose of providing to the department information pertaining to the violations and conditions alleged in said written order. The responsible person or persons shall be afforded not less than twenty-four hours notice of such an information meeting. If following such a meeting the department determines that water quality conditions exist which require immediate action as described herein, the department may issue a written order requiring immediate discontinuance or modification of the discharge into the waters of the state. In the event an order is not immediately complied with the attorney general, upon request of the department, shall seek and obtain an order of the superior court of the county in which the violation took place directing compliance with the order of the department. Such an order is appealable pursuant to RCW 43.21B.310.

Sec. 1107. RCW 90.48.907 and 1971 ex.s. c 180 s 10 are each amended to read as follows:

~~((RCW 90.48.315 through 90.48.365 and this 1971 amendatory act))~~ This chapter, being necessary for the general welfare, the public health, and the public safety of the state and its inhabitants, shall be liberally construed to effect their purposes. No rule, regulation, or order of the department shall be stayed pending appeal under ~~((the provisions of RCW 90.48.315 through 90.48.365 and this 1971 amendatory act))~~ this chapter.

NEW SECTION. Sec. 1108. The department of ecology, the office of marine safety, and the marine oversight board shall study issues related to the transportation and storage of bulk hazardous substances on or near the navigable waters of the state. The study shall develop information on the types, hazards, and quantity of bulk hazardous substances shipped on or stored near the navigable waters, the types of vessels used to transport the substances, the types of facilities at which the substances are transferred or stored, the methods for responding to spills of the substances. The study shall also examine existing regulation of the transporters and facilities, including an examination of requirements for prevention and response planning. The study shall incorporate any recommendations for changes in state laws which the department, office, and board determine are necessary to protect the navigable waters of the state. An interim report shall be completed not later than December 1, 1991, and the final study shall be completed and a report made to the appropriate standing committees of the legislature not later than November 1, 1992.

NEW SECTION. Sec. 1109. The department of ecology shall report to the appropriate standing committees on the effectiveness of chapter 90.56 RCW, and in particular as to how the chapter has been implemented to complement federal law. A report shall be submitted not later than December 1, 1992, and a second report not later than December 1, 1994.

NEW SECTION. Sec. 1110. TIMING FOR STATE MASTER PREVENTION AND CONTINGENCY PLANS. The state-wide master plan required by section 10, chapter 116, Laws of 1990 to be completed by July 1, 1991, shall be completed by July 1, 1991. The additional requirements to the state-wide master plan concerning prevention plans, and an incident command system shall be added to the first annual update submitted to the legislature not later than November 1, 1992.

NEW SECTION. Sec. 1111. TIMING OF CONTINGENCY PLAN RULES. The rules required by RCW 90.48.371 as recodified by this act for facilities and, except as otherwise provided in this section for covered vessels, shall be adopted not later than July 1, 1991. The department shall exclude from the rules to be adopted by July 1, 1991, standards for tank vessels of less than twenty thousand deadweight tons, cargo vessels, and passenger vessels operating on the portion of the Columbia river for which the department determines that Washington and Oregon should cooperate in the adoption of standards for contingency plans. The department, after

consultation with the appropriate state agencies in Oregon, shall adopt the rules for standards for contingency plans for this portion of the Columbia river at the earliest possible time, but not later than July 1, 1992.

NEW SECTION. Sec. 1112. A new section is added to chapter 80.50 RCW to read as follows:

In making its recommendations to the governor under this chapter regarding an application that includes transmission facilities for petroleum products, the council shall give appropriate weight to city or county facility siting standards adopted for the protection of sole source aquifers.

NEW SECTION. Sec. 1113. CAPTIONS NOT LAW. Section headings and part headings as used in this chapter shall constitute no part of the law.

NEW SECTION. Sec. 1114. Sections 101, 103, 108 through 110, 201, 203, 204, 304, 501, 805, and 806 of this act are each added to a new chapter in Title 90 RCW to be codified as provided for in section 1115 of this act.

NEW SECTION. Sec. 1115. CODIFICATION INSTRUCTIONS. (1) Parts I through III and sections 501, 805, and 806 of this act shall constitute a new chapter in Title 90 RCW to be codified as chapter 90.56 RCW, and shall be codified and recodified as provided for in this section. The code reviser shall correct all statutory references to these sections to reflect this recodification.

The following sections shall be codified and recodified in the following order:

Section 101 of this act
 RCW 90.48.315
 Section 103 of this act
 RCW 90.48.370
 RCW 90.48.365
 RCW 90.48.380
 RCW 90.48.378
 Section 108 of this act
 Section 109 of this act
 Section 110 of this act
 RCW 90.48.387
 RCW 90.48.388
 Section 201 of this act
 RCW 90.48.371
 Section 203 of this act
 Section 204 of this act
 RCW 90.48.372
 RCW 90.48.373
 RCW 90.48.374
 RCW 90.48.375
 RCW 90.48.360
 RCW 90.48.376
 RCW 90.48.377
 RCW 90.48.320
 RCW 90.48.350
 RCW 90.48.325
 RCW 90.48.330
 RCW 90.48.335
 RCW 90.48.336
 RCW 90.48.338
 Section 304 of this act
 RCW 90.48.340
 RCW 90.48.355
 RCW 90.48.343

Section 501 of this act
 Section 805 of this act
 Section 806 of this act
 RCW 90.48.907.

(2) Sections 801 through 804, 808, and 809 of this act shall constitute a new chapter in Title 82 RCW.

(3) Sections 402, 403, 405, and 407 of this act shall constitute a new chapter in Title 43 RCW.

(4)(a) Sections 414 through 436 of this act shall constitute a new chapter in Title 88 RCW.

(b) RCW 90.48.385 and 90.48.510 are recodified as sections in the new chapter created in (a) of this subsection.

(5) Sections 604 through 607 of this act are each added to chapter 88.16 RCW.

NEW SECTION. Sec. 1116. REPEALER. The following acts or parts of acts are each repealed:

(1) RCW 90.48.345 and 1987 c 109 s 150 & 1969 ex.s. c 133 s 6;

(2) RCW 90.48.381 and 1990 c 116 s 15;

(3) RCW 90.48.410 and 1971 ex.s. c 180 s 6;

(4) RCW 88.40.010 and 1990 c 116 s 30 & 1989 1st ex.s. c 2 s 2;

(5) RCW 88.40.050 and 1989 1st ex.s. c 2 s 6;

(6) RCW 90.48.910 and 1967 c 13 s 25;

(7) RCW 88.44.050 and 1990 c 117 s 6;

(8) RCW 88.44.060 and 1990 c 117 s 7;

(9) RCW 88.44.070 and 1990 c 117 s 8; and

(10) RCW 90.48.383 and 1990 c 116 s 25.

NEW SECTION. Sec. 1117. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 1118. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1119. (1) Sections 101 through 429, 501 through 706, 805 through 807, 810 through 817, and 901 through 1118 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

(2) Sections 801 through 804, 808, and 809 of this act shall take effect October 1, 1991.

NEW SECTION. Sec. 1120. Sections 429 through 436 of this act shall take effect July 1, 1997.

MOTION

Senator Matson moved that the following amendments to the striking amendment by Senator Amondson be considered simultaneously and be adopted:

On page 3, line 15, strike all of subsection (f)

Renumber the remaining sections consecutively and correct internal cross-references.

On page 10, line 5, strike "including" through "to" on line 6 and insert "regarding"

On page 11, line 3, after "out" strike "the intent of"

On page 11, line 5, strike "this chapter" and insert "the matters specifically enumerated in this section"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Matson on page 3, line 15; page 10, line 5; page 11, lines 3 and 5, to the striking amendment by Senator Amondson to Engrossed Substitute House Bill No. 1027.

The motion by Senator Matson failed and the amendments to the striking amendment were not adopted on a rising vote.

MOTION

Senator Sutherland moved that the following amendments to the striking amendment by Senator Amondson be considered simultaneously and be adopted:

On page 33, line 6 after "shall" strike "not be liable" and insert "be indemnified by the owner or operator of an offshore or onshore facility or covered vessel for any liability and costs of defense for any action brought"

On page 33, line 10 after "employee." strike everthing down through and including "vessel." on line 13

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Sutherland on page 33, lines 6 and 10, to the striking amendment by Senator Amondson to Engrossed Substitute House Bill No. 1027.

The motion by Senator Sutherland carried and the amendments to the striking amendment were adopted.

MOTION

Senator Bailey moved that the following amendment to the striking amendment by Senator Amondson be adopted:

On page 96, beginning on line 17 of the amendment, strike all of Sec. 416

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Bailey on page 96, beginning on line 17, to the striking amendment by Senator Amondson to Engrossed Substitute House Bill No. 1027.

The motion by Senator Bailey failed and the amendment to the striking amendment was not adopted on a rising vote.

MOTION

Senator Mike Kreidler moved that the following amendment by Senator Rinehart to the striking amendment by Senator Amondson be adopted:

On page 68, after line 12, insert the following: "No member of the board shall have a significant financial interest in, or be employed by, or under contract with, any person or entity that engages in activities regulated under this act."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rinehart on page 68, after line 12, to the striking amendment by Senator Amondson to Engrossed Substitute House Bill No. 1027.

The motion by Senator Kreidler failed and the amendment to the striking amendment was not adopted.

MOTION

Senator Bailey moved that the following amendment to the striking amendment by Senator Amondson be adopted:

On page 86, line 25, of the amendment, after "rate." strike "For the period 1991-93 the state treasurer may transfer funds from the oil spill response account to the oil spill administration account in amounts necessary to support appropriations made from the oil spill administration account into the omnibus appropriations act."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Bailey on page 86, line 25, to the striking amendment by Senator Amondson to Engrossed Substitute House Bill No. 1027.

The motion by Senator Bailey failed and the amendment to the striking amendment was not adopted.

MOTIONS

On motion of Senator Amondson, the following amendments to the striking amendment by Senator Amondson were considered simultaneously and were adopted:

On page 62, line 20 of the amendment, after "429." strike all material through "ecology." on line 21.

On page 125, line 10 of the amendment, after "Sections" strike "429" and insert "430"

Senator Metcalf moved that the following amendment by Senators Metcalf and Conner to the striking amendment by Senator Amondson be adopted:

On page 122, after line 2, insert the following:

NEW SECTION. Sec. 1113. A new section is added to chapter 80.50 RCW to read as follows:

(1) In addition to charges by the council for processing an application, the applicant shall pay all reasonable costs incurred by a city or county for activities directly related to the site application process, including costs of independent consultants retained by the city or county to study any matter of a relevant nature regarding the proposed facility's effect upon the city or county, additional staff salaries, wages and employee benefits, goods and services, travel expenses within the state, and miscellaneous expenses for the purposes of coordinating local government concerns that arise directly from processing such application. The costs paid by the applicant

shall not include the costs of an appeal by a city or county of an energy facility site evaluation council decision.

(2) The city or county shall submit a statement of expenses on a quarterly basis to the council, which shall be charged to the applicant under the procedures of RCW 80.50.071 and reimbursed to the city or county.

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

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Metcalf and Conner on page 122, after line 2, to the striking amendment by Senator Amondson to Engrossed Substitute House Bill No. 1027.

The motion by Senator Metcalf failed and the amendment to the striking amendment was not adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Amondson, as amended, to Engrossed Substitute House Bill No. 1027.

The striking amendment by Senator Amondson, as amended, to Engrossed Substitute House Bill No. 1027 was adopted.

MOTIONS

On motion of Senator Amondson, the following title amendment was adopted:

On page 1, line 1 of the title, after "substances;" strike the remainder of the title and insert "amending RCW 90.48.315, 90.48.370, 90.48.365, 90.48.380, 90.48.378, 90.48.371, 90.48.373, 90.48.375, 90.48.376, 90.48.377, 90.48.325, 90.48.340, 90.48.350, 42.17.2401, 90.48.385, 90.48.510, 88.16.170, 88.16.180, 88.16.200, 88.40.005, 88.40.020, 88.40.030, 88.40.040, 90.48.142, 90.48.366, 90.48.367, 90.48.368, 90.48.400, 90.48.369, 88.44.010, 88.44.020, 88.44.030, 88.44.040, 88.44.080, 88.44.110, 88.44.160, 88.16.010, 88.16.105, 88.16.110, 88.16.155, 90.48.037, 90.48.095, 90.48.100, 90.48.156, 90.48.240, and 90.48.907; amending 1990 c 116 s 1 (uncodified); reenacting and amending RCW 90.48.390 and 88.16.090; adding a new section to chapter 90.48 RCW; adding new sections to chapter 88.16 RCW; adding a new section to chapter 90.70 RCW; adding a new section to chapter 80.50 RCW; adding a new chapter to Title 90 RCW; adding a new chapter to Title 82 RCW; adding a new chapter to Title 43 RCW; adding a new chapter to Title 88 RCW; creating new sections; recodifying RCW 90.48.315, 90.48.370, 90.48.365, 90.48.380, 90.48.378, 90.48.387, 90.48.388, 90.48.371, 90.48.372, 90.48.373, 90.48.374, 90.48.375, 90.48.360, 90.48.376, 90.48.377, 90.48.320, 90.48.350, 90.48.325, 90.48.330, 90.48.335, 90.48.336, 90.48.338, 90.48.340, 90.48.355, 90.48.343, 90.48.907, 90.48.385, and 90.48.510; repealing RCW 90.48.345, 90.48.381, 90.48.410, 88.40.010, 88.40.050, 90.48.910, 88.44.050, 88.44.060, 88.44.070, 90.48.383; prescribing penalties; providing effective dates; and declaring an emergency."

On motion of Senator Amondson, the rules were suspended, Engrossed Substitute House Bill No. 1027, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1027, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1027, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rinehart, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 40.

Voting nay: Senators Conner, Hansen, Matson, McCaslin, Patterson, Roach, Vognild - 7.

Excused: Senators Rasmussen, Sellar - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1027, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1993, as amended by the Senate, and the pending McMullen amendment on page 3, after line 10, deferred April 18, 1991.

MOTION

On motion of Senator McMullen, and there being no objection, the amendment on page 3, after line 10, to Substitute House Bill No. 1993 was withdrawn.

MOTIONS

On motion of Senator Newhouse, the following title amendments were considered simultaneously and were adopted:

On page 1 of the title after "facilities;" add "adding a new section to chapter 67.28 RCW;" and on line 2, strike "and 67.28.170"

On page 1, line 2 after ".32" insert "and chapter 67.28"

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 1993, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1993, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1993, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Johnson, M. Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senator Metcalf - 1.

Excused: Senators Rasmussen, Sellar - 2.

SUBSTITUTE HOUSE BILL NO. 1993, as amended by the Senate, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORT OF STANDING COMMITTEE

April 17, 1991

SB 5292 Senator West: Concerning nursing home auditing and cost reimbursement. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDonald, Chairman, Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Hayner, Johnson, Matson, Metcalf, Newhouse, Saling, West.

Passed to Committee on Rules for second reading.

MOTION

At 5:42 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Saturday, April 20, 1991.

JOEL PRITCHARD, President of the Senate.
GORDON A. GOLOB, Secretary of the Senate.

